PROJECT NAME:
LP-07-00040 Big Buck Ridge

Completed for: **BOCC Closed Record Hearing July 7, 2015**

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KOTTKAMP & YEDINAK
435 Orondo Ave. | Wenatchee, WA 98801
PO Box 1667 | Wenatchee. WA 98807

Attorneys
Andrew L. Kottkamp
Nicholas A. Yedinak
Robert W. Grim

June 8, 2015



Kittitas County Comm. Development Svc
Attn: Jeff Watson
411 N. Ruby, Suite 2
Kittitas, WA 98926

Re: LP-07-00040

Dear Jeff:

Enclosed please find the Hearing Examiner's Decision regarding the above-referenced matter.

Should you have any questions, please do not hesitate to call.

Sincerely,

KELLY SERVIAN

RECEIVED
JUN 10 2015
KITTITAS COUNTY
CDS

KITTITAS COUNTY
LAND USE HEARING EXAMINER

IN THE MATTER OF	)	RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
LP-07-00040	)	
Big Buck Ridge	)	

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on April 23, 2015, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law and Decision as follows:

I. RECOMMENDED FINDINGS OF FACT

1. Wayne Nelson authorized agent for Becky Andrus, landowner, submitted a performance based cluster plat application on June 20th, 2007 to create 14 one acre single family parcels and approximately eleven acres of open space. The plat proposes a group B water system and onsite individual septic systems.

2. The subject property is 2 parcels, located approximately 1/2 mile north of Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road (outside city limits), Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

3. Site Information

Total Project Size:	25 acres
Number of Lots:	14
Domestic Water:	Group B Community Water System (Proposed)
Sewage Disposal:	Individual on-site septic systems (Proposed)
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District 7
Irrigation District:	None

4. Site Characteristics:

North:	Light Development\Vacant
South:	Power Lines; Undeveloped\Vacant
East:	Undeveloped \Vacant
West:	Subdivided Single Family under construction

5. The area is primarily covered in sparse forest. Topography starts relatively flat on the north end of the parcels then steadily gains in slope (up to 33%) as it progresses to the south.

6. The proposed project would have access from Bigbuck Ridge Road, a 60-foot private access

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easement. A second access route would be required by the Kittitas County Road Standards (KCRS 12.01.095(2)). The applicant has not submitted any information as to the location of this required second access route.

7. The Comprehensive Plan designation is Rural.

8. At the time the initial application was submitted, the property was within the Rural-3 zoning district. The minimum lot size is one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting (in effect at the time the application was submitted.)

9. 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 R-3 zones will be to minimize adverse effects on adjacent natural resource lands.

10. The application for the Big Buck Ridge Plat was submitted to Community Development Services (CDS) on June 20, 2007. On July 18, 2007, staff issued a letter of incomplete application, requiring the applicant to provide an address list for all landowners within 300 feet of the proposal. The list was provided on July 23, 2007. This letter also stated, in part "when the additional information is received **and** the application is deemed complete, our review of the application will continue."(emphasis added).

11. The language used in this letter provides that the County will affirmatively take action to deem the application complete. The County could have, but did not state that after the requested information was received, "then" the application would be deemed complete. The County's use of the word "and" indicates a separate decision and action remained to be made even after the requested information was provided

12. No letter or other notice of Complete Application was issued by Kittitas County until the Notice of Application dated February 9th, 2015.

13. There is no evidence that the applicant ever requested that Kittitas County issue a letter of complete application.

14. The Notice of Application was issued on February 9, 2015. 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 February 24, 2015.

15. No Traffic Impact Study was submitted by the Applicant with either the Application Materials or the SEPA Environmental checklist dated 6/9/2007.

16. The SEPA Environmental checklist was a required component of the application.

17. Based upon review of the submitted application materials, including the 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 March 25, 2015. The appeal period ended on April 9, 2015 at 5:00 p.m. No appeals were filed.

18. The following agencies provided comments during the comment period: Washington State Department of Health, Washington State Department of Ecology, and Kittitas County Public Health. Kittitas County Public Works submitted correspondence on March 16, 2015.

19. An open record public hearing after due legal notice was held on April 23, 2015.

20. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision.

21. Admitted into the record were the following exhibits:

Exhibit 1. Application Receipt – 6/20/2007
Exhibit 2. Closures – 6/19/2007
Exhibit 3. Well Reports – Multiple Dates
Exhibit 4. SEPA Checklist – 6/19/2007
Exhibit 5. Plat Application 6/20/2007
Exhibit 6. Preliminary Plat – 6/20/2007
Exhibit 7. Public Health Form Letter – 6/20/2007
Exhibit 8. Road Variance Request – 5/18/2007
Exhibit 9. Deem Incomplete Letter – 7/18/2007
Exhibit 10. Adjoining Property/Mailing Labels 7/23/2007
Exhibit 11. Traffic Impact Analysis Required Letter – 8/16/2007
Exhibit 12. Second Access Required Letter – 12/5/2007
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Exhibit 30. Correspondence RE TIA – 10/23/2012
Exhibit 31.Traffic Impact Analysis – dated 2/19/2013 and received 2/20/2013
Exhibit 32. Memo from Public Works – 5/6/2013
Exhibit 33. Email from Public Works – 5/29/2013
Exhibit 34. Higgs Comments – 2/24/2015
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Exhibit 86. Revised Proposed Conditions of Approval - 4/23/15
Exhibit 87. Hearings Examiner Public Hearing Agenda – 4/23/2015
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Exhibit 95. Post Hearing Memorandum of Authorities Applicant
Exhibit 96. Post Hearing Memorandum of Authorities Cle Elum Ridge Assoc. 5/22/2015

22. The Kittitas County Community Development Services recommended approval of this permit, subject to recommended conditions of approval.

23. Appearing and testifying on behalf of the applicant were Jeff Slothower and Wayne Nelson. Mr. Slothower and Mr. Nelson were both sworn in as witnesses and provided testimony as well as argument regarding alleged facts. Both testified that they were agents authorized to appear and testify on behalf of the applicant and property owner.

24. Appearing and testifying from the public were the following individuals:
    - 24.1 Kay Muhlbeier
    - 24.2 Kevin Daly
    - 24.3 Diedre Link
    - 24.4 Joe Skvarla
    - 24.5 Shirley Person
    - 24.6 Bruce Higgs
    - 24.7 James Carmody. Mr. Carmody, an attorney, was sworn in as a witness. He represents individuals who oppose the project.

25. At the conclusion of the hearing, the Hearing Examiner left the record open until May 15th, 2015 in order for the applicant, Mr. Carmody on behalf of his clients, and the County to respond to the Hearing Examiner's legal questions surrounding the law that applies to this matter and for the applicant to provide a response to the Fire Marshall's comments (Exhibit 84).

26. On May 14th, 2015, the Hearing Examiner granted the applicant's motion to reopen the record to allow the inclusion of 3 additional exhibits, and further ordered that the record remain open until May 22nd, 2015. The Hearing Examiner indicated that his written Recommended Decision would be issued June 9th, 2015.

27. The applicant was required, by Kittitas County approval of the Andrus rezone (Ordinance No. 2006-57)(RZ-06-00023) to submit a traffic impact analysis at the time of a project action.

28. It is clear that the traffic impact analysis was intended to be submitted with the application materials for any future development of the rezoned land in order to provide for a meaningful analysis of the traffic impacts, by staff, agencies and the public

29. On July 18th, 2007, Kittitas County issued a letter of incomplete application requesting additional information. The requested information was provided by the applicant on July 23rd, 2007. However, Kittitas County never issued a letter of complete application.
Instead, the County issued notice to the applicant, by letter dated August 16th, 2007, that the traffic impact analysis was required to be submitted before any further evaluation of LP 04-40 could continue.

30. The Traffic Impact Study was dated February 19th, 2013 but was not submitted until February 20th, 2013.

31. The Notice of Application was issued by Kittitas County on February 9th, 2015.

32. The Kittitas County Code provides that the Notice of Application must be provided within 14 days of the determination of the complete application. (KCC 15A.03.060). This project application did not legally vest until the applicant had submitted a fully complete application.

33. The Traffic Impact Analysis was required to be submitted in order for there to be a fully complete application. The applicant was aware, at the time of the enactment of Ordinance 2006-57 that the Traffic Impact Analysis was required to be submitted at the time of a project action.

34. A project action, in the context of this ordinance, includes a cluster plat application.

35. The fact that Kittitas County refused to process LP07-40 until a Traffic Impact Analysis was submitted, and that a letter of complete application was never issued, and that the Notice of Application was only issued after the Traffic Impact Analysis was submitted, is clear evidence that the Traffic Impact Analysis was required to be submitted in order for there to be a complete application.

36. The one consistent action of Kittitas County is that they would not process this application, in any fashion, without a Traffic Impact Analysis. The applicant was aware of this fact. Nevertheless, the applicant purposefully delayed submitting the required traffic impact analysis. This delay by the applicant resulted in a delay in the vesting date for this application.

37. The Kittitas County Code does not allow for a "de facto" determination of complete application.

38. KCC 15A.03.040 (4) requires the county to, within 14 days after an applicant has submitted to the county the additional information identified by the county as being necessary for the complete application, to notify the applicant whether the application is complete **or** what additional information is necessary.

39. Kittitas County staff, instead of issuing a notice of complete application, repeatedly advised the applicant that additional information, the Traffic Impact Study, was necessary to be submitted before any further processing could occur.

40. The County letter to the applicant dated August 16th, 2007 is consistent with a determination of an incomplete application, rather than a "de facto" determination of a complete application.

41. Because the county did not declare application LP 07-40 to be void when the Traffic Impact Analysis was not provided within 180 days of the date the application was deemed to be incomplete, has created some confusion as to the vesting date. (See KCC 15A.03.040 (1) (b) and (4) (g)).

42. Kittitas County mistakenly did not declare the application to be void when it remained incomplete for 180 days. However, this mistake does not mandate, as a matter of law, and is not evidence of, a finding that the application was therefore complete on an arbitrary date.

43. The extensions granted by the county in submitting the traffic impact analysis are more consistent with the county extending the 180 day time frame of the application becoming void as a matter of law. This is most clearly evidenced by Exhibit 30, Kittitas County Planning Official Robert "Doc" Hansen's October 23rd, 2012 letter to Cory and Becky Andrus.

44. Therefore, it is understandable as to why the County did not declare the application to be void after it remained incomplete for more than 180 days.

45. The County's failure to declare the application as void after it remained incomplete for 180 days DOES NOT, as a matter of fact or law, render the application to be complete.

46. By operation of law, cluster subdivisions are no longer allowed in Kittitas County as of February 11th, 2013 by Ordinance 2013-001. This Ordinance eliminated three acre zones within the County and rezoned the subject property.

47. The very earliest that the Kittitas County could have declared the application to be complete was February 20th, 2013 upon the submission of the Traffic Impact Analysis.

48. However, because the Notice of Application was not issued until February 9th, 2015, and the Mitigated Determination of Non Significance was not issued until March 25, 2015, these actions are more consistent with a determination of a complete application taking place no earlier than 14 days prior to the Notice of Application (January 26th, 2015).

49. This application, LP 07.40, vested as a matter of fact and law, on January 26, 2015

50. Because this application did not vest prior to February 11th, 2013, this application is not consistent with the current Kittitas County Code.

51. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this recommended decision.

2. The development fails to meet the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.

3. This proposal is not consistent with applicable federal and state laws and regulations.

4. Public use and interest will not be served by approval of this proposal as conditioned.

5. The proposal may be inconsistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges, as are currently in effect.

6. The proposed use may be inconsistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan, as are currently in effect.

7. The proposed use may be contrary to the intent or purposes and regulations of the Kittitas County Code and the Comprehensive Plan, as are currently in effect.

8. Failure of the County to issue a notice of incomplete application does not make the application complete on an arbitrary date as a matter of law.

9. Vesting occurs upon the submission of a fully complete application (RCW 58.17.033) and the issuance of a determination of a complete application (KCC 15A.03.040).

10. Because this application did not vest until January 26, 2015, after the adoption of Kittitas County Ordinance 2013-001, the application must be processed according to the laws, rules and regulation in existence as of January 26th, 2015.

11. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

Based on the above Recommended Findings of Fact and Recommended Conclusions of Law, the Hearing Examiner hereby recommends that Application LP-07-00040 be **REMANDED** to the Kittitas County Department of Community Development staff for processing according to the laws, rules and regulations in existence as of January 26th, 2015.

Dated this 8th day of June, 2015.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp

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Jeff Watson

From: Jeff Watson
Sent: Friday, June 05, 2015 9:38 AM
To: 'Andrew Kottkamp (andy@wenatcheelaw.com) (andy@wenatcheelaw.com)'; 'Jeff Slothower (Jslothower@lwhsd.com)'; 'Heather Hazlett (HHazlett@lwhsd.com)'; 'James Carmody (jcarmody@vhlegal.com)'; 'reception@mftlaw.com'; "James Carmody' (carmody@mftlaw.com)'; Girard@mftlaw.com
Cc: Doc Hansen
Subject: RE: LP-07-00040 Big Buck Ridge Post Hearing Record

The previous email was responded to as below; I have sent to the address indicated.

Automatic reply: LP-07-00040 Big Buck Ridge Post Hearing Record
James Carmody <Carmody@mftlaw.com>
Fri 6/5/2015 9:35 AM
Jeff Watson

I will be out of the office until Monday, June 8, 2015. If you need assistance during my absence please email my legal assistant Debbie at girard@mftlaw.com.

Kittitas County Public WorksCommunity Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: Jeff Watson
Sent: Friday, June 05, 2015 9:35 AM
To: 'Andrew Kottkamp (andy@wenatcheelaw.com) (andy@wenatcheelaw.com)'; 'Jeff Slothower (Jslothower@lwhsd.com)'; 'Heather Hazlett (HHazlett@lwhsd.com)'; 'James Carmody (jcarmody@vhlegal.com)'; 'reception@mftlaw.com'; 'James Carmody' (carmody@mftlaw.com)
Cc: Doc Hansen
Subject: RE: LP-07-00040 Big Buck Ridge Post Hearing Record

The previous email auto-filled with an old address for Mr. Carmody. My apologies.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

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From: Jeff Watson
Sent: Friday, June 05, 2015 9:31 AM
To: Andrew Kottkamp (andy@wenatcheelaw.com) (andy@wenatcheelaw.com); Jeff Slothower (Jslothower@lwhsd.com); Heather Hazlett (HHazlett@lwhsd.com); James Carmody (jcarmody@vhlegal.com); 'reception@mftlaw.com'
Cc: Doc Hansen
Subject: LP-07-00040 Big Buck Ridge Post Hearing Record

LP-07-00040 Big Buck Ridge HE Record Post Hearing.pdf

Gentlemen and Ladies,

The above link will take you to the temporary FTP site containing the Post Hearing Record. It is complete to the best of my knowledge, and will be available through 6/11/2015. If you require an additional copy (paper or digital) after that date please contact me. The file has been posted on-line as well. Let me know if you have any concerns or questions. I have attached the index in Word form for use by Mr. Kottkamp in preparation of his documentation.

Thank you for your patience,

Jeffrey A. Watson
Planner II
Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

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53	Burnett Comments – 2/16/2015
54	Johnson Comments – 2/16/2015
55	Remeto Comments – 2/16/2015
56	Jones Comments – 2/16/2015
57	Kasowski Comments – 2/16/2015
58	Kittitas County Public Health Comments – 2/10/2015
59	Mulhbeier Comments – Beginning 2/13/2015
60	Washington State Department of Health Comments – 2/9/2015
61	City of Cle Elum Comments – 1/13/2012
62	Transmittal of Comments – 3/19/2015
63	Chapman Exhibit – 2/24/2015 (9:43 p.m.)
64	Ecology Exhibit – 3/3/2015
65	Public Works Exhibit – 3/16/2015
66	Washington State Department of Health Exhibit – 2/25/2015
67	Road Maintenance Exhibit (Public Works) – 3/20/2015
68	Notice of SEPA Action and Public Hearing – 3/25/2015
69	Mitigated Determination of Non-Significance – 3/25/2015
70	Published Notice of SEPA Action and Public Hearing – 3/25/2015
71	Newspaper Article – 3/26/2015
72	Newspaper Article – 3/30/2015

73	Request to Postpone Public Hearing – 3/31/2015
74	Notice of SEPA Action & Postponement – 3/31/2015
75	Notice of SEPA Action & Postponement Publication Documents – 4/2/2015
76	Notice of Public Hearing Documentation – 4/14/2015
77	Ordinance 2007-22 – 7/19/2007
78	Chapter 17.30 Rural-3 Zone – 7/10/2007
79	Hearings Examiner Public Hearing Staff Report 4/23/2015
80	Memorandum of Authorities – Applicant 4/21/2015
81	Staff Power Point Presentation from Public Hearing 4/23/2015
82	Exhibit from Melissa Bates 4/23/2015
83	Public Health Memorandum 4/15/2015
84	Fire Marshall Memorandum 4/23/2015
85	Revised Proposed Conditions of Approval 4/23/2015
86	Hearings Examiner Public Hearing Agenda 4/23/2015
87	Hearings Examiner Public Hearing Sign In Sheet 4/23/2015
88	Affidavit of Publication Notice of Public Hearing 4/17/2015
89	Email Chain Regarding Hearing Record Documents 4/29/2015
90	Email Chain Regarding Clarification of Issues and Disclosure 4/29/2015
91	Applicant's Motion to Supplement the Record 5/8/2015
92	Email Correspondence Between All Parties 5/8/2015 to 5/26/2015
93	Letter from Applicant to Jan Ollivier Signed 2/16/2010
94	Post Hearing Memorandum of Authorities Cle Elum Ridge Assoc. 5/22/2015
95	Post Hearing Memorandum of Authorities Applicant

KITTITAS COUNTY HEARINGS EXAMINER

Plat Application of:	LP-07-00040
Becky Andrus	APPLICANTS' SUPPLEMENTAL MEMORANDUM OF AUTHORITIES IN SUPPORT OF CLUSTER PLAT APPLICATION

At the conclusion of the open record hearing on the above-referenced application, the Hearings Examiner indicated he would like to receive supplemental briefing on several issues. In an email dated April 29, 2015 the Hearings Examiner clarified the issues he wanted supplemental briefing on as follows:

1. Vesting and, in particular, what a "project action" is and what constitutes vesting as a complete application as a matter of law when no letter of complete application is issued.
2. The legal effect of the lack of a letter of complete application in 2007, and the impact of it being issued in 2015.
3. The legal effect of the February 9, 2010 letter from the county to the applicant advising that the application would be deemed withdrawn if the TIA was not submitted April 10,

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2010, and then the TIA was not submitted by that date but the application continued to be processed by the County.

4. The legal impact of the original SEPA checklist submitted 6-19-2007 that mentions nothing of potential traffic impacts although the rezone ordinance applying to this property made note of traffic impacts supporting the requirement of a TIA at time of project action.

5. The related legal impact of the optional DNS process noticed 2-9-2015 and the MDNS issued 3-25-2015.

6. The legal authority of the County to set a "de facto" date of complete application almost 9 years before the date the application was noticed to the public.

I. DISCUSSION

1.1 Vesting and, in particular, what a project action is and what constitutes vesting as a complete application as a matter of law when no letter of complete application is issued.

1.1.1 The Vested Rights Doctrine

The Applicants provide a general outline of vesting in Applicants' Memorandum of Authorities in Support of Plat Application at page 3, line 4 to page 4, line 13. This application is a plat application that is vested under RCW 58.17.033, which provides as follows:

> (1) A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.
>
> (2) The requirements for a fully completed application shall be defined by local ordinance.
>
> (3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW. (Emphasis added.)

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This statue now controls vesting in the context of a plat. In *Potala Village Kirkland, Llc, v. City of Kirkland*, 183 Wn. App. 191 (2014), the court held the statutory vested rights doctrine replaced, rather than supplemented, the common law vested rights doctrine. Under this decision, vested rights apply only in the context of building permit applications (RCW 19.27.095) and short subdivision and subdivision applications (RCW 58.17.033), although city or county policies may grant broader vested rights.

Submission of a completed plat/short plat application vests the developer with the right to both divide the property and to develop it in the manner disclosed in the application in accordance with the land use and zoning laws in effect on the date of submission of the application. *Noble Manor v. Pierce County*, 133 Wn.2d 269 (1997). The reliance and over emphasis on the phrase "zero tolerance approval for completeness" (see Cle Elum Ridge Association Post Hearing Memorandum; *Lauer v. Pierce County*, 173 Wn.2d 242, 259, 267 P.3d 988 (2011); *Friends of the Law v. King County*, 123 Wn.2d 518, 869 P.2d 1056 (1994)) is misplaced. *Lauer* involved vesting of a building permit application. The case stands for the proposition that the definition of a "fully complete" application depends on local law. 173 Wn.2d at 257; see also RCW 19.27.095(2). The real issues in that case were that the building permit application "falsely represented the site." *Id.* at 260. As a result of the misrepresentation the house should not have been built at that location. *Id.* at 260. In *Lauer*, the court did not reach the issue of whether there was a complete application because the court concluded the application was not "valid" and sought to permit a building that was not allowed under the then-existing ordinances. *Id.* at 262. Similarly in *Friends of the Law*, the court concluded what constituted a complete application is up to the local jurisdiction. *Friends of the Law,* 123 Wn.2d at 523. There, the court went on to deal with King County's confusing and unclear rules on what constitutes a complete application. *Id.* at 524-525.

If a zone or development regulation is found to not comply with the Growth Management Act, the noncompliance does not affect the vesting. *Town of Woodway v. Snohomish County*, 180 Wn.2d

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165, 322 P.3d 1219 (2014); see also, *King County v. Puget Sound Growth Mgmt. Hearings Bd.*, 138 Wn.2d 161, 181, 979 P.2d 374 (1999). Thus, the County's Comprehensive Plan and development regulations being deemed to not comply with the GMA after the date the application was filed by the Applicants does not impact the Applicants' vested rights.

KCC 15A.03.040[1] applied when this application was submitted. This statute sets out the terms and conditions under which an application is determined to be complete. KCC 15A.03.040(1) requires the County, within 28 days after receiving a project permit application, to determine if it is complete or incomplete.[2] In this case, Kittitas County did that, sending Ms. Andrus a letter indicating she needed to submit the address list of the landowners. Ms. Andrus then submitted the address list and the County proceeded forward with processing the application. The only part of Kittitas County Code that defines a complete application is KCC 15A.03.040(3), which provides as follows:

> A project permit application is complete for the purposes of this title when it meets the procedural submission requirements of Kittitas County and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude Kittitas County from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur. (Emphasis added.)

In *Friends of the Law v. King County*, 123 Wn.2d at 522, the court ruled a developer's good faith attempt to comply with the terms of a vesting ordinance is sufficient to vest when the ordinance fails to define what constitutes a complete application or the definition of a complete application is vague. KCC 15A.03.040(4) provides that within 14 days of the Applicants providing the additional information the County is required to notify the application whether the application is complete or identify additional information needed. Mr. Valoff's July 18, 2007 letter only says the address of

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[1] See Exhibit 5 to Applicants' Memorandum of Authorities in Support of Plat Application, Item 80 of the record before the Hearings Examiner (hereinafter referred to as the "Record").

[2] See also, Exhibit 1 to Applicants' Memorandum of Authorities in Support of Plat Application, Staff Report, § 111, pp. 2-3.

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adjoining property owners is missing.[3] That is the only reason given for an incomplete application. The last sentence infers that when the additional information (address list) is received the application will be complete. The County did not respond to the submission of the addresses within 14 days and as a result the application should be deemed complete by the County. In Mr. Valoff's August 16, 2007 letter he indicates the TIA referenced in the rezone is additional information the County will need, along with the road variance. This request for additional information does not impact whether there is a complete application. KCC 15A.03.040(3). Neither the TIA nor the road variance were identified by Mr. Valoff as materials necessary to have a "complete application in his July 18, 2007 letter.

The rezone of the Andrus property in 2006 referenced by Mr. Valoff was approved by the Board of County Commissioners and implemented through Ordinance No. 2006-57.[4] The Ordinance, at page 3, indicates the following at Condition 8:

> 8. Additional conditions are necessary to protect the public's interest. The Condition is as follows:
>
> a. SEPA review will be required for any future development regardless of the exemption status at time of development. **(See attached Exhibit B)**

The attached Exhibit B referenced in Ordinance No. 2006-57 is the rezone SEPA Mitigated Determination of Non-Significance (MDNS). It provides under subsection I.c. the following language:

> At the time of a project action, the applicant shall submit a stamped traffic analysis for a licensed engineer in the State of Washington considering among other factors, intersection spacing, sight distances, traffic volumes, load bearing capacity of soils, pavement thickness design, etc. Reference Current Kittitas County Road Standards. (Emphasis added.)

The rezone ordinance did not make the TIA a required part of any subsequent development activity application. Ordinance No. 2006-57 does not suggest, nor can it be construed, that the Board of County Commissioners intended to alter the definition of a "project permit application" under County Code. Project Permit Application is defined as follows:

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[3] Item 9 of the Record.
[4] Attached as Exhibit 3 to Applicants' Memorandum of Authorities in Support of Plat Application.

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> "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical areas ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

KCC 15A.02.080. What the County rezone ordinance said was future development, regardless of whether it was exempt from SEPA, would require compliance with SEPA.

The Hearings Examiner referenced WAC 197-11-704, which provides as follows:

> (1) "Actions" include, as further specified below:
>
> (a) New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;
>
> (b) New or revised agency rules, regulations, plans, policies, or procedures; and
>
> (c) Legislative proposals.
>
> (2) Actions fall within one of two categories:
>
> (a) Project actions. A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:
>
> (i) License, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract.
>
> (ii) Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.
>
> (b) Nonproject actions. Nonproject actions involve decisions on policies, plans, or programs.
>
> (i) The adoption or amendment of legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;
>
> (ii) The adoption or amendment of comprehensive land use plans or zoning ordinances;
>
> (iii) The adoption of any policy, plan, or program that will govern the development of a series of connected actions (WAC 197-11-060), but not including any policy, plan, or program for which approval must be obtained from any federal agency prior to implementation;

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(iv) Creation of a district or annexations to any city, town or district;

(v) Capital budgets; and

(vi) Road, street, and highway plans.

(3) "Actions" do not include the activities listed above when an agency is not involved. Actions do not include bringing judicial or administrative civil or criminal enforcement actions (certain categorical exemptions in Part Nine identify in more detail governmental activities that would not have any environmental impacts and for which SEPA review is not required). (Emphasis added.)

This definition has significance in SEPA and project actions generally refers to a specific activity on land, such as construction, etc. It should be read in context with WAC 197-11-704(2)(b), which defines "nonproject activities" as activities that do not involve decision specific actions but instead involve decisions on rules, policies, etc. The Andrus rezone was a nonproject activity because it had no development proposed with the rezone request. The reference to "Project Action" in the rezone MDNS is thus logical because an application for a specific project on the rezoned property would require compliance with SEPA even if existing code did not require compliance with SEPA (e.g., a short plat).

The phrase in the rezone ordinance and attached SEPA MDNS says the TIA should be "at the time of a project action." That language does not change the definition of a complete application. The only interpretation that makes sense is that the TIA, as Mr. Valoff notes, is additional information that would have to be submitted as a part of the processing and not a necessary requirement to have a complete application.

1.2 The legal authority of the County to set a "de facto" date of complete application almost 9 years before the date the application was noticed to the public, and the legal effect of the lack of a letter of complete application in 2007 and the impact of it being issued in 2015.

As part of the application process the County is required to send out notice of application (KCC 15A.03.060). However, that notice does not affect whether the application is complete for vesting purposes. Item 7 of the Record is the Notice of Application. The Notice of Application describes the

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application, sets comment periods and a date for a public hearing. The notice also discusses SEPA and the SEPA process (see Section 1.4 below). The Notice of Application under KCC 15A.03.060 should be provided within 14 days of the "determination of completeness." It is unclear if the phrase "determination of completeness" is the same as a complete application.

The Applicants, the Andruses, have no control over when this notice goes out. The Hearings Examiner should not now penalize the Applicant for the County's failures.[5] No interested parties were precluded from commenting as a result of the delay by the County. The parties who did comment had the benefit of the current circumstances in the neighborhood and vicinity on which to base their comments as opposed to the situation that existed when the application was filed. The only parties prejudiced by the delay are the Applicants because over time there has been more development in the area and thus more potential impacts as a result of the development that must be addressed.

The statute makes it clear it is the County's obligation to send the notice out. There is nothing in the Record other than Mr. Watson's verbal statement on the night of the hearing to the Hearings Examiner to explain why the County did not send the Notice of Application out earlier. The County code does not contain any provisions that impacts the status of the application because the County failed to send the notice out in accordance with the County Code.

1.3 The legal effect of the February 9, 2010 letter from the county to the applicant advising that the application would be deemed withdrawn if the TIA was not submitted April 10, 2010, and then the TIA was not submitted by that date but the application continued to be processed by the County.

The Applicant responded to this letter (see Declaration of Jeff Slothower in Support of Motion to Supplement the Record, Exhibit 1, which the Hearings Examiner admitted into the Record based upon the stipulation of the parties). The County acknowledged that response and set a new deadline before the withdrawal became effective (see Declaration of Jeff Slothower in Support of Motion to

[5] This is another area where the status of the Record is confusing. The Notice of Application is dated February 9, 2015 yet there is a comment letter from the City of Cle Elum dated July 13, 2012 (Item 25 of the Record). Cle Elum certainly had notice prior to February 2015. In addition, some of the comment letters infer the neighborhood was aware of this development proposal. (See Items 52 and 59 of the Record, which contains specific references to objecting to the plat in 2007).

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Supplement the Record, Exhibit 2, which was also admitted into the Record based upon the stipulation of the parties). Thus, this issue should now be moot.

1.4 The legal impact of the original SEPA checklist submitted 6-19-2007 that mentions nothing of potential traffic impacts although the rezone ordinance applying to this property made note of traffic impacts supporting the requirement of a TIA at time of project action and the related legal impact of the optional DNS process noticed 2-9-2015 and the MDNS issued 3-25-2015.

Whether the contents of the SEPA checklist, the mitigation measures imposed by the County in the MDNS and the process used by the County to process SEPA were proper is not properly before the Hearings Examiner at the present time. The County issued an MDNS. Kittitas County has an administrative SEPA appeal process (see KCC 15.04.210). Any party who objected to the validity of the SEPA checklist, the SEPA process or the MDNS and whether it adequately identified and/or mitigated impacts to the environment had to administratively appeal that MDNS. RCW 36.70C(2)(d) requires a petitioner in a LUPA to exhaust its administrative remedies before challenging a decision such as a SEPA determination. No one appealed the SEPA MDNS and as a result the MDNS is now not properly the subject of review.

Having said that, a SEPA checklist identifies the environmental issues. This one failed to properly identify traffic issues. The County required additional information on the roads before the County accepted comment on the SEPA checklist. Ultimately, the Applicant submitted a TIA and the County issued a transportation concurrency letter (Item 32 of the Record). Thus, the fact that the Applicant failed to identify the traffic impacts in the checklist is of no consequence because the County required the TIA as additional information and based on the TIA concluded the application met County transportation concurrency requirements. The legal authority of the County to set a "de facto" date of complete application almost 9 years before the date the application was noticed to the public.

1.5 The Fire Marshal Late Comments.

The Applicant doesn't object to the Fire Marshal's comments but instead believes they are not appropriate plat conditions. The plat conditions should not reference the comments because they must

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be met when the owner of a lot applies for a building permit not at preliminary or final plat approval. The International Fire Code requirements and similar building code requirements change periodically and thus it makes sense to ensure the most recent code requirements in existence when a building permit is applied for are what control the construction of structures on the property. If any comment or condition is placed on the face of the plat it should be "all residential structures constructed in the future on the lots created as a result of this plat shall meet all applicable building and fire codes then in effect."

Respectfully submitted this 22 day of May, 2015.

LATHROP, WINBAUER, HARREL,
SLOTHOWER & DENISON L.L.P.

Jeff Slothower, WSBA #14526
Attorney for Becky Andrus

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CERTIFICATE OF SERVICE

I certify that I have this day caused a copy of the document to which this is attached to be served on the individual(s) listed below and in the manner noted below:

Andrew L. Kottkamp, Hearings Examiner Kottkamp & Yedinak PLLC 435 Orondo Ave Wenatchee, WA 98801	☐ BY U.S. MAIL ☐ BY HAND DELIVERY ☐ BY OVERNIGHT DELIVERY ☒ BY EMAIL: andy@wenatcheelaw.com
Jeff Watson, Staff Planner Kittitas County Community Development Services 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926	☐ BY U.S. MAIL ☒ BY HAND DELIVERY **[original and 1 copy]** ☐ BY OVERNIGHT DELIVERY ☒ BY EMAIL: jeff.watson@co.kittitas.wa.us
Robert "Doc" Hansen, Planning Official Kittitas County Community Development Services 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926	☐ BY U.S. MAIL ☒ BY HAND DELIVERY **[1 copy]** ☐ BY OVERNIGHT DELIVERY ☒ BY EMAIL: doc.hansen@co.kittitas.wa.us
James Carmody Meyer, Fluegge & Tenney, P.S. 230 S. Second Street P.O. Box 22680 Yakima, WA 98907	☒ BY U.S. MAIL **[1 copy]** ☐ BY HAND DELIVERY ☐ BY OVERNIGHT DELIVERY ☒ BY EMAIL: carmody@mftlaw.com

I certify, or declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Ellensburg, Washington this 22nd day of May, 2015.

Heather L. Hazlett
Legal Assistant to Jeff Slothower

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KITTITAS COUNTY HEARINGS EXAMINER

In re Cluster Plat Application of: Becky Andrus	No. LP-07-00040 CLE ELUM RIDGE ASSOCIATION POST-HEARING MEMORANDUM OF AUTHORITIES

This Post-Hearing Memorandum of Authorities is submitted on behalf of Cle Elum Ridge Association with respect to issues raised by Hearing Examiner regarding vesting of the project application.[1]

I. Introduction

This is a very unusual case. The applicant – Becky Andrus – is seeking to proceed with a cluster plat subdivision based upon asserted vested rights arising from an application filed on June 20, 2007. The proposed subdivision is clearly contrary to existing zoning directives and violative of Growth Management Act (GMA) requirements regarding permissible rural densities. The application is simply an attempt to resurrect a stale application in order to achieve an impermissible result.

The statutory vesting rules are a two-way street intended "…to strike a balance between the public's interest in controlling development and the developers' interest in being able to plan their conduct with reasonable certainty." *Abbey Road Group, LLC v. City of Bonney Lake*, 167 Wn.2d 242, 251 (2009). The recognition of vested rights in this case comes with a heavy public

[1] Hearing Examiner outlined a number of specific issues to be addressed in the post-hearing brief at the time of the hearing. The request for supplemental briefing was clarified by email dated April 29, 2015. *Exhibit 86.* We will address the issues raised by Hearing Examiner in both hearing comments and correspondence.

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cost – urban density development on rural lands. "If a vested right is too easily granted, the public interest could be subverted." *Id.*

Vesting is determined as a matter of law by Hearing Examiner. It is not a matter decided by staff or inferred from procedural acts or omissions. RCW 58.17.033 vests subdivision applications only upon filing of a "fully complete" application. The courts have recognized that the statutory mandate is "...taking a zero tolerance approach to completeness." *Lauer v. Pierce County*, 173 Wn.2d 242, 259 (2011).

Application requirements come from two sources: (1) ordinances for subdivision and cluster plat subdivisions, and (2) Ordinance 2006-57-the rezone ordinance for this specific property. Current CDS Staff *assumed* that the application was vested and the required Traffic Impact Analysis (TIA) was not a *"procedural submission requirement". Exhibit 79 (Staff Report).* This conclusion is in direct conflict with Ordinance 2006-57 which directed:

> At the time of a project action, the applicant *shall submit* analysis from a licensed engineer in the state of Washington considering among other factors, intersection spacing, site distances, traffic volumes, load bearing capacities of soils, pavement thickness design, etc. Reference Current Kittitas County Road Standards.

This application requirement was clear, unambiguous and certain. Board of County Commissioners established through the rezone ordinance a specific component required for a complete project permit application. Staff had no authority to waive this requirement. The application also failed to provide materials required by ordinance including critical area checklist and density bonus documentation. There can be no serious debate regarding the deficiencies. The application in this case was not *complete* until January 15, 2015. Applicant was told about the missing TIA but simply ignored the requirement until it was convenient to proceed.

Finally, the parties have attempted to resurrect the record but it is clear that the files are incomplete and contain significant gaps and uncertainties. The review has been compounded because none of the participants during the early stages have testified or provided evidence to the hearing examiner.[2] The project proponent bears the burden of proof to establish vesting. Significantly, the applicant neither attended the hearing nor provided testimony.

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[2] None of the CDS staff (Dan Valoff, Jan Ollivier, Christina Wollman) provided testimony or submitted declarations with regard to the application, vesting or extensions. Jeff Watson admitted that he did not have

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II. Procedural Application Background

Becky Andrus ("Andrus" or "Applicant") began the development process with a request to rezone the subject property. The application requested a general zone change from Forest & Range to Rural-3 zoning district for a 25 acre parcel of land.[3] Ordinance No. 2006-57. Board of County Commissioners approved the rezone on September 21, 2006. The rezone included specific "...[a]dditional conditions...to protect the public's interests." Ordinance No. 2006-57 Finding 8. The condition incorporated the SEPA mitigation measure:

> C. At the time of a *project action,* the applicant shall submit a stamped traffic analysis from a licensed engineer in the State of Washington considering among other factors, intersection spacing, site distances, traffic volumes, load bearing capacities of soils, pavement thickness design, etc. Reference Current Kittitas County Road Standards.

(Italics added). The rezone was processed as a "nonproject action." The term "project action" is drawn from SEPA regulations and directed specific application and environmental review conditions. WAC 197-11-704. The referenced project action was the contemplated cluster plat subdivision. Applicant was simply allowed to defer traffic impact analysis.

Andrus subsequently submitted a Long Plat Application (File no. P-07-40) on June 20, 2007. *Exhibit 5.* The project proposal was for a performance based cluster plat creating 14 one-acre parcels and approximately eleven acres of open space. *Exhibit 79.* Applicable zoning and

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personal knowledge of the handling of this file and only speculated with respect to matters associated with vesting. More significantly, the applicant did not provide any testimony with respect to the application, Staff argued:

> Convention dictates that a failure to respond or clarify the completeness of an application within the timeframes provisioned in Chapter 15A amounts to a *de facto* declaration of complete application. The request for the TIA was not a *"procedural submission requirement".*

Exhibit 79 - Staff Report.

[3] Andrus sought to rezone tax parcel no. 20-15-26010-0009, 0010. *Exhibit 11-Ordinance No. 2006-57.* CDS issued a Notice of Application on June 30, 2006. The application included an environmental checklist and a Mitigated Determination of Nonsignificance was issued on August 8, 2006. *Id.* The SEPA MDNS was attached to Ordinance No. 2006-57. The rezone was reviewed as a "nonproject action" for environmental review purposes. WAC 197-11-774 ("nonproject") means actions which are different or broader than a single site specific project, such as plans, policies, and programs. SEPA draws a distinction between "project actions" and "nonproject actions". WAC 197-11-704. Nonproject actions include amendments to zoning ordinances such as a rezone. *Id.*

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application requirements were set for in KCC (h). 16.09. *Exhibit 77.* The record also includes a SEPA Environmental Checklist that was also submitted with the application. *Exhibit 4.* The application did not include the following required materials, (1) a list of all land owners within 300 feet of the site's tax parcel; (2) a critical areas application; (3) density bonus documentation; or (4) traffic impact analysis from a licensed engineer. Each of these application components were established by ordinance.

Kittitas County reviewed the preliminary plat application and concluded that the application was incomplete and required additional information. *Exhibit 9.* Developer was notified on July 18, 2007 that an "...address list of all land owners within 300-feet of the site's tax parcel..." must be submitted as part of the required attachments to the long plat application. The instructions specifically noted as follows:

> When the additional information is received *and the application is complete*, our review of the application will continue.

(Italics added). The instructions required provision of additional information *and* that there be a subsequent determination of completeness. CDS did not issue a Notice of Completeness. Within days of the initial notification, CDS Staff sent an additional letter to Applicant reiterating the rezone requirement for a "...stamped traffic analysis from a licensed engineer in the State of Washington." The letter specifically noted:

> It has come to my attention as part of the Andrus Rezone (Z-06-23) and review of the SEPA Mitigated Determination of Nonsignificance, which I have attached, *one of the mitigation measures is that at the time of a project action, the applicant shall submit a stamped traffic analysis from a licensed engineer in the state of Washington.* It further states that the traffic analysis shall consider among other factors, intersection spacing, site distance, traffic volumes, load bearing capacity of soils, pavement thickness design, etc.

Exhibit 11. (Italics added) . Planning staff went on to state:

> So in order to comply with the SEPA mitigation, *the review of Big Buck Ridge Cluster Plat will require the submittal of the above-mentioned traffic analysis.* Also, the outcome of the road variance request will need to be completed.
>
> When the additional information is received, our review of the application will continue.

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Staff was clear with respect to the application deficiency – review was suspended until the required information was submitted. Applicant did not respond, question or appeal the notification. This is the substantive equivalent to a supplemental notice of incompleteness. They simply did nothing on the application over the next six years.

The application laid dormant for nearly three (3) years. During the following years, however, there was significant activity with regard to Kittitas County's rural zoning standards and compliance with the Growth Management Act (GMA). Zoning and development regulations were challenged in two proceedings – *Kittitas County Conservation v. Kittitas County*, No. 07-1-0004c, 2011 WL 2729590 (E) Wash. Growth Mgmt. Hr'gs Bd. August 20, 2007 ((*Kittitas Conservation I*) and *Kittitas County Conversation v. Kittitas County*, No. 07-1-0015, 2008 WL 1766717 (E. Wash. Growth Mgmt. Hr'gs Bd. March 21, 2008) (*Kittitas Conservation II*).[4] The Supreme Court summarized Board decisions as follows:

> The Board found that the regulations on rural densities and uses in rural areas. Specifically, regarding the County's cluster platting regulation, Ch. 16.09 KCC, the Board was troubled that it "does not include a limit on the maximum number of lots allowed on the land including the cluster; prohibit the number of connections to public and private water and sewer lines; nor include requirements to limit development on the residential parcel." *Kittitas Conservation I*, 2007 WL 2729590, at *34; See *Kittitas Conservation II*, 2008 WL 1766717, at *9, *36.

Kittitas County v. Eastern Washington Growth Management Hearings Board, 172 Wn.2d 144, 165 (2011). The Board's actual order provided:

> Kittitas County's adoption of Ordinance 2007-22 allows urban density in the rural areas with 3-acre zoning in the Agricultural-3 Rural-3 zones outside of the urban growth areas and limited areas of more intensive rural development (LAMIRDs) in Chapter 16.09, 17.08, 17.22, 17.28, 17.30, and 17.56 of the Kittitas County Code violate RCW 36.70A.070 and 36.70A.110 and substantially interferes with GMA Goals RCW 36.70A.020 (1-2, 8-10, 12) and the Board finds these provisions invalid.

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[4] Kittitas Conservation II specifically related to a challenge to Ordinance 2007-22. Ordinance 2007-22 was the ordinance applicable to the period. *Exhibit 77.*

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Kittitas Conservation II, 2008 WL 1766717 at *38. Kittitas County responded to the administrative and judicial determinations and adopted Ordinance 2013-001 which eliminated the three-acre zones and rezoned the subject property. Ordinance 2013-001 was adopted on February 11, 2013. *Exhibit 41.* The required TIA was not received until February 20, 2013. *Exhibit 32.*

Kittitas County reinstituted contact with Applicant by letter dated February 9, 2010. *Exhibit 13.* CDS Staff explained the process and reasoning for the correspondence as follows:

> In the wake of sweeping changes to the structure and makeup of CDS through 2009 an inventory was done in early 2010 to determine the status of, and make appropriate notifications to, the large cache of outstanding and pending land use applications on file. On February 9th, 2010 the Interim Planning Manager notified Mrs. Andrus that a request to withdraw application or the TIA would need to be submitted within 60 days (April 10th) for the application to remain active. On February 16th, 2010, Mr. Andrus requested an extension of the timeline because of uncertainty related to water withdrawal requirements in the Upper County; an extension was granted on June 25th, 2010.

Exhibit 79. Applicant responded with countless requests for extensions covered an additional three (3) year period. *Exhibits 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29,* and *30.* An incomplete Transportation Impact Analysis (TIA) was finally submitted on or about February 20, 2013. *Exhibits 31-33.* The TIA did not address intersection spacing, sight distance, load bearing capacity of soils, or pavement design thickness. Each of these items were defined components established by *Ordinance No. 2006-57.* Applicant did not file the required Critical Areas Checklist until January 21, 2015. *Exhibit 35.*

CDS finally issued a Notice of Application on February 9, 2015. *Exhibit 37.* The Notice of Application stated that the application was complete on August 16, 2007.[5] The Notice of Application also invoked environmental review for the first time. This was the first opportunity for the public to comment upon the application. Upon being advised of the application adjacent property owners immediately raised objections. *Exhibits 40-50, 52-60.* A Mitigated Determination of Non-Significance (MDNS) was issued on March 25, 2015. *Exhibit 69.*

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[5] This was the date on which CDS advised the Applicant that the TIA was required in order to continue processing of the application. There was no determination of completeness on that date.

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Hearing Examiner requested post-hearing briefing on various issues related to "vesting" of the application under RCW 58.17.033. Also included in the inquiry was a question related to "project action" under Ordinance No. 2006-57. The discussion incorporates matters of environmental review as well as staff authority to establish "*de facto*" vesting dates. We will address each of those issues.

III. Discussion

3.1 Statutory and Judicial Foundation for Vested Rights Doctrine.

As a beginning proposition, it is appropriate to review the vested rights doctrine under judicial and statutory authorities. Washington's vested rights doctrine grew out of case law rooted in notions of fundamental fairness and provided a measure of certainty to developers to protect their expectations against fluctuating land use policy. *Noble Manor Co. v. Pierce County,* 133 Wn.2d 269, 278 (1997), *Erickson & Associates, Inc. v. McLerran*, 123 Wn.2d 864, 870 (1994); and *Potala Village Kirkland, LLC v. City of Kirkland*, 183 Wn. App. 191, 197-98 (2014). Washington's vested rights doctrine, as it was originally judicially recognized, entitled developers to have a land development proposal processed under the regulations in effect at the time of filing a complete building permit application. *Hull v. Hunt*, 53 Wn.2d 125, 130 (1958). The courts adopted a "date certain" vesting doctrine. *Erickson & Associates*, 123 Wn.2d at 867-68. Washington's rule is the minority rule.[6]

In 1987, the legislature codified vesting rules for building permits (RCW 19.27.095) and subdivisions (RCW 58.17.033). RCW 58.17.033 is applicable to this proceeding and provides as follows:

> (1) A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time *a fully completed application* for preliminary plat approval of the subdivision, or short plat

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[6] The majority rule provides that development is not immune from changes in regulations and is not vested until a building permit has been obtained *and* substantial development has occurred in reliance on the permit. *Abbey Road Group, LLC v. City of Bonney Lake*, 167 Wn.2d 242, 250 (2009). Washington court's rejected the *reliance based rule* and adopted a date certain vesting point which ensured that "new land use ordinances do not unduly oppress development rights, thereby denying a property owner's right to due process under the law." *Id.* 167 Wn.2d at 251. See also, *Valley View Industry v. City of Redmond*, 107 Wn.2d 621, 637 (1987).

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> approval of the short subdivision, has been submitted to the appropriate county, city or town official.
>
> (2) The requirements for a fully completed application shall be defined by local ordinance.
>
> (3) The limitations imposed by this section shall not restrict conditions imposed under Chapter 43.21C RCW.

(Italics added). While the vested rights originated at common law, the doctrine is now statutory. *Potala Village Kirkland, LLC v. City of Kirkland*, 183 Wn. App. 191, 204-205 (2014) (holding that the vested rights doctrine is now statutory) and *Town of Woodway v. Snohomish County*, 180 Wn.2d 165, 173 (2014). In *Potala,* the court referenced the Final Bill Report for the 1987 vesting legislation in 1987 which provided as follows:

> BACKGROUND:
>
> Washington state has adhered to the vested rights doctrine since the supreme court case in *State Ex Rel. Ogden v. Bellevue*, 45 Wn. 2d 492 [275 P.2d 899] (1954). The doctrine provides that a party filing *a timely and sufficiently complete* building permit application obtains a vested right to have that application processed according to zoning, land use and building ordinances in effect at the time of the application. The doctrine is applicable if the permit application *is sufficiently complete*, complies with existing zoning ordinances and building codes, and is filed during the period the zoning ordinances under which the developer seeks to develop are in effect. If a developer complies with these requirements, a project cannot be obstructed by enacting new zoning ordinances or building codes. *West Main Associates v. Bellevue*, 106 Wn.2d 47 [720 P.2d 782] (1986).
>
> SUMMARY:
>
> The vested rights doctrine established by case law is made statutory, *with the additional requirement that a permit application be fully completed for the doctrine to apply*. The vesting of rights doctrine is extended through applications for preliminary or short plat approval. The requirements for a fully completed building permit application or preliminary short plat application shall be defined by local ordinance.

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Potala, 183 Wn. App. at 204-205. The primary legislative change related to the requirement for a "fully completed application." Under prior case law, the operative requirement was that the building permit or subdivision application must be (1) sufficiently complete, (2) comply with existing zoning ordinances and building codes, and (3) be filed during the effective period. The common law required only that an application be "sufficiently complete," while the legislature decided to change the standard and require a "fully completed application." *Lauer v. Pierce County*, 173 Wn.2d at 259. The legislature abrogated the common law rule when it substituted "fully" for "sufficiently" and took "... a zero tolerance approach for completeness." *Id.* and *Friends of the Law v. King County*, 123 Wn.2d 518, 524 (1994). *Valley View Indus. Park v. Redmond*, 107 Wn.2d 621, 638 (1987).[7] It was recognized that "...[i]f a vested right is too easily granted, the public interest could be subverted. *Abbey Road Group*, 167 Wn.2d at 251.

In applying the vested rights doctrine, the courts have been sensitive to the inherent conflict between developer and public rights and interests. The courts have recognized, however, that a liberal vesting rule necessarily comes at a price:

> Development interests and due process rights protected by the vested rights doctrine come at a cost to the public interest. The practical effect of recognizing a vested right is to sanction the creation of a new nonconforming use. A proposed development which does not conform to newly adopted laws is, by definition, inimical to the public interest embodied in those laws. If a vested right is too easily granted, the public interest is subverted.

Erickson, 123 Wn.2d at 873-74; See also *Abbey Road Group*, 167 Wn.2d at 251. This balancing consideration is particularly significant in this proceeding. Applicant seeks to vest to a zoning density found to be violative of the Growth Management Act (GMA). *Kittitas County Conservation v. Kittitas County*, Case No. 07-1-0015 (Final Decision Order – March 21, 2008). The approval of this cluster plat subdivision is antithetical to GMA mandates and subverts clear statutory and judicial determinations.

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[7] The court has historically adhered to submission of a complete application as a prerequisite to the application of the vested rights doctrine. *Parkridge v. Seattle*, 89 Wn.2d 454 (1978). In *Parkridge*, the court created a limited exception to the requirement of completeness of building permit applications. The issue there was whether a right to develop land could vest despite an incomplete building permit application when the developer's diligent attempts to complete the application prior to the zoning change had been obstructed by the local government. The court held that a development right had vested, notwithstanding the incompleteness of the application, because the developer's good faith conduct merits recognition of the vested right. *Parkridge*, 89 Wn.2d at 465-66.

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The courts have held "that statutes should receive a sensible construction to effect the legislative intent and …to avoid unjust…consequences." *Lauer v. Pierce County*, 173 Wn.2d 242, 263 (2011). It is unjust to validate noncompliant zoning standards under the guise of vesting.

3.2 **Hearing Examiner Determines Application of the Statutory Vesting Doctrine as a Matter of Law.**

It is well-established that a Hearing Examiner is authorized to interpret and apply statutory vesting provisions. *See e.g. Abbey Road Group, LLC v. City of Bonney Lake,* 167 Wn. 2d 242 (2009) (a review of Hearing Officer's decisions that denied developer vested development rights for condominium project applying statutory vesting rules); *Westside Business Park, LLC v. Pierce County*, 100 Wn. App. 599 (2000)(affirming Hearing Examiner's determination that developer's completed short plat application vested under water drainage ordinance). It is the Hearing Examiner that determines if there is a *fully completed application*. The decision is based on the facts and applicable ordinance requirements for application. There is no case authority that supports an argument that "vesting" occurs as a matter of law based upon staff interpretations or omissions.

The court in *Lauer v. Pierce County*, 173 Wn.2d 242 (2011) addressed a similar issue. In *Lauer,* the County failed to issue a Notice of Incomplete Application under 36.70B.070(1) and (4). The applicant asserted that their building application was made complete by operation of law. *Lauer*, 173 Wn.2d at 261. The court rejected this argument and held that the failure of the County to inform landowners that their building permit application was incomplete did not cause the application to become complete for vesting purposes.[8]

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[8] The court in Lauer was also cognizant about the impact of misrepresentations in the context of an initial application package. The court commented:

> Further, the Garrisons' interpretation of RCW 36.70B.070(4)(a) would yield a troubling result: building permit applicants could misrepresent facts on their application, and the county would have the daunting task of investigating every application to determine its accuracy within a 28-day period. Failure on the part of the county to do so would cause the dishonest applicants' rights to vest. This court has held "that statute should receive a sensible construction to effect the legislative intent and … to avoid unjust … consequences." *State v. Vela,* 100 Wn.2d 636, 641 (1983).

Lauer, 173 Wn.2d at 263. In a similar way, the Applicant in this proceeding consciously failed to provide the TIA required by Ordinance 2006-57. Vesting rights should not be extended to circumstances in which there has been a conscious and knowing failure to submit required information.

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Determinations of completeness are not linked statutorily to the vesting provisions of RCW 58.17.033. Rather, the concept was adopted as a part of Regulatory Reform which was intended to address and establish procedural requirements for permit applications. RCW 36.70B.010.[9] The issuance of a determination of completeness means only that the application is ready for "regulatory processing". In this case, there was no Notice of Completeness issued with respect to the application. It was also clear that Kittitas County advised the applicant that the application failed to include the required traffic impact analysis established by Ordinance 2006-57. There is no authority to support the proposition that a fully complete application can arise as a matter of law simply through omission or a delay of only a few days.

3.3 **Ordinance 2006-57 Incorporates the Concept of "Project Action" in the Rezone Determination.**

Kittitas County rezoned the subject property from Forest & Range to Rural-3 zoning district. *Ordinance No. 2006-57 (Exhibit 11)*. The rezone was reviewed and processed as a "nonproject action" under State Environmental Policy Act (SEPA). Under SEPA, a broad plan is called a "nonproject" action. See e.g. *Klickitat County Citizens Against Imported Waste v. Klickitat County*, 122 Wn.2d 619, 630 (1993). "Nonproject" means actions such as plans, policies, or programs which are different or broader than a single site-specific project. WAC 197-11-774. Kittitas County processed rezones as "nonproject" actions.

Since the Andrus rezone did not require site specific project review, the rezone ordinance set forth specific conditions with respect to submissions for a "project action". SEPA MDNS stated:

> At the time of *a project action*, the applicant shall submit a stamped traffic analysis from a licensed engineer in the state of Washington considering among other factors, intersection spacing, site distances, traffic volumes, load bearing capacity of soils, pavement thickness design, etc. Reference Current Kittitas County Road Standards.

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[9] RCW 36.70B.050 required local governments to establish regulatory processes and procedures by ordinance with respect to permit applications. Included in the required review components were provisions related to determinations of consistency (RCW 36.70B.040); Determinations of completeness (RCW 36.70B.070); Notice of Application (RCW 36.70B.110); Permit review processes (RCW 36.70B.120); and Notices of Decision (RCW 36.70B.130). The requirements were established for purposes of processing and not intended or designed to be a substitute for vesting determinations under the applicable statutory provisions.

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Exhibit 11. Hearing Examiner requested comment on "what is a project action." SEPA establishes two categories of "action". WAC 197-11-704(2).

> (2) Actions fall within one of two categories:
>
> > (a) **Project Actions.** A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects are limited to agency decisions to:
> >
> > > (i) license, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract.
> > >
> > > (ii) purchase, sell, lease, transfer or exchange natural resources, including publically owned land, whether or not the environment is directly modified.
> >
> > (b) **Nonproject actions**. Nonproject actions involve decisions on policies, plans, or programs.
> >
> > > (i) the adoption or amendment of legislation, ordinances, rules or regulations that contain standards controlling use or modification of the environment;
> > >
> > > (ii) *the adoption or amendment of comprehensive land use plans or zoning ordinances;*
> > >
> > > ***

The reference to "project action" relates to the site specific development application. Board of County Commissioners required the submission of a traffic impact analysis at the time of application for the project. The submission would be in the context of the Environmental Checklist and required as an integral part of the application. It was part of a "fully completed application."

3.4 **Kittitas County Ordinances Define Requirements for Fully Completed Applications**.

Applicant submitted a performance based cluster plat for creation of 14 one-acre single family parcels and approximately eleven acres of open space. The applicable ordinance

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provisions are set forth in the record.[10] *Exhibit 77.* Application requirements include the following: (1) preliminary plat in conformance with KCC Title 16.12 (Preliminary Plats and Title 12 (Road Standards); (2) SEPA Environmental Checklist in conformance with KCC 15.04; (3) Critical areas application consistent with KCC Title 17A.C.; and (4) documentation demonstrating consistency with density bonus. In addition, Ordinance No. 2006-57 required submission of a traffic impact analysis signed by licensed engineer. *Exhibit 11.* Applicant failed to include any of the identified materials. The application was deficient as a matter of law.

RCW 58.17.033(1) requires a "fully completed application" and imposes a "zero tolerance" policy. *Lauer*, 173 Wn.2d at 259. KCC 15A.03.010 defines a "complete application" as including those items required by zoning code, subdivision code and development agreements. Staff has no authority to modify, revise or waive these application requirements. See e.g. *Kitsap County v. Kitsap Rifle and Revolver Club*, 184 Wn. App. 252, 296 (2014) (Equitable estoppel against government). Hearing Examiner is to determine as a matter of law whether a "fully completed application" was filed for purposes of RCW 58.17.033.

As a beginning proposition, Kittitas County rezoned the property and imposed a specific application requirement of a transportation impact analysis. The requirement was clear and unambiguous and directly applicable to Andrus. KCC 15A.01.040(1) sets forth applicant responsibilities with respect to permit applications and provides:

> 1. **Applicant**. An applicant is expected to read and understand the county comprehensive plan and code and be prepared to fulfill the obligations placed on the applicant. Pre-application conferences are available to anyone who wishes to discuss such obligations prior to submittal.

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[10] CDS Staff summarized the project proposal in its Staff Report. The project was described as a performance based cluster plat application to create 14 one-acre single family parcels in approximately 11 acres of open space. *Staff Report I.* The performance based cluster plat provisions were eliminated from the zoning code in 2013 (Ordinance 2013-001). *Id.* The application sought to utilize the performance based cluster plat provisions to increase densities beyond the maximum of what would be normally permitted for the R-3 zone based on public benefit rating system. The applicant sought to utilize three public benefit categories to decrease the minimum lot size from three-acres to one-acres. *Id.*

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It was Applicant's responsibility to comply with the Ordinance No. 2006 filing requirements. *Ordinance No. 2006-57.* Applicant was fully aware of the rezone requirement for submission of a traffic impact analysis.[11] This proposition is also consistent with the fundamental legal premise that a project proponent bears the burden of proof to establish rights with respect to the application. On August 16, 2007, Applicant was specifically advised of the requirement and that the processing of the application would not proceed without the report. Applicant then sat quietly for 3 years. There can be no serious contention that Applicant failed to submit the required TIA. The TIA was finally submitted on February 20, 2013 – days after the zoning was amended to prohibit the proposed density.

Second, the Applicant failed to comply with the application requirements for cluster plats under KCC 16.09.080. The application requirements include: (1) a critical area application; and (2) documentation demonstrating consistency with bonus requests. KCC 16.09.090. The critical areas checklist was not submitted until January 21, 2015. *Exhibit 35.* The record contains no demonstration of compliance with the density bonuses.

Third, current staff incorrectly *assumed* that the application was complete on August 16, 2007. These determinations are pure conjecture and speculation. No evidence was presented with respect to specific determinations at the time of the early communications. In fact, the communications were clear that the application was incomplete (*Exhibit 9)*; continued processing required submission of the traffic analysis from a licensed engineer (*Exhibit 11)*; and that review of the application will continue only upon receipt of the identified information. *Id.* Applicant did not object to the suspension of processing and did not submit the required information. The applicable ordinance provisions are also clear that the failure to submit required information within 180 days will result in voiding of the application. KCC 15A.03.040(4)(g). Kittitas County was clear in its description of the process which was that "…[w]hen the additional information is received *and the application is deemed complete, our review of the application*

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[11] Applicant argues that there is a distinction between a project "action" and development activity "application". Applicant's Memorandum of Authorities – 5-6. This distinction makes little sense. The requirement for a traffic impact analysis arose in the context of a "nonproject action" (i.e. a rezone) as a part of the SEPA analysis. The rezone ordinance simply deferred preparation of the traffic impact analysis until there is a project application. It is illogical to argue that a traffic impact analysis (which is a SEPA component) should be submitted at a later point in the project review process. It is a necessary component of the SEPA submissions.

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will continue." (*Exhibit 9).* Planning Staff did not issue a Notice of Complete Application and it did not further process the application.

Fourth, the record is consistent with a determination of incompleteness. KCC 15A.03.060 provides that "...[t]he Notice of Application *shall be provided within 14 days after the determination of completeness.*" See also, WAC 365-196-845 ("Notice of Application must be provided with fourteen days of determining an application is complete). If the application was deemed complete in 2007, the county was required to issue a Notice of Application. CDS specifically advised Applicant that it would advise when the application is complete and would begin review process only when the TIA was submitted. Kittitas County did not issue the Notice of Application until February 9, 2015. *(Exhibit 37).* It should also be noted that the Notice of Application specifically requires identification of "...existing environmental documents that evaluate the proposed project." KCC 15A.03.060. Public comment would have been impossible without the TIA.

Fifth, Planning Staff asserts that the failure to respond or clarify the additional ordinance requirement within the 14 day time period covered by KCC 15A.03.040(4) was a "...de facto declaration of a complete application." *Exhibit 79.* No legal authority or factual foundation is provided to support this proposition. In fact, the argument is contrary to the prior correspondence in which the applicant was advised that the application would not be further processed until the required information was submitted to CDS. *Exhibit 9* ("when the additional information is received *and the application is deemed complete*, our review of the application will continue"); and *Exhibit 11* ("when the additional is received, our review of the application will continue"). The argument is also contrary to required procedures. That is, if the application was *de facto* complete CDS was required to issue the Notice of Application. All of CDS actions were contrary to the speculative assumption that there was a fully completed application.

3.4 **SEPA Checklist Failed to Incorporate or Reference Rezone Ordinance and MDNS Requiring TIA.**

Hearing Examiner specifically requested comment upon applicant's failure to reference prior environmental determinations with respect to SEPA mitigation measures for potential traffic impacts. Applicant submitted a SEPA environmental checklist dated June 19, 2007. *Exhibit 4.* Environmental Checklist A.3. provides the following question and response:

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> 3. List any environmental information you know about that had been prepared, or will be prepared, directly related to this proposal.
>
> None known or currently required.

This statement is patently false. Applicant knew that a TIA was required for the cluster plat application. Where an applicant submits false or misleading information in the context of an application, the courts have recognized that vesting provisions may be denied with respect to the proposed action. *Lauer*, 173 Wn.2d at 263. The court stated:

> Further, the Garrisons interpretation of RCW 36.70B.070(4)(a) would yield a troubling result: building permit applicants could misrepresent facts on their application, and the County would have the daunting task of investigating every application to determine its accuracy within a 28-day period. Failure on the part of the County to do so would cause the dishonest applicants' rights to vest.

In this case, the County did identify the error and specifically the applicant of the mitigation requirement. Applicant simply argues that the notification was a few days late. As noted in *Lauer*, our courts have held "that statues should receive a sensible construction to affect the legislative intent and … to avoid unjust …consequences." It would be unjust to allow this applicant to consciously misrepresent the status of prior environmental determinations; ignore written directives regarding application requirements; sit on an application for nearly six years; and claim vested rights.

The requirement for TIA submission is a SEPA mitigation measure specifically applicable to this property and application. When there are gaps in relevant information regarding significant impacts, agencies shall make clear that such information is lacking and is necessary for environmental review. WAC 197-11-080(2). Kittitas County specifically identified the traffic impact analysis as an essential component of environmental review. Agencies may rely upon applicants to provide the information. WAC 1979-11-080(4). The SEPA Environmental Checklist contained no reference or information required with respect to potential traffic impacts or traffic impact analysis. It was incomplete by definition and directive contained in the rezone ordinance. Environmental Checklist A.3. also requires a listing of environmental information that has been or will be prepared with respect to the proposal. *Exhibit 4*. Applicant failed to disclose or reference the TIA required by the rezone ordinance.

LAW OFFICES OF
MEYER, FLUEGGE & TENNEY, P.S.
230 South Second Street · P.O. Box 22680
Yakima, WA 98907-2680
Telephone (509) 575-8500

CONCLUSIONS

Hearing Examiner is responsible for legal determinations related to a project permit application. A fundamental and critical determination relates to application of the statutory vesting doctrine premised upon a *fully completed application.* The application in this proceeding was clearly deficient – it failed to include the required traffic impact analysis, critical area application and demonstrable facts related to the density bonus. The application components were set forth in applicable ordinances and binding on the parties. The application was not fully completed until at least February 20, 2015. The applicable law at that time precludes this development.

Dated this 22nd day of May, 2015.

MEYER, FLUEGGE & TENNEY, P.S.
Attorneys for Cle Elum Ridge Association

James C. Carmody, WSBA 5205

LAW OFFICES OF
MEYER, FLUEGGE & TENNEY, P.S.
230 South Second Street · P.O. Box 22680
Yakima, WA 98907-2680
Telephone (509) 575-8500

CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury under the laws of the State of Washington that on the date stated below I served a copy of this document in the manner indicated:

Andrew L. Kottkamp, Hearing Examiner Kottkamp & Yedinak PLLC 435 Orondo Avem Wenatchee, WA 98801	☐First Class U.S. Mail ☐E-Mail andy@wenatcheelaw.com ☐ Hand Delivery ☐ UPS Next Day Air
Jeff Slothower Lathrop, Winbauer, Harrell, Slothower & Dennison L.L.P. PO Box 1088/201 West 7th Avenue Ellensburg, WA 98926	☐First Class U.S. Mail ☐ E-Mail ☐ Hand Delivery ☐ UPS Next Day Air
Jeff Watson, Staff Planner Kittitas County Community Development Services 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926	☐First Class U.S. Mail ☐ E-Mail jeff.watson@co.kittitas.wa.us ☐ Hand Delivery **[2 copies]** ☐ UPS Next Day Air

DATED at Yakima, Washington, this 22 day of May, 2015.

_____
Deborah Girard, Legal Assistant

U:\DebbieG\Cle Elum Ridge Properties - Don Owens\Post-Hearing Memorandum.doc

LAW OFFICES OF
MEYER, FLUEGGE & TENNEY, P.S.
230 South Second Street - P.O. Box 22680
Yakima, WA 98907-2680
Telephone (509) 575-8500

CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury under the laws of the State of Washington that on the date stated below I served a copy of this document in the manner indicated:

Andrew L. Kottkamp, Hearing Examiner Kottkamp & Yedinak PLLC 435 Orondo Avem Wenatchee, WA 98801	☐ First Class U.S. Mail ☑ E-Mail andy@wenatcheelaw.com ☐ Hand Delivery ☐ UPS Next Day Air
Jeff Slothower Lathrop, Winbauer, Harrell, Slothower & Dennison L.L.P. PO Box 1088/201 West 7th Avenue Ellensburg, WA 98926	☐ First Class U.S. Mail ☑ E-Mail jslothower@lwhsd.com ☐ Hand Delivery ☐ UPS Next Day Air
Jeff Watson, Staff Planner Kittitas County Community Development Services 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926	☑ First Class U.S. Mail **[2 copies]** ☑ E-Mail jeff.watson@co.kittitas.wa.us ☐ Hand Delivery ☐ UPS Next Day Air

DATED at Yakima, Washington, this 22nd day of May, 2015.

Deborah Girard

Deborah Girard, Legal Assistant

U:\Debbie G\Cle Elum Ridge Properties - Don Owens\Post-Hearing Memorandum.doc

LAW OFFICES OF
MEYER, FLUEGGE & TENNEY, P.S.
230 South Second Street - P.O. Box 22680
Yakima, WA 98907-2680
Telephone (509) 575-8500

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February 16, 2010

Jan Ollivier
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: Big Buck Ridge Cluster Plat P-07-40

Dear Ms. Ollivier:

This letter is provided in response to your request of February 9, 2010 regarding the above referenced performance based cluster subdivision. Please be aware that it has been and remains our desire and intent to proceed with the subdivision. Unfortunately, due to extenuating circumstances beyond our control (i.e. market conditions and the Upper Kittitas County Emergency Ground Water Rule), it has not been feasible to invest further in the project. It is our understanding that the emergency rule is set to expire March 25, 2010 and at that time DOE will be required to take further action. Until we know with certainty what that action may be, we simply cannot secure the funding necessary to accommodate the new deadline you have set.

Therefore, please accept this letter as a formal request for additional time to provide a traffic impact analysis. If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Sincerely,

Cory Andrus

Cory Andrus

93

Jeff Watson

From: Andrew Kottkamp <andy@wenatcheelaw.com>
Sent: Tuesday, May 26, 2015 9:37 AM
To: 'Heather Hazlett'; Jeff Watson; Doc Hansen; carmody@mftlaw.com
Cc: 'Jeff Slothower'
Subject: RE: Andrus, LP-07-00040 - Applicant's Supplemental Memorandum of Authorities in Support of Cluster Plat Application

Follow Up Flag: Follow up
Flag Status: Flagged

Received.
Jeff, now that the record is closed, could you provide me with what you have as an index/exhibit list. I want to make sure that we are on the same page. Make sure to include these last two submissions by Mr. Carmody and Mr. Slothower.
Andy

Andrew Kottkamp
Kottkamp & Yedinak P.L.L.C.
435 Orondo Ave.
P.O. Box 1667
Wenatchee, WA 98801
(509) 667-8667
www.wenatcheelaw.com

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From: Heather Hazlett [mailto:HHazlett@lwhsd.com]
Sent: Friday, May 22, 2015 3:16 PM
To: andy@wenatcheelaw.com; jeff.watson@co.kittitas.wa.us; doc.hansen@co.kittitas.wa.us; carmody@mftlaw.com
Cc: Jeff Slothower
Subject: Andrus, LP-07-00040 - Applicant's Supplemental Memorandum of Authorities in Support of Cluster Plat Application

Attached is a PDF file containing a copy of Applicant's Supplemental Memorandum of Authorities in Support of Cluster Plat Application.

Heather L. Hazlett
Legal Assistant to Jeff Slothower
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
P.O. Box 1088
Ellensburg, WA 98926

Phone 509.925.6916
Fax 509.343.3206

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Checked by AVG - www.avg.com
Version: 2014.0.4800 / Virus Database: 4311/9817 - Release Date: 05/19/15
Internal Virus Database is out of date.



This email has been checked for viruses by Avast antivirus software.
www.avast.com

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Jeff Watson

From: Heather Hazlett <HHazlett@lwhsd.com>
Sent: Friday, May 22, 2015 3:16 PM
To: andy@wenatcheelaw.com; Jeff Watson; Doc Hansen; carmody@mftlaw.com
Cc: Jeff Slothower
Subject: Andrus, LP-07-00040 - Applicant's Supplemental Memorandum of Authorities in Support of Cluster Plat Application
Attachments: 20150522151017.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Attached is a PDF file containing a copy of Applicant's Supplemental Memorandum of Authorities in Support of Cluster Plat Application.

Heather L. Hazlett
Legal Assistant to Jeff Slothower
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
P.O. Box 1088
Ellensburg, WA 98926

Phone 509.925.6916
Fax 509.343.3206

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Jeff Watson

From: Andrew Kottkamp <andy@wenatcheelaw.com>
Sent: Friday, May 22, 2015 9:03 AM
To: 'Reception'; jslothower@lwhsd.com; Jeff Watson
Cc: 'Deborah Girard'; 'James Carmody'
Subject: RE: Cle Elum Ridge

Received

Andrew Kottkamp
Kottkamp & Yedinak P.L.L.C.
435 Orondo Ave.
P.O. Box 1667
Wenatchee, WA 98801
(509) 667-8667
www.wenatcheelaw.com

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From: Reception [mailto:reception@mftlaw.com]
Sent: Friday, May 22, 2015 9:00 AM
To: andy@wenatcheelaw.com; jslothower@lwhsd.com; jeff.watson@co.kittitas.wa.us
Cc: Deborah Girard; James Carmody
Subject: Cle Elum Ridge

Sending on behalf of James Carmody.

Thank You,

Heather Walker
Meyer, Fluegge & Tenney, PS
230 S. 2nd Street
Yakima, WA 98901
Phone: 509/575-8500
Fax: 509/575-4676

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2014.0.4800 / Virus Database: 4311/9817 - Release Date: 05/19/15

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Jeff Watson

From: Andrew Kottkamp <andy@wenatcheelaw.com>
Sent: Thursday, May 14, 2015 11:14 AM
To: 'James Carmody'; 'Jeff Slothower'; Jeff Watson; 'Heather Hazlett'; Doc Hansen
Cc: Doc Hansen
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Please consider this email my order granting Applicant's motion to reopen the record for the specific purpose of admitting the 3 proposed documents into the record. It is also my order that the Applicant, the County and Mr. Carmody on behalf of his clients will have until Friday, May 22 to submit your briefing on the issues I have identified. Given the May 25 holiday, I will have my written decision issued by Tuesday, June 9.
I would ask that Mr. Watson prepare a new exhibit index chart reflecting this order and the inclusion of this email string.

Andrew Kottkamp
Kottkamp & Yedinak P.L.L.C.
435 Orondo Ave.
P.O. Box 1667
Wenatchee, WA 98801
(509) 667-8667
www.wenatcheelaw.com

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From: James Carmody [mailto:Carmody@mftlaw.com]
Sent: Thursday, May 14, 2015 10:11 AM
To: Andrew Kottkamp; 'Jeff Slothower'; 'Jeff Watson'; 'Heather Hazlett'; 'Doc Hansen'
Cc: 'Doc Hansen'
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Mr. Kottkamp:

I have spoken with both Jeff Slothower and Jeff Weston regarding the document (Exhibit 2) and the state of the county records. It appears to me that the proposed exhibit is authentic and I would stipulate to its entry into the record. I would like to add, however, that I am quite concerned about the incomplete and uncertain status of the record as a whole. While we appreciate the County's efforts to search its files, it is clear that there is no assurance that all correspondence, emails and documents are included in the record. We can present our arguments and positions only with respect to the partial record and do not have the benefit of being a participant in the apparent discussions that took place over the years between the applicant and various staff members. This certainly limits our ability to argue issues such as vesting.

I simply wanted to express our concerns while trying to be practical with respect to the proposed document.

Jamie

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Jeff Watson

From: Jeff Slothower <Jslothower@lwhsd.com>
Sent: Wednesday, May 13, 2015 4:22 PM
To: Andrew Kottkamp; Jeff Watson; 'James Carmody'; Heather Hazlett; Doc Hansen
Cc: Doc Hansen
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Jamie

I can have Mr. and Mrs. Andrus and Wayne Nelson submit sworn declarations that Exhibit 2 is a true and correct copy of the letter they received from the county.

Jeff Slothower, Attorney at Law
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
P.O. Box 1088
Ellensburg, WA 98926

P. 509.925.6916
F. 509.343.3206
Email: jslothower@lwhsd.com
Web: www.lwhsd.com

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From: Andrew Kottkamp [mailto:andy@wenatcheelaw.com]
Sent: Wednesday, May 13, 2015 3:36 PM
To: Jeff Slothower; 'Jeff Watson'; 'James Carmody'; Heather Hazlett; 'Doc Hansen'
Cc: 'Doc Hansen'
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

I will be gone next Monday. If there is no stipulation as to the record by this Friday at noon, then I will decide on proposed Exhibit 2. I think that the issue raised by Mr. Carmody seems to be authentication. If all of you can't stipulate then I will make a decision Friday afternoon.
Andy

Andrew Kottkamp
Kottkamp & Yedinak P.L.L.C.
435 Orondo Ave.
P.O. Box 1667
Wenatchee, WA 98801
(509) 667-8667
www.wenatcheelaw.com

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James C. Carmody
Meyer, Fluegge & Tenney, PS
230 S. 2nd Street
Yakima, WA 98901
Phone: 509/575-8500
Fax: 509/575-4676

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From: Andrew Kottkamp [mailto:andy@wenatcheelaw.com]
Sent: Wednesday, May 13, 2015 3:36 PM
To: 'Jeff Slothower'; 'Jeff Watson'; James Carmody; 'Heather Hazlett'; 'Doc Hansen'
Cc: 'Doc Hansen'
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

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Andy

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From: Jeff Slothower [mailto:Jslothower@lwhsd.com]
Sent: Wednesday, May 13, 2015 3:09 PM
To: Andrew Kottkamp; 'Jeff Watson'; 'James Carmody'; Heather Hazlett; 'Doc Hansen'
Cc: 'Doc Hansen'
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

I read Jamie's email as saying he still objects to Exhibit 2 which is a letter from Kittitas County on Kittitas County letterhead to the applicants. It is obvious that this letter was either lost or misfiled by prior county employees. The fact

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that prior county employees may have lost this letter and thus it is not in the record should not work to the disadvantage of the applicants particularly given the critical nature of the letter.

Jeff Slothower

Jeff Slothower, Attorney at Law
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
P.O. Box 1088
Ellensburg, WA 98926

P. 509.925.6916
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From: Andrew Kottkamp [mailto:andy@wenatcheelaw.com]
Sent: Wednesday, May 13, 2015 3:03 PM
To: Jeff Slothower; 'Jeff Watson'; 'James Carmody'; Heather Hazlett; 'Doc Hansen'
Cc: 'Doc Hansen'
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Hello all
I am trying to decipher if we have a stipulated record or if I still have a decision to make. I would, of course, prefer a stipulated record if that can be achieved. Please let me know.

Second, I will extend the date that the record will remain open to May 22, 2015 at 5pm for the purposes previously stated.

Andy

Andrew Kottkamp
Kottkamp & Yedinak P.L.L.C.
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P.O. Box 1667
Wenatchee, WA 98801
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Jeff Watson

From: James Carmody <Carmody@mftlaw.com>
Sent: Wednesday, May 13, 2015 2:59 PM
To: andy@wenatcheelaw.com; Jeff Slothower; Heather Hazlett
Cc: Doc Hansen; Jeff Watson
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Mr. Kottkamp:

At this point, Kittitas County was able to verify Exhibit 1 and 3 as presented by Mr. Slothower. They have been unable to locate or confirm the existence of Exhibits 2. We would object to the inclusion of Exhibit 2. It is our understanding that the County is still looking for Exhibit 2.

In light of the additional documents and the continued search, we would request that the filing date for the post-hearing brief be extended to May 22. You indicated that the extension would be granted if the parties agreed. Both Mr. Slothower and I have confirmed our agreement to the extension.

Thank you for your consideration.

Jamie

James C. Carmody
Meyer, Fluegge & Tenney, PS
230 S. 2nd Street
Yakima, WA 98901
Phone: 509/575-8500
Fax: 509/575-4676

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From: Jeff Watson [mailto:jeff.watson@co.kittitas.wa.us]
Sent: Tuesday, May 12, 2015 10:17 AM
To: James Carmody; Jeff Slothower; Heather Hazlett; Doc Hansen
Cc: Andrew Kottkamp; Doc Hansen
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Good Morning All,

92

From: Jeff Slothower [mailto:Jslothower@lwhsd.com]
Sent: Tuesday, May 12, 2015 11:21 AM
To: Jeff Watson; 'James Carmody'; Heather Hazlett; Doc Hansen
Cc: Andrew Kottkamp; Doc Hansen
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

If as in Mr. and Mrs. Andrus possession

Jeff Slothower, Attorney at Law
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
P.O. Box 1088
Ellensburg, WA 98926

P. 509.925.6916
F. 509.343.3206
Email: jslothower@lwhsd.com
Web: www.lwhsd.com

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From: Jeff Watson [mailto:jeff.watson@co.kittitas.wa.us]
Sent: Tuesday, May 12, 2015 10:17 AM
To: 'James Carmody'; Jeff Slothower; Heather Hazlett; Doc Hansen
Cc: Andrew Kottkamp; Doc Hansen
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Good Morning All,

I have attached the signed version of Mr. Slothower's Exhibit one; the copy in the file is the signed original. I still have not been able to find the letter from Ms. Ollivier (Exhibit 2); she is looking for a copy. Was that something you found in the on-line file, or something that was in the possession of the Andrus'? Again my apologies, this file, like so many from that time frame, was not maintained to the highest standards. Documents were created in a variety of formats, assembled in a variety of ways, placed in a variety of places, by a variety of people over the course of its eight year life span. I am CC-ing Mr. Hansen in this as well. In my last conversation with him the County had no interest in adding anything to the record by Wednesday the 13th at 4 p.m., but I will double check. **As a record management footnote it would be helpful if we all utilized the most recent addition to the email chains**. I will sift through this last batch to insure that all correspondence makes it in to the record.

Thanks,

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926

92

Jeff Watson

From: Jeff Watson
Sent: Monday, May 11, 2015 4:23 PM
To: 'Jeff Slothower'; 'James Carmody'; 'Heather Hazlett'; Doc Hansen
Cc: 'Andrew Kottkamp'
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Sorry… page 193 of 270 below

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: Jeff Watson
Sent: Monday, May 11, 2015 4:09 PM
To: 'Jeff Slothower'; James Carmody; Heather Hazlett; Doc Hansen
Cc: Andrew Kottkamp
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Am pouring over the electronic and paper file now; initially it looks to me like:

1. Exhibit 1 – Appears to be the **signed** version in the paper file
2. Exhibit 2 – No paper copy; no digital copy on the county server file; checking county website file now.
3. Exhibit 3 – In the record; item #31 (page 193 of 170)

Still looking at things…

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: Jeff Slothower [mailto:Jslothower@lwhsd.com]
Sent: Monday, May 11, 2015 4:00 PM
To: James Carmody; Heather Hazlett; Jeff Watson; Doc Hansen

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230 S. 2nd Street
Yakima, WA 98901
Phone: 509/575-8500
Fax: 509/575-4676

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From: Jeff Slothower [mailto:Jslothower@lwhsd.com]
Sent: Monday, May 11, 2015 4:00 PM
To: James Carmody; Heather Hazlett; jeff.watson@co.kittitas.wa.us; doc.hansen@co.kittitas.wa.us
Cc: Andrew Kottkamp
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Jamie

There are actually three documents we seek to add. All three are attached to my declaration. I would agree to the extension of time (I assume we would not need more than a week's extension) and perhaps you and I should both get on the phone with Jeff Watson to sort the record issues out.

Jeff

Jeff Slothower, Attorney at Law
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
P.O. Box 1088
Ellensburg, WA 98926

P. 509.925.6916
F. 509.343.3206
Email: jslothower@lwhsd.com
Web: www.lwhsd.com

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From: James Carmody [mailto:Carmody@mftlaw.com]
Sent: Monday, May 11, 2015 3:39 PM
To: Andrew Kottkamp; Heather Hazlett; jeff.watson@co.kittitas.wa.us; doc.hansen@co.kittitas.wa.us
Cc: Jeff Slothower
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Thank you for the direction regarding the motion to supplement the record. I was out of town last week when this motion was filed. I did speak with Mr. Slothower regarding the motion and indicated that I would need to see the motion before I could respond. I can provide comments by May 13, 2015.

I would request, however, that the filing date for the post-hearing brief be extended in order to resolve and clarify the record. The documents submitted go to a specific issue upon which you requested briefing. The documents submitted

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Attachment Disclaimer: If this email has an attachment(s) Jeff Slothower and Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P. take no responsibility for changes, alterations or modifications of the attachment(s) by the intended recipient of the attachment or others after this email leaves the Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P. email server.

From: James Carmody [mailto:Carmody@mftlaw.com]
Sent: Monday, May 11, 2015 3:39 PM
To: Andrew Kottkamp; Heather Hazlett; jeff.watson@co.kittitas.wa.us; doc.hansen@co.kittitas.wa.us
Cc: Jeff Slothower
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Thank you for the direction regarding the motion to supplement the record. I was out of town last week when this motion was filed. I did speak with Mr. Slothower regarding the motion and indicated that I would need to see the motion before I could respond. I can provide comments by May 13, 2015.

I would request, however, that the filing date for the post-hearing brief be extended in order to resolve and clarify the record. The documents submitted go to a specific issue upon which you requested briefing. The documents submitted include only two new documents (1) an unsigned letter dated February 16, 2010, and (2) an email dated February 20, 2013. Neither document was in the record prepared by Kittitas County and there are references to other documents that I have not seen and are not in the record. There is also no explanation from the County that correspondence was received or why the documents were not part of the record. it would be helpful to clearly establish the record before submitting the post-hearing briefs.

I would agree to an extension of time for filing of post-hearing briefs in order to establish the record. It would also be helpful if I could speak directly to staff regarding the file and the proposed documents. I just don't know if there was anything else left out of the record.

Thank you for your consideration.

James C. Carmody
Meyer, Fluegge & Tenney, PS
230 S. 2nd Street
Yakima, WA 98901
Phone: 509/575-8500
Fax: 509/575-4676

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From: Andrew Kottkamp [mailto:andy@wenatcheelaw.com]
Sent: Monday, May 11, 2015 3:17 PM
To: 'Heather Hazlett'; jeff.watson@co.kittitas.wa.us; doc.hansen@co.kittitas.wa.us; James Carmody
Cc: 'Jeff Slothower'
Subject: RE: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

To all

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I am ordering that if Mr. Carmody or the County wish to respond to this motion, that the response be submitted to me by 4pm Wednesday May 13. I do not intend to extend the time period that the record remain open for briefing purposes unless this is stipulated to by the parties.
Andrew Kottkamp
Kittitas County Hearing Examiner

Andrew Kottkamp
Kottkamp & Yedinak P.L.L.C.
435 Orondo Ave.
P.O. Box 1667
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From: Heather Hazlett [mailto:HHazlett@lwhsd.com]
Sent: Friday, May 08, 2015 1:45 PM
To: andy@wenatcheelaw.com; jeff.watson@co.kittitas.wa.us; doc.hansen@co.kittitas.wa.us; carmody@mftlaw.com
Cc: Jeff Slothower
Subject: LP-07-00040 (Plat App. - Andrus): Motion to Supplement the Record

Attached is a PDF file containing the following documents:

- *Applicants' Motion to Supplement the Record*;
- *Declaration of Jeff Slothower in Support of Applicants' Motion to Supplement the Record*; and
- *Certificate of Service*

Heather L. Hazlett
Legal Assistant to Jeff Slothower
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
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KITTITAS COUNTY HEARINGS EXAMINER

Plat Application of:	LP-07-00040
Becky Andrus	APPLICANTS' MOTION TO SUPPLEMENT THE RECORD

COMES NOW the Applicants, Cory and Becky Andrus, through their attorney, Jeff Slothower of Lathrop, Winbauer, Harrel, Slothower & Denison and respectfully move the Hearings Examiner for leave to supplement the record with the following documents, which are attached to the annexed declaration of counsel as Exhibits 1-3. This motion is based upon the Declaration of Jeff Slothower.

Respectfully submitted this 8th day of May, 2015.

LATHROP, WINBAUER, HARREL,
SLOTHOWER & DENISON L.L.P.

Jeff Slothower, WSBA #14526
Attorney for Applicants

F:\JSlothower\Andrus, Cory and Becky\Applicant's Motion to Supplement the Record 5-7-15 DRAFT.doc

Jeff Slothower
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
Attorneys at Law
PO Box 1088/201 West 7th Avenue
Ellensburg, WA 98926
Direct Fax No. (509) 343-3205
Tel (509) 925-6916

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KITTITAS COUNTY HEARINGS EXAMINER

Plat Application of: Becky Andrus	LP-07-00040 DECLARATION OF JEFF SLOTHOWER IN SUPPORT OF APPLICANTS' MOTION TO SUPPLEMENT THE RECORD

COMES NOW, JEFF SLOTHOWER, and states and declares:

1. My name is Jeff Slothower. I am over the age of 18 and I am competent to testify herein. I testify herein in my capacity as attorney of record for the Applicants, Cory and Becky Andrus.

2. The record does not contain the documents identified in the shaded rows of the table below as Exhibits 1, 2 and 3, true and correct copies of which are attached hereto, which documents are part of the correspondence between the County and the Applicants chronicled as follows:

//

//

//

//

Jeff Slothower
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
Attorneys at Law
PO Box 1088/201 West 7th Avenue
Ellensburg, WA 98926
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Record Index No.	JS Decl. Exh. No.	Description of Document	Linked on website? (y/n)
	1	February 26, 2010 letter to Jan Ollivier from Cory Andrus	n
	2	March 15, 2010 letter to Cory and Becky Andrus from Jan Ollivier	n
15		June 15, 2010 letter to Jan Ollivier from Becky Andrus	n
16		June 25, 2010 letter to Cory and Becky Andrus from Jan Ollivier	n
17		October 19, 2010 letter to KCCDS from Becky Andrus	n
18		October 17, 2010 letter to Cory and Becky Andrus from Jan Ollivier	n
19		June 27, 2011 email from Wayne Nelsen to Dan Valoff	n
20		June 27, 2011 letter to Cory and Becky Andrus from Dan Valoff	y
21		September 29, 2011 email from Wayne Nelsen to Dan Valoff	n
22		September 30, 2011 letter to Cory and Becky Andrus from Dan Valoff	y
23		January 11, 2012 email from Wayne Nelsen to Dan Valoff	n
24		January 11, 2012 letter to Cory and Becky Andrus from Dan Valoff	y
27		June 26, 2012 letter to Dan Valoff from Cory Andrus	n
28		June 26, 2012 letter to Cory and Becky Andrus from Dan Valoff	y
29		October 9, 2012 email from Wayne Nelsen to Jeff Watson	n
30		October 23, 2012 letter to Cory and Becky Andrus from Robert "Doc" Hansen	y
	3	February 10, 2013 email to Christina Wollman and Jan Olliver from Cory Andrus	y

The documents identified in the last column with a notation of "n" were not separately posted on the County website as part of the public record. The documents with a notation of "n" appear for the first time publicly in the record before the Hearings Examiner.

3. The Applicants respectfully request that the Hearings Examiner allow the record to be reopened for the specific purpose of supplementing the record by inserting Exhibits 1-3 hereto into the record in chronological order.

4. At the conclusion of the public testimony, the Hearings Examiner left the record open for the purpose of accepting additional briefing on specific questions the Hearings

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Examiner had and to allow the Applicants to comment on late comments by the Kittitas County Fire Marshall.

5. The Hearings Examiner's request for additional briefing centered around vesting issues, what effect, if any, a February 9, 2010 letter by Jan Ollivier, Interim Planning Manager, to the Applicants had, and in particular whether the application was still viable as a result of Ms. Ollivier's letter, which reads as follows:

> Please note that either a written request to withdraw this application or submittal of information requested in this letter is required within 60 days of this letter (April 10, 2010). Failure to respond to this letter will result in the withdrawal of your plat.

In particular the Hearings Examiner was concerned that letter appeared to be unresponded to and as a result had questions as to whether the application was even properly before the Hearings Examiner.

6. After the Hearings Examiner hearing, your declarant went back and reviewed the record, particularly in light of the February 9, 2010 letter and subsequent correspondence between the County and the Applicants. It became clear to your declarant that there had to be information that should have been in the record that was missing. Based upon that, your declarant asked both Mr. Nelsen, the Applicants' authorized agent, and Mr. and Mrs. Andrus to review their records to determine if the County had all of the relevant correspondence in the record.

7. The documents include an unsigned February 16, 2010 letter from Mr. Andrus to Ms. Ollivier requesting additional time (Exhibit 1), Ms. Ollivier's March 15, 2010 letter acknowledging Mr. Andrus's request for more time and granting the Applicants more time to finalize the Traffic Impact Analysis ("TIA") and submit it (Exhibit 2) and a February 20, 2013 email from Mr. Andrus to Christina Wollman and Jan Ollivier informing them that the TIA was complete and asking them if any additional changes were necessary to the TIA (Exhibit 3). These documents do not appear to be in the record and the documents should be in the record

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Attorneys at Law
PO Box 1088/201 West 7th Avenue
Ellensburg, WA 98926
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Tel (509) 925-6916

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because they are correspondence between the Applicants and the County that directly relate to issues the Hearings Examiner had about the viability of the application given the delay. It would be a manifest injustice for the Hearings Examiner to exclude these documents and then conclude that the application was not properly before the Hearings Examiner because it had been withdrawn as a result of the County's February 9, 2010 letter.

8. Upon learning the information was missing from the record, I contacted Mr. Carmody and advised him of the missing information and my desire to bring a motion to supplement the record. Mr. Carmody indicated he was not in a position to agree to supplement the record without seeing the documents and then consulting with his clients. Mr. Carmody also indicated that because of his required attendance at the environmental and land use law section mid-year meeting he is not available for any kind of telephone conference on this request until the week of May 11, 2015.

9. The Applicants understand the Hearings Examiner's decision to grant this motion may result in a modification of the briefing schedule.

I HEREBY CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNED this 8th day of May, 2015, at Ellensburg, Washington

Jeff Slothower – WSBA #14526
Attorney for Applicants

F:\JSlothower\Andrus, Cory and Becky\Decl of JS - Applicant's Motion to Supplement the Record 5-7-15 DRAFT.doc

Jeff Slothower
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
Attorneys at Law
PO Box 1088/201 West 7th Avenue
Ellensburg, WA 98926
Direct Fax No. (509) 343-3206
Tel (509) 925-6916

91

EXHIBIT 1

February 16, 2010

Jan Ollivier
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: Big Buck Ridge Cluster Plat P-07-40

Dear Ms. Ollivier:

This letter is provided in response to your request of February 9, 2010 regarding the above referenced performance based cluster subdivision. Please be aware that it has been and remains our desire and intent to proceed with the subdivision. Unfortunately, due to extenuating circumstances beyond our control (i.e. market conditions and the Upper Kittitas County Emergency Ground Water Rule), it has not been feasible to invest further in the project. It is our understanding that the emergency rule is set to expire March 25, 2010 and at that time DOE will be required to take further action. Until we know with certainty what that action may be, we simply cannot secure the funding necessary to accommodate the new deadline you have set.

Therefore, please accept this letter as a formal request for additional time to provide a traffic impact analysis. If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Sincerely,

Cory Andrus

EXHIBIT 2

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"

March 15, 2010

Cory and Becky Andrus
PO Box 785
Cle Elum, WA 98922

Dear Cory and Becky Andrus,

The Community Development Services Department is granting your request for an extension for the Big Buck Ridge Cluster Plat P-07-40. The new deadline for providing the requested traffic impact analysis will be June 15, 2010

Kittitas County had requested a traffic impact analysis (TIA) two and a half years ago in order to process this development application. Since it has not been evident that progress was being made toward this requested information, a deadline was established for providing it by April 10, 2010 or an indication that the application be withdrawn.

Recently, Kittitas County Public Works received a letter from you indicating your intent to proceed with the subdivision and a request for additional time to submit your TIA. Copies of two TIA's for neighboring properties were submitted with the letter. The TIA's for the neighboring properties may be referenced, but cannot be used for your project. A TIA specifically addressing your project and the access onto Montgomery Avenue is required.

If you have any questions regarding this matter, please feel free to contact me at:

Phone: 509-962-7523
Email: jan.ollivier@co.kittitas.wa.us

Sincerely,

Jan Ollivier
Interim Planning Manager

cc: Kirk Holmes, Interim Planning Director
Dan Valoff, Planner II
Christina Wollman, Planner II

EXHIBIT 3

From: Cory Andrus
To: Christina Wollman; Jan Ollivier
Cc: wayne@lgh-inc.com; "Cory Andrus"
Subject: FW: Big Buck Ridge Cluster Plat
Date: Wednesday, February 20, 2013 3:55:39 PM
Attachments: Big Buck Cluster Plat - TIA.pdf

Hi Christina and Jan
We can make changes to the TIA at this point please inform me of any changes needed
Otherwise we will assume this will complete all items needed to get entitlement to build Andrus Cluster Plat

Thanks Cory

From: Michelle Brown [mailto:michelle@hefftrans.com]
Sent: Tuesday, February 19, 2013 3:20 PM
To: cory@pro-vac.com
Cc: 'Marni Heffron'
Subject: Big Buck Ridge Cluster Plat

Hello Cory,

Attached is the transportation impact analysis for your plat. Please let me know if there is anything that needs to be changed. If not, this document can be sent to Kittitas County for review.

Thank you, and best of luck with your plans.

~Michelle~

Michelle M. Brown
Senior Transportation Engineer
Heffron Transportation, Inc. | www.hefftrans.com
(425) 379-5689 | michelle@hefftrans.com

KITTITAS COUNTY HEARINGS EXAMINER

Plat Application of:	LP-07-00040
Becky Andrus	CERTIFICATE OF SERVICE

I certify that I have this day caused copies of the following documents:

- *Applicants' Motion to Supplement the Record*;
- *Declaration of Jeff Slothower in Support of Applicants' Motion to Supplement the Record*; and
- this *Certificate of Service*

to be served on the individual(s) listed below and in the manner noted below:

Andrew L. Kottkamp, Hearings Examiner Kottkamp & Yedinak PLLC 435 Orondo Ave Wenatchee, WA 98801	☐ BY U.S. MAIL ☐ BY HAND DELIVERY ☐ BY OVERNIGHT DELIVERY ☒ BY EMAIL: andy@wenatcheelaw.com
Jeff Watson, Staff Planner Kittitas County Community Development Services 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926	☐ BY U.S. MAIL ☒ BY HAND DELIVERY **[original and 1 copy]** ☐ BY OVERNIGHT DELIVERY ☒ BY EMAIL: jeff.watson@co.kittitas.wa.us
Robert "Doc" Hansen, Planning Official Kittitas County Community Development Services 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926	☐ BY U.S. MAIL ☒ BY HAND DELIVERY **[1 copy]** ☐ BY OVERNIGHT DELIVERY ☒ BY EMAIL: doc.hansen@co.kittitas.wa.us

Jeff Slothower
Lathrop, Winbauer, Harrel, Slothower & Denison L L P
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PO Box 1088/201 West 7th Avenue
Ellensburg, WA 98926
Direct Fax No (509) 343-3206
Tel (509) 925-6916

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James Carmody
Meyer, Fluegge & Tenney, P.S.
230 S. Second Street
P.O. Box 22680
Yakima, WA 98907

☒ BY U.S. MAIL **[1 copy]**
☐ BY HAND DELIVERY
☐ BY OVERNIGHT DELIVERY
☒ BY EMAIL: carmody@mftlaw.com

I certify, or declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Ellensburg, Washington this 8th day of May, 2015.

Heather L. Hazlett
Legal Assistant to Jeff Slothower

Jeff Slothower
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P
Attorneys at Law
PO Box 1088/201 West 7th Avenue
Ellensburg, WA 98926
Direct Fax No. (509) 343-3206
Tel (509) 925-6916

Jeff Watson

From: Andrew Kottkamp <andy@wenatcheelaw.com>
Sent: Wednesday, April 29, 2015 11:12 AM
To: Jeff Watson
Cc: 'James Carmody'; 'Jeff Slothower'; Doc Hansen
Subject: RE: LP-07-00040 Big Buck Ridge Plat

Jeff
Preparation of the record and preservation of the record is for your department. I will identify the record in my recommended decision.

Andrew Kottkamp
Kottkamp & Yedinak P.L.L.C.
435 Orondo Ave.
P.O. Box 1667
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From: Jeff Watson [mailto:jeff.watson@co.kittitas.wa.us]
Sent: Wednesday, April 29, 2015 11:01 AM
To: 'Andrew Kottkamp'
Cc: 'James Carmody'; 'Jeff Slothower'; Doc Hansen
Subject: RE: LP-07-00040 Big Buck Ridge Plat

Thank you; I will .pdf this and add it to the on-line file. I have added the Planning Official to this correspondence. Mr. Slothower was inquiring as to the status of the "record" at this point (should that correspondence be added as well?). As this is only my 2nd or 3rd project before you I am not sure of protocol for this extended process. Should I assemble the record to this point (re-index, add exhibits, sign in sheets and the like…) or is that part of your territory? Happy to do it; just not sure what needs to be done when, and by who.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us

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Jeff Watson

From: James Carmody <Carmody@mftlaw.com>
Sent: Thursday, April 30, 2015 4:02 AM
To: Andrew Kottkamp; Jeff Watson
Cc: 'Jeff Slothower'
Subject: RE: LP-07-00040 Big Buck Ridge Plat

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for the confirmation regarding post-hearing issues. I also appreciate the clarification of the record. Will the County be preparing an updated exhibit list so we have correct exhibit numbers to reference in the post-hearing brief. That would be helpful. Jamie

James C. Carmody
Meyer, Fluegge & Tenney, PS
230 S. 2nd Street
Yakima, WA 98901
Phone: 509/575-8500
Fax: 509/575-4676

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From: Andrew Kottkamp [mailto:andy@wenatcheelaw.com]
Sent: Wednesday, April 29, 2015 10:42 AM
To: 'Jeff Watson'
Cc: James Carmody; 'Jeff Slothower'
Subject: RE: LP-07-00040 Big Buck Ridge Plat

Jeff
I don't talk to the media about a specific case while a decision is pending (or even after for that matter).
Briefs are due by the 15th and my recommended decision will be made by the 29th.
The record is open only for legal briefing by the County, the Applicant and Mr. Carmody on behalf of his clients on the general issue of vesting. I was a big long winded in talking about what I would like to see. But it is not just limited to the question of what is a project action. It also includes what constitutes "vesting" as a matter of law (or what constitutes a complete application as a matter of law) when no letter of complete application is issued. I indicated I was interested in the legal effect of the lack of a letter of complete application in 2007, and the impact of it being issued in 2015. I indicated I was interested in the legal effect of the February 9, 2010 letter from the county to the applicant advising that the application would be deemed withdrawn if the TIA was not submitted April 10, 2010, and then the TIA was not submitted by that date but the application continued to be processed by the County. I also expressed an interest in the legal impact of the original SEPA checklist submitted 6-19-2007 that

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509-933-8274

From: Andrew Kottkamp [mailto:andy@wenatcheelaw.com]
Sent: Wednesday, April 29, 2015 10:42 AM
To: Jeff Watson
Cc: 'James Carmody'; 'Jeff Slothower'
Subject: RE: LP-07-00040 Big Buck Ridge Plat

Jeff
I don't talk to the media about a specific case while a decision is pending (or even after for that matter).
Briefs are due by the 15th and my recommended decision will be made by the 29th.
The record is open only for legal briefing by the County, the Applicant and Mr. Carmody on behalf of his clients on the general issue of vesting. I was a big long winded in talking about what I would like to see. But it is not just limited to the question of what is a project action. It also includes what constitutes "vesting" as a matter of law (or what constitutes a complete application as a matter of law) when no letter of complete application is issued. I indicated I was interested in the legal effect of the lack of a letter of complete application in 2007, and the impact of it being issued in 2015. I indicated I was interested in the legal effect of the February 9, 2010 letter from the county to the applicant advising that the application would be deemed withdrawn if the TIA was not submitted April 10, 2010, and then the TIA was not submitted by that date but the application continued to be processed by the County. I also expressed an interest in the legal impact of the original SEPA checklist submitted 6-19-2007 that mentions nothing of potential traffic impacts although the rezone ordinance applying to this property made note of traffic impacts supporting the requirement of a TIA at time of project action. And then the related legal impact of the optional DNS process noticed 2-9-2015 and the MDNS issued 3-25-2015. Finally I was interested in the legal authority of the County to set a "de facto" date of complete application almost 9 years before the date the application was noticed to the public.

See, once again I was a bit long winded but I hope this helps everyone. This letter should be made a part of the record as exhibit 86.

Andy

Andrew Kottkamp
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From: Jeff Watson [mailto:jeff.watson@co.kittitas.wa.us]
Sent: Wednesday, April 29, 2015 10:11 AM

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To: Andrew Kottkamp (andy@wenatcheelaw.com) (andy@wenatcheelaw.com)
Subject: LP-07-00040 Big Buck Ridge Plat

LP-07-00040 Big Buck Ridge Plat

Just wanted to confirm a couple of things from my notes for the newspaper RE above:

Briefs are due on May 15th; and
Only the County, the Applicant, and Mr. Carmody may submit; and
They must be specific to this question of what a "project action" is and how it relates to a complete application/SEPA for vesting; and
You render a recommendation on the 29th; and
The record is closed for general comments; and
There will not be another hearing/meeting

Thanks… side note; would you prefer we work with press/media types or…?

Jeffrey A. Watson
Planner II
Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

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Jeff Watson

From: Jeff Watson <jeff.watson@co.kittitas.wa.us>
Sent: Wednesday, April 29, 2015 8:58 AM
To: Jeff Slothower
Subject: RE: LP-07-00040 Big Buck Ridge

This is the record that was submitted to the HE a week prior to the hearing as part of the packet for his review. I have not assembled the documentation submitted since that time. I am not aware of any missing documents, but I like you, was not involved with the application until recently. I have done my best to amalgamate the substantive hard copy and digital records related to the file from a variety of sources. If something was inadvertently overlooked I will do my best to rectify and clarify.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: Jeff Slothower [mailto:Jslothower@lwhsd.com]
Sent: Wednesday, April 29, 2015 7:22 AM
To: Jeff Watson
Cc: Doc Hansen
Subject: RE: LP-07-00040 Big Buck Ridge

Jeff

I am confused by this file. There were items admitted into the hearings examiner record that are not here including my letter with exhibits. It also appears that some documents that are on the CDS website for this application are not included in the pdf referred to below. Can you clarify what this is and whether it is the entire record.

Jeff

Jeff Slothower, Attorney at Law
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
P.O. Box 1088
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From: Jeff Watson [mailto:jeff.watson@co.kittitas.wa.us]
Sent: Tuesday, April 28, 2015 1:35 PM
To: Jeff Slothower
Cc: Doc Hansen
Subject: LP-07-00040 Big Buck Ridge

LP-07-00040 Big Buck Ridge

1. The following files will be available until 5/5/2015:
    1. LP-07-00040 Big Buck Ridge HE Record.pdf

The above link will pull down the record as submitted to the Hearings Examiner; which contains, to the best of my knowledge, all substantive communication RE: the application. Attached are items 14 & 15 as requested.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: Jeff Slothower [mailto:Jslothower@lwhsd.com]
Sent: Tuesday, April 28, 2015 12:21 PM
To: Jeff Watson
Cc: 'Wayne Nelsen'
Subject: RE: Andrus

Jeff

I haven't seen a response to this email yet. Can you please provide the two documents referenced below

Thanks

Jeff

Jeff Slothower, Attorney at Law
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
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From: Jeff Slothower
Sent: Friday, April 24, 2015 3:18 PM
To: Jeff Watson (jeff.watson@co.kittitas.wa.us)
Cc: Wayne Nelsen
Subject: Andrus

Jeff

Can you send me the letters/documents that are identified as index numbers 14 and 15?

Also I note that it isn't until the comment letters from this spring that you have included emails in the record. My understanding is that Ms. Andrus and Mr. Nelson communicated with Mr. Valoff and other members of KCDS by email. Where are those emails?

Thanks

Jeff

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State of Washington, County of Kittitas, ss: Pam Shuart being first duly sworn on oath, deposes and says: That she is the Advertising Manager of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the County in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a newspaper in Ellensburg, Kittitas County, Washington, and it is now and during all of said time printed in an true copy of

KC COMMUNITY DEVELOPMENT SERVICES

NOTICE OF PUBLIC HEARING

is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 1 consecutive week(s), commencing on the following days.

04/16/2015

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of $75.16 the rate of $8.6 per column inch for each insertion.

Pam Shuart

Subscribed to me this 17th day of April in the year of 2015

Patsy A Tenney

PATSY A TENNEY
Notary Public in and for
The State of Washington
Residing at Ellensburg,
Washington (SEAL)

Notary Public
State of Washington
PATSY A TENNEY
My Appointment Expires Aug 26, 2

Notice of Public Hearing
Big Buck Ridge Plat
(LP-07-00040)

NOTICE IS HEREBY given that a hearing on the above application before the Kittitas County Hearing Examiner has been scheduled for **April 23, 2015 at 6:00 p.m.** in the Kittitas County Courthouse Auditorium, Room 108, 205 W 5th Avenue, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony and written comments will be taken. The project application and related documents may be viewed at the address below prior to the hearing. Interested persons are encouraged to verify prior to attending.

Wayne Nelson, agent for property owner Becky Andrus, landowner, submitted a preliminary plat application to subdivide approximately 25 acres into 14 single-family residential lots. Final plat approval and building permits will be required. The subject property is comprised of two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum, (outside the city limits) at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20 15 26010 0010 and 20 15 26010 0009. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926 or on line at:

http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Long Plats

Staff Planner: Jeff Watson.

Publish Daily Record: April 16, 2015
Publish NKC Tribune: April 16, 2015

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Kittitas County Hearing Examiner

SIGN IN SHEET – Date: 4/23/15

Project Name & File Number(s): _____

This public hearing is an opportunity for citizens to express their views to the Hearing Examiner for consideration in his decision-making process. If you wish to speak, please PRINT your name and address clearly below. When you approach the podium:

- Step to the microphone and give your name and address.
- State if you are representing yourself or someone else.
- If other speakers have made the same point, simply indicate your support or disagreement unless you have new information.

PLEASE PRINT CLEARLY

NAME	ADDRESS
Kay Muhlbeier	21403 SE 16th pl Sammamish WA
Roiann-Kevin Daly	5626 126TH AVE SE Bellevue, WA. 98006
Shirley J Person	680 Lambert Rd Cle Elum WA 98922
BRUCE J. HIGGS	24915-183RD PL SE, COVINGTON, WA 98042
JOE SKVARLA	5026 42ND Ave SW, Seattle, WA 98136
KENNETH D. MCKIM	5046 42nd Ave S.W. SEATTLE WA 98136
MIKE GLAIN	8040 S. 117TH ST. SEATTLE, WA. 98178
Wayne Nelson	16706 19th Pl NE Woodinville, WA 98072
Don Queens	2275 Lower Peoh Pl Cle Elum, Wa 98922
Dana Queens	203 N. PEOH AVE CLE ELUM, WA 98922
Doug Queens	203 N Peoh ave Cle Elum wa 98922
Deidre Link	1001 S Chestnut St #423 Ellensburg 98926

KITTITAS COUNTY HEARING EXAMINER
Andrew L. Kottkamp, Hearing Examiner

REGULAR SCHEDULED MEETING AGENDA

Thursday, April 23, 2015 @ 6:00PM
KITTITAS COUNTY COURTHOUSE, COMMISSIONERS' AUDITORIUM ROOM 109
205 WEST 5TH AVENUE, ELLENSBURG, WA 98926

Procedure for Participation – Please Sign in Legibly – When Recognized:

- State your name, address and whether you are representing only yourself or others. All remarks/comments should be addressed to the Hearing Examiner and not to the audience. Questions should be addressed to the Hearing Examiner.
- Please limit Applicant Presentation to fifteen (15) minutes; Public Testimony to three (3) minutes.
- Submit all written comments or other media to the Hearing Examiner as an exhibit for the permanent record.

I. CALL TO ORDER

II. ADMINISTRATIVE MATTERS

III. OLD BUSINESS - None

IV. NEW BUSINESS –

a. Big Buck Ridge Performance Based Cluster Plat LP-07-00040

Wayne Nelson authorized agent for Becky Andrus, landowner, has submitted a performance based cluster plat application to create 14 one acre parcels and approximately eleven acres of open space. The subject property's zoning is vested as Residential 3. The proposed plat is on 2 parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20 15 26010 0010 and 20 15 26010 0009.

V. OTHER BUSINESS – None

VI. ADJOURN

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"

STAFF REPORT
BIG BUCK RIDGE PRELIMINARY PLAT
LP-07-00040

TO:	Kittitas County Hearing Examiner
FROM:	Kittitas County Community Development Services Staff
RE:	Big Buck Ridge Preliminary Performance Based Cluster Plat (LP-07-00040) **REVISED CONDITIONS OF APPROVAL**
DATE:	April 23, 2013

Suggested Conditions of Approval:

1) The project shall proceed in substantial conformance with the plans and application materials on file dated June 20, 2007 except as amended by the conditions herein.

2) A certificate of title of the property proposed to be platted shall be submitted with the final plat.

3) A note shall be placed on the final plat stating that any construction within areas of 33% or greater slope will require geotechnical engineering per IRC R403.7.7 and/or IRC 1805.3.1 or current adopted code.

4) The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

5) All current and future landowners must comply with the International Fire Code.

6) It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.

7) Computer sheets shall be submitted with the final plat showing the closure of plat boundaries, blocks, lots or any tract. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.

8) Individual onsite sewage systems will need to meet Kittitas County code requirements.

9) According to the Public Health Department, final plat approval will be conditioned upon:
   a) written findings of adequacy of potable water supplies;
   b) a well site inspection performed by KCPHD staff and the well drilled;
   c) completion and submission of a Group B Public water system to the Washington State Department of Health (WSDOH);
   d) a contract with an approved Kittitas County Satellite Management Agency;
   e) the construction or bonding of all infrastructure including the well house and storage tanks;
   f) issuance of a public water system ID number from WSDOH;

10) The Final Plat shall meet all requirements as listed in Chapter 16.20 of the Subdivision Code, as follows:
   a) The final plat shall be drawn on polyester film in a neat and legible manner.
   b) The final plat shall be drawn to such a scale as to make a sheet eighteen inches by twenty-four inches. Should this size sheet unduly congest the drawing, the plat may be submitted on two or more sheets of the above dimensions. The perimeter of the subdivision shall be depicted with heavier lines than appear elsewhere on the plat. A marginal line shall be drawn completely around each sheet, leaving an entirely

blank margin of one inch on the sides. The scale shall be one (1) inch equals two hundred (200) feet, or greater, unless otherwise approved by the director.

c) All lettering shall be printed with permanent ink.

d) Each sheet of the final plat shall contain the subdivisions name at the top of the sheet in large letters followed underneath with the section, township, range, county and state. The space for recording the receiving number is in the upper right hand corner, sheet numbers at the bottom of the sheets.

e) It shall show all courses and distances necessary to re-stake any portion of said plat.

f) Required monuments shall be shown together with a legend of monuments on the face of each plat sheet. (Ord. 2005-31, 2005)

(a)

16.20.040 Plat Drawing

g) Section Data. All section, township, municipal and county lines lying within or adjacent to the subdivision;

h) Tie Monuments. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries;

i) Plat Monuments. The location of all permanent control monuments found or established within the subdivision;

j) Boundaries. The boundary of the subdivision, with complete bearings and lineal dimensions in heavier lines;

k) Bearing and Distances. The length and bearings of all straight lines, the radii, arcs, and central angles of all curves;

l) Lot Dimensions. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field;

m) Road Names. The location, width, centerline, and name or names or number of all streets within and adjoining the subdivision;

n) Easements. The location and width, shown with broken lines, and description of all easements. Easements may be described in the plat restrictions in lieu of being shown on the plat drawings;

o) Lot Numbers. Numbers assigned to all lots and blocks within the subdivision;

p) Adjacent Owners. Names of owners of land adjacent to the subdivision, and the names of any adjacent subdivisions;

q) Surrounding Area. All surrounding property shall be shown in dotted lines and letters with names of plats, roads, adjoining lots, canals, and etc., and if un-platted shall be so indicated;

r) Vicinity Maps. A vicinity map showing the boundary of the plat in relation to the surrounding area such as adjacent subdivisions, rivers, creeks, roads or highways, canals, etc. Minimum area shown would be the section or sections containing the platted area with a scale of approximately 4" = 1 mile;

s) Contours. Contour lines are not shown on a final plat as required on the preliminary plat;

t) Miscellaneous Items. North arrow, scale and legend of monuments to be shown on open area of sheets;

u) Grid Coordinates. A tie shall be made and shown on the plat if plat is within one mile of any such monument.

v) Well location. The drawings shall be marked with a "w" indicating location of the well and a broken line showing the one hundred foot radius around such.

w) Ditches. Location of existing ditches apparent or of record. (Ord. 2005-31, 2005)

11) 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 build ing 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.

12) 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 prior to the issuance of a building permit for any of the structures within the proposed plat.

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13) Stormwater: On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit.

14) Grading Permit: A grading permit shall be required prior to beginning any site work. See KCC 14.05 for more information.

15) Second Access: A second access will be required as clarified by the Board of County Commissioners on April 2, 2007. The BOCC clarified KCRS 12.01.095(2) with the following requirements: 1) If the second access.is-restricted to emergency access only, it must meet or exceed the following requirements: 60' easement, 20' roadway width, BST/ACP surface, and a paved apron. Access restrictions such as gates or bollards must be approved by the Fire Marshal; 2) If the second access is to be used for ingress and egress, it must meet the same standards of the first access.

    a) Documentation of a legal easement across the route of the second access will be required prior to final approval. The second access must be constructed and certified by an engineer licensed in the State of Washington prior to issuance of a building permit.

16) Private Road Improvements: Access shall be constructed to meet or exceed the conditions of a Low-Density 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 20', with 1' shoulders, for a total width of 22'..
    b) Minimum centerline radius shall be 60'.
    c) The surface requirement is for a minimum gravel surface depth of 6".
    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.

17) 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.

18) Joint-Use Driveway: A joint-used access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.

    a) Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.

    b) The surface requirement is for a minimum gravel surface depth of 6".

c) Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

d) Any further subdivision or lots to be served by proposed access may result in further access requirements.

19) Single-Use Driveway: A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.

a) The roadway shall be a minimum of 8' wide with gravel surface.

b) Maintenance or driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

c) Any further subdivision or lots to be served by proposed access may result in further access requirements.

20) Plat Notes; Plat notes shall reflect the following:

a) Entire private road shall achieve 95% compaction and shall be inspected and certified by a licensed engineer in the State of Washington specifying that the road meets current Kittitas County Road Standards prior to the issuance of building permit for this plat.

b) Entire private road shall be inspected and certified by a civil engineer licensed in the State of Washington specifying that the road meets Kittitas County Road Standards as adopted September 6, 2005, prior to the issuance of a building permit. Any future subdivision or land use action will be reviewed under the most current road standards.

c) Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.

d) Maintenance of the access is the responsibility of the property owners who benefit from its use.

e) An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.

f) Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

g) A public utility easement 10 feet in width is reserved along all lot lines. The 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation.

21) Plat Approvals: All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

i) EXAMINED AND APPROVED

ii) This ____ day of _____, A.D., 20__.

iii) _____

iv) Kittitas County Engineer

22) Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

23) Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.

24) 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.

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25) Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.

26) 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.

27) A burn permit must be obtained from Ecology if the proponent plans to burn trees or debris from the property. Only natural, unprocessed vegetation may be burned in an outdoor fire.

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

29) A plat note discussing the spread of noxious weeds shall be shown on the plat and shall read: "Per RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds, accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeding of areas disturbed by development to preclude the proliferation of noxious weeds."

30) All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.

31) Both sheets shall reflect the Plat number: LP-07-00040.

32) An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required for this project. 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.

33) This NPDES Construction Stormwater General 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.

34) No water right records associated with this property were found in the Central Regional Office. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

    a) On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development because in combination, the withdrawal will exceed the exemption criteria.

35) An internal looped trail shall be bonded for or constructed in conjunction with the plat infrastructure. It shall run parallel with, but in addition to, the entire length of the private road servicing the plat to the 10 foot easement depicted on the west lot line of lot 8; then north across the .41 acre open space tract where it will connect with the 10 foot trail easement along the north and west lot lines of lot 1 to the 1.50 acre open space tract; then north and east back to the private road easement. This active recreation trail shall be constructed of an approved hard surface to accommodate wheeled traffic and utilize standards in conformance with the ICC

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A117.1-2009 manual for accessible and usable buildings and facilities.

36) Open space tracts shall be labeled with a unique identifier.

37) The face of the plat will depict accurate calculations for open space tracts which do not include areas covered by road easement or driveway, well head protection areas, utility right of way, critical area or region encumbered by other federal, state, or local jurisdiction (as per ordinance 2007-22).

38) The open space tracts shall be:

a) owned in a proportionate and un-severable manner as tenants in common by each lot owner; and

b) assessed, taxed, and foreclosed upon each building lot.

39) This property falls within the Wildland Urban Interface area classified as IR1. IR1 classification requires that all residences be provided with residential sprinkler systems. Additionally, the exterior building construction materials must be non-combustible, eaves and soffits must be enclosed, and defensible space must be provided around each structure a minimum of 150'.

40) Approved water storage of 15,000 gallons, with a private fire hydrant system shall be installed.

41) Water storage and hydrant spacing shall comply with the International Fire Code.

42) 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.

43) "No Parking-Fire Lane" signs must be posted per Fire Marshal requirements on any cul-de-sacs.

44) All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2012 International Fire and Building Codes.

45) A separate permit is required for any private water storage or hydrant system. The tank and hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.

46) Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on December 21, 2012. The following are the mitigation contained within the MDNS and shall be conditions of approval:

Water and Septic

1. The proposed plat is located within the upper county as defined in WAC 173-539A-090; the proposed group B water system shall be developed in complete compliance with the regulations and requirements of WAC 173-539A. The development will need to:

    a. Have well site inspections.

    b. Complete and submit a Group B water system workbook.

    c. Contract with a Satellite Management Agency.

    d. Complete or bond for infrastructure.

    e. Obtain WSDOH approval and identification number.

    f. Construct well(s) in accordance with the provisions of WAC 173-160. Wells must be located 100 feet from any known, suspected, or potential source of contamination.

    g. File a well report with the Department of Ecology within thirty (30) days after the completion of the well.

E85

2. On-site sewage systems shall be constructed in accordance with requirements and regulations in Kittitas County Code (KCC) 13.04 at the time of application (6/20/2007).

Transportation

3. KCC 12.12.010(6) requires private roads within the plat to be maintained by a legal entity made up of all benefitted property owners under the provisions of an acceptable and recorded Private Road Maintenance Agreement.
4. All parcels located within this project shall be required to join the existing Private Road Maintenance Agreement which is made up of all the benefitted property owners served by Deer Creek Road and other roadways within Section 23, Township 20 North, Range 15 East.

Stormwater

5. Activities such as road widening, stump pulling and clearing grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.
6. On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented for review to Public Works prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit. Stormwater plans shall be submitted in accordance with KCC 12.06 and 12.08.

Cultural Resources and Historic Preservation

7. Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

Light and Aesthetics

8. A plat note shall be affixed which states: All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

Noise

9. Development and construction practices during building of this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby residential properties.

85

Jeff Watson

From:	Brenda Larsen
Sent:	Thursday, April 23, 2015 3:38 PM
To:	Jeff Watson
Subject:	Big Buck Ridge comment letter
Attachments:	Big Buck Ridge.doc

April 23, 2015

Jeff Watson
Staff Planner
Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: Big Buck Ridge Cluster Plat (LP-07-00040)

Dear Mr. Watson:

Upon review of the above mentioned land use action, I have the following comments/requirements;

- This property falls within the Wildland Urban Interface area classified as IR1. IR1 classification requires that all residences be provided with residential sprinkler systems. Additionally, the exterior building construction materials must be non-combustible, eaves and soffits must be enclosed, and defensible space must be provided around each structure a minimum of 150'.
- Approved water storage of 15,000 gallons, with a private fire hydrant system shall be installed.
- Water storage and hydrant spacing shall comply with the International Fire Code.
- 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 any cul-de-sacs.
- All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2012 International Fire and Building Codes.
- A separate permit is required for any private water storage or hydrant system. The tank and hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.

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

84

Fire Marshal
509-962-7000

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcedac24bb8719d004a14

84

KITTITAS COUNTY FIRE MARSHAL'S OFFICE
411 N. Ruby St., Suite 2, Ellensburg, WA 98926

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

April 23, 2015

Jeff Watson
Staff Planner
Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

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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
Public Health
Department

Memo April 15, 2015

RE: MDNS for Big Buck Ridge LP-07-00040

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 plat approval. Water mitigation must be acquired for each proposed lot per Kittitas County Code Chapter 13. Current Public Health records do not indicate any steps taken by the applicant toward gaining approval for a Group B water system; as is required prior to final plat approval. If a well site inspection and Group B Workbook has been submitted under a different name, please provide Kittitas County Public Health Department with this information.

There is also concern over the existence of an access road within 100 foot radius of the existing well. Public water systems must maintain a 100 foot well protection zone. This concern will be addressed during a well site inspection.

Below are the initial plat comments provided to the applicant by Kittitas County Public Health in February of 2015.

To: Kaycee Hathaway, CDS

From: Holly Myers, Environmental Health Supervisor

Date: 2/10/2015

RE: LP-07-00040 Big Buck Ridge

Thank you for the opportunity to comment on the abovementioned long plat.

The submittal indicates the applicant intends to set up a Group B water system to serve 14 lots. Individual onsite sewage systems will need to meet Kittitas County code requirements.

Prior to receiving **final approval** for long plats in Kittitas County, applicants shall be required to show written findings of the adequacy of potable water supplies. Kittitas County Public Health Department (KCPHD) requires the following as evidence of written findings of a potable water supply:

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

1. **GROUP B PUBLIC WATER SYSTEM**: Applicants shall provide the following for Group B Public Water Systems:
   a. A well site inspection performed by KCPHD staff and the well(s) drilled
   b. 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;
   c. Contract with an approved Kittitas County Satellite Management Agency.

   All infrastructure for the Group B water system including the well 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 plat approval.

507 N. Nanum St. Suite. 102 · Ellensburg, WA 98926
T: 509.962.7515 · F: 509.962.7581
www.co.kittitas.wa.us/health/

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

23 April, 2015
To Mr. Andrew Kottcamp,
Re: Big Buck Ridge Cluster Plat P-07-40
Comments from Melissa Bates

Please accept these comments on the Big Buck Ridge Cluster Plat,

At the time this project was introduced, 14 home Performance Based Cluster Plats were proliferating in this county but not one of them was, in fact, legal. Not only were these often used to illegally circumvent a water right (2002 Campbell-Gwinn), they were also in violation of the JPO between Kittitas County and the WA Dept. of Health regarding Group B systems authorizations.

The 2011 KCCC & Futurewise vs. Kittitas County Supreme Court decision affirmed that these projects were indeed a clear violation of the GMA and Campbell-Gwinn, and not just as applied to 'future' development. Therefore, this project cannot be "grandfathered" under the illegal Kittitas County 2007 regulations.

Fast forward to 1015 -

WATER AVAILABILITY:

As the Hearings Examiner is aware, there are no new appropriations of water anywhere in Kittitas County without mitigation. While mitigation water is currently available for individual homeowners in Kittitas County, there is no water available with which to mitigate larger developments in this particular location:

Yakima Basin Water Banks in Upper Kittitas County:

*__Kittitas County Water Bank__: The water bank operated by Kittitas County is available only individual homes and is ***specifically prohibited from use in subdivisions***. Likewise, cisterns, while allowed in some locations in Kittitas County, are also prohibited for use in developments.

__Suncadia (Lamb and Anderson) Trust Water Right__ –

"Surface water drainage areas where reduction to stream flows due to impacts of water budget neutral determinations have been deemed by Water Transfer Working Group (WTWG) as not constituting a harmful change in stream flow for fish life or fish habitat. ****(NOTE: Hydrogeologic analysis is needed to confirm that impact due to a proposed withdrawal in the area would be to the local surface water feature(s)).***"

However, even IF a there is a professional determination of no impact to local tributaries, the executor of this water bank, Joe Mentor, has been abundantly clear that Suncadia water is available ONLY on a case by case basis for individual residences, and NOT as a mechanism for larger developments outside of Suncadia. Not only would Suncadia oppose their water use, they are actively working on water bills (HB1187 & SB5014) that would also prevent any use of leased water for future development.

Yakima Mitigation Services – Subdivision is not located in a green area of this map. Location of the proposed development would be directly competing with the developer that owns this water bank.

Other water banks on the Ecology Exchange:
The remaining 5 water banks located within Upper Kittitas County only have water available as mitigation below Thorp.

ADDITIONALLY:
The City Heights development, located immediately downslope from the Big Buck Ridge project and adjacent to the City of Cle Elum, will be mitigating their water usage via a private water right transaction*

*DOE Report of Examination Iron Shoeshoe LLC (Forest Ridge) G4-35248 6/5/2009.
This specific water allocation was approved for up to 171 residential unit connections, although 190 connections were requested (Sky Ridge property was added to the place of use). All proposed water use is to be offset by the Northland Water Exchange (not a currently listed Water Bank on the Ecology exchange).

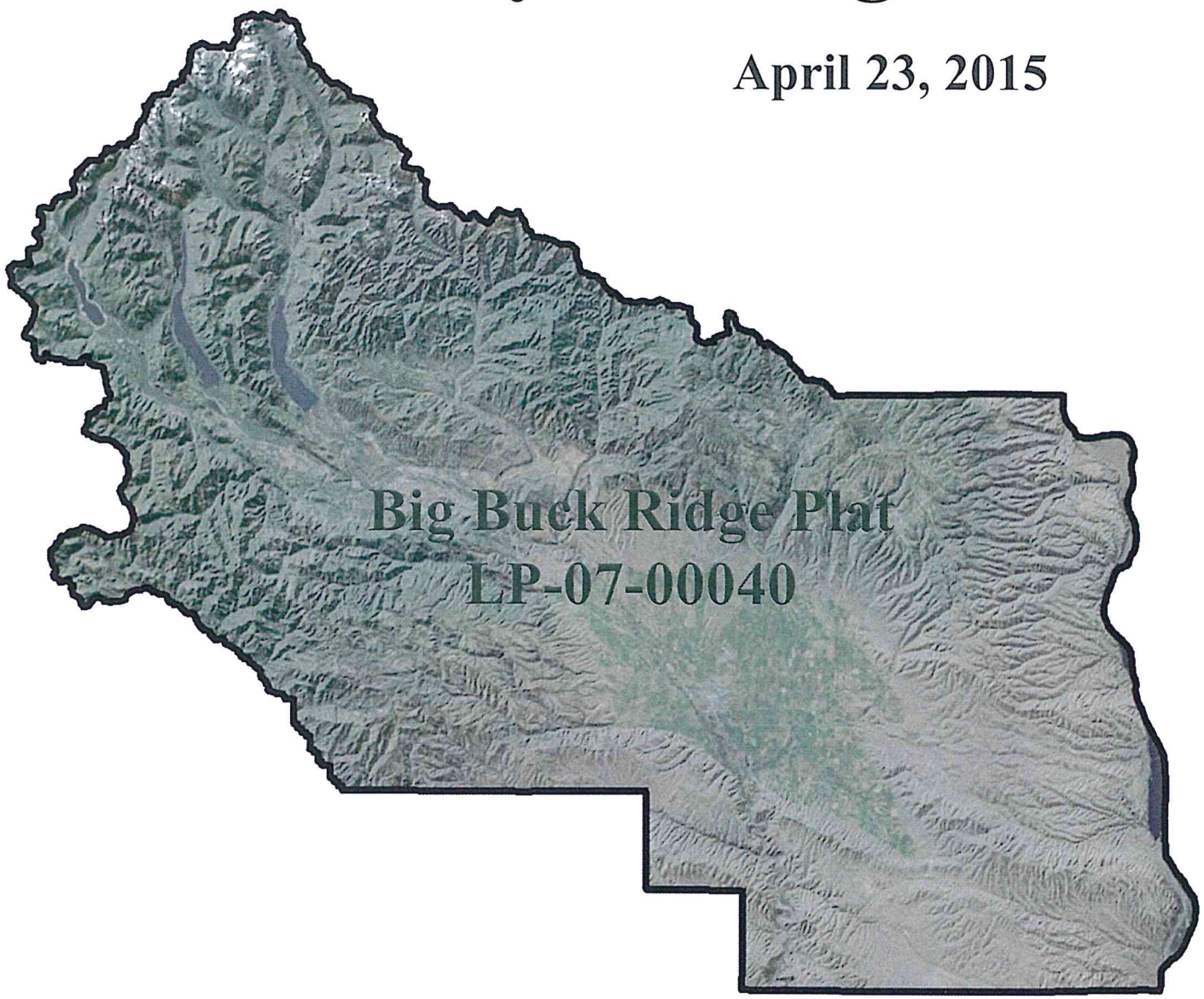
Based on the fact that this proposed development is located in the vicinity of the Steiner and Balmer Canyons, and would be competing for water with the City Heights project (which has not yet created a fully water budget neutral allocation), this project would be intercepting water that does not appear to have mitigation available. Please deny the 2007 project and require any development to satisfactorily address these issues.

Thank you for the opportunity to comment,
Melissa Bates
120 Elk Haven Rd.
Cle Elum, WA 98922

Cc: James Carmody
Jeff Watson, Kittitas County Planner

Kittitas County Hearing Examiner

April 23, 2015

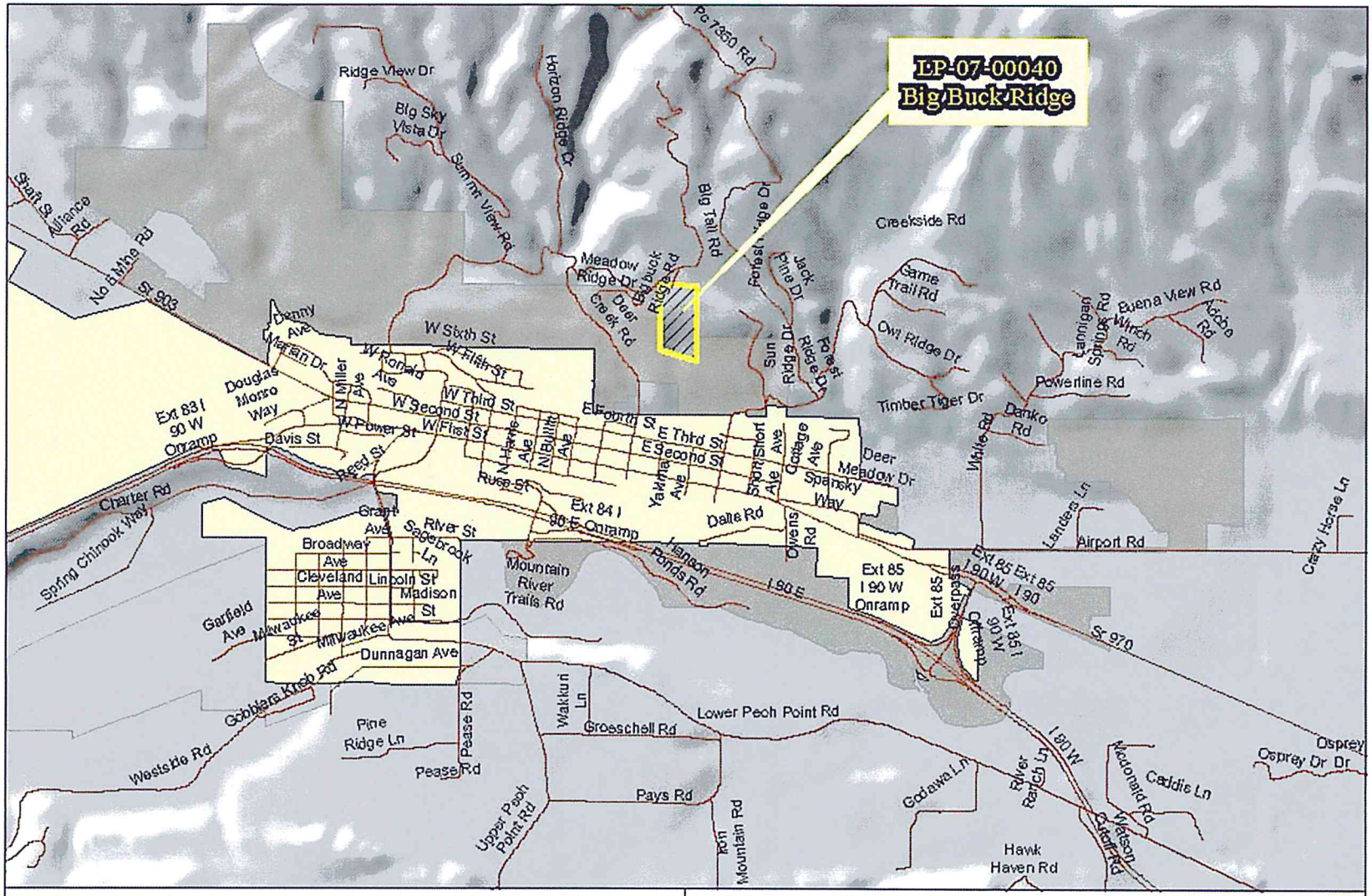


Overview of Proposal

- 14 Lot proposed performance based Cluster Plat
- Application submitted June 20, 2007
- Deemed incomplete July 18, 2007
- Additional information submitted July 23, 2007
- TIA required as part of prior Rezone on August 16, 2007
- TIA submitted February 20, 2013
- Notice of Application issued February 9, 2015
- Comment Period Closed February 24, 2015

Overview of Proposal

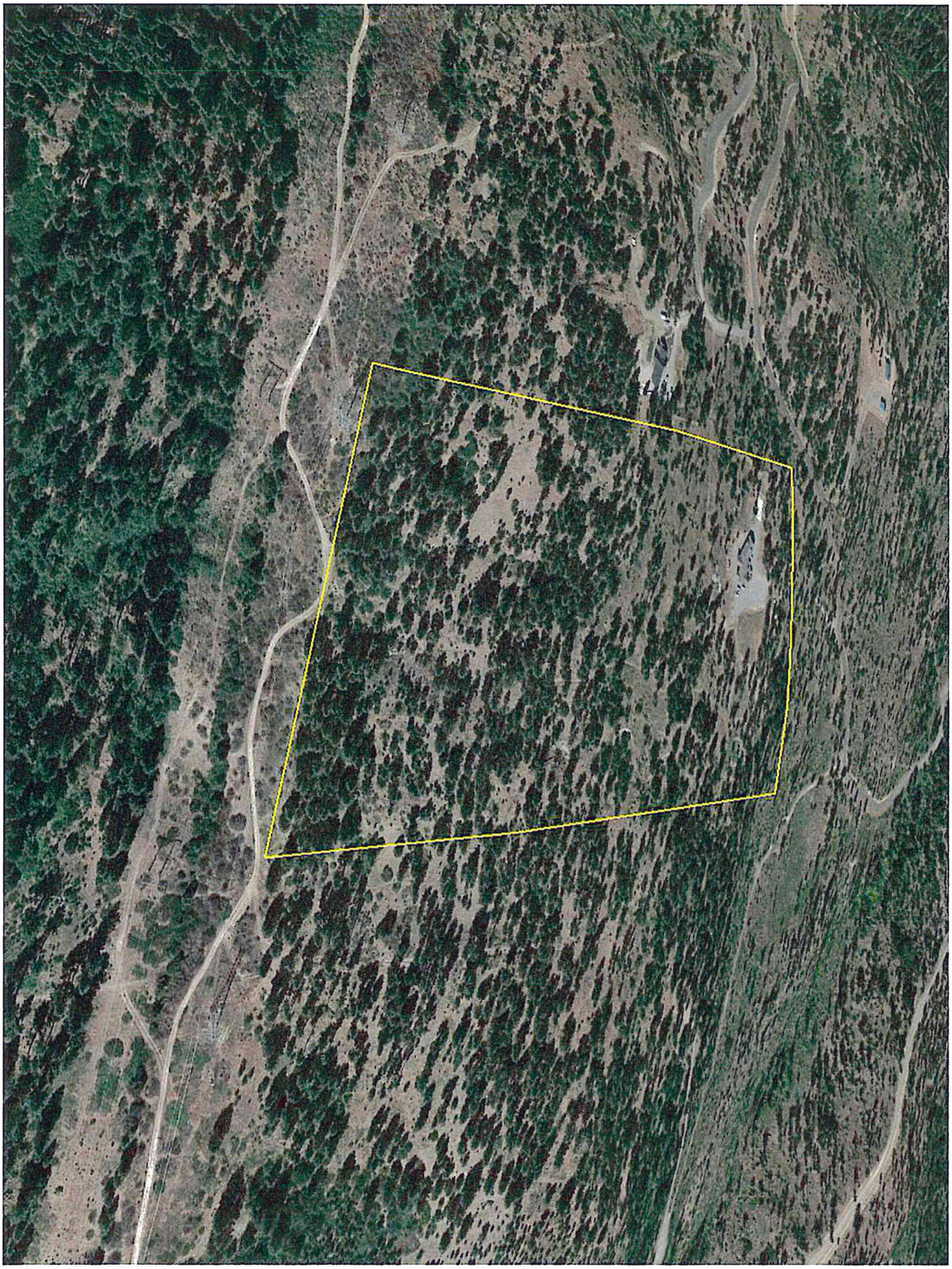
- Land Use vested to Rural
- Zoning Vested to Rural 3
- Deemed incomplete July 18, 2007
- Additional information submitted July 23, 2007
- TIA required as part of prior Rezone on August 16, 2007
- TIA submitted February 20, 2013
- Notice of Application issued February 9, 2015
- Comment Period Closed February 24, 2015

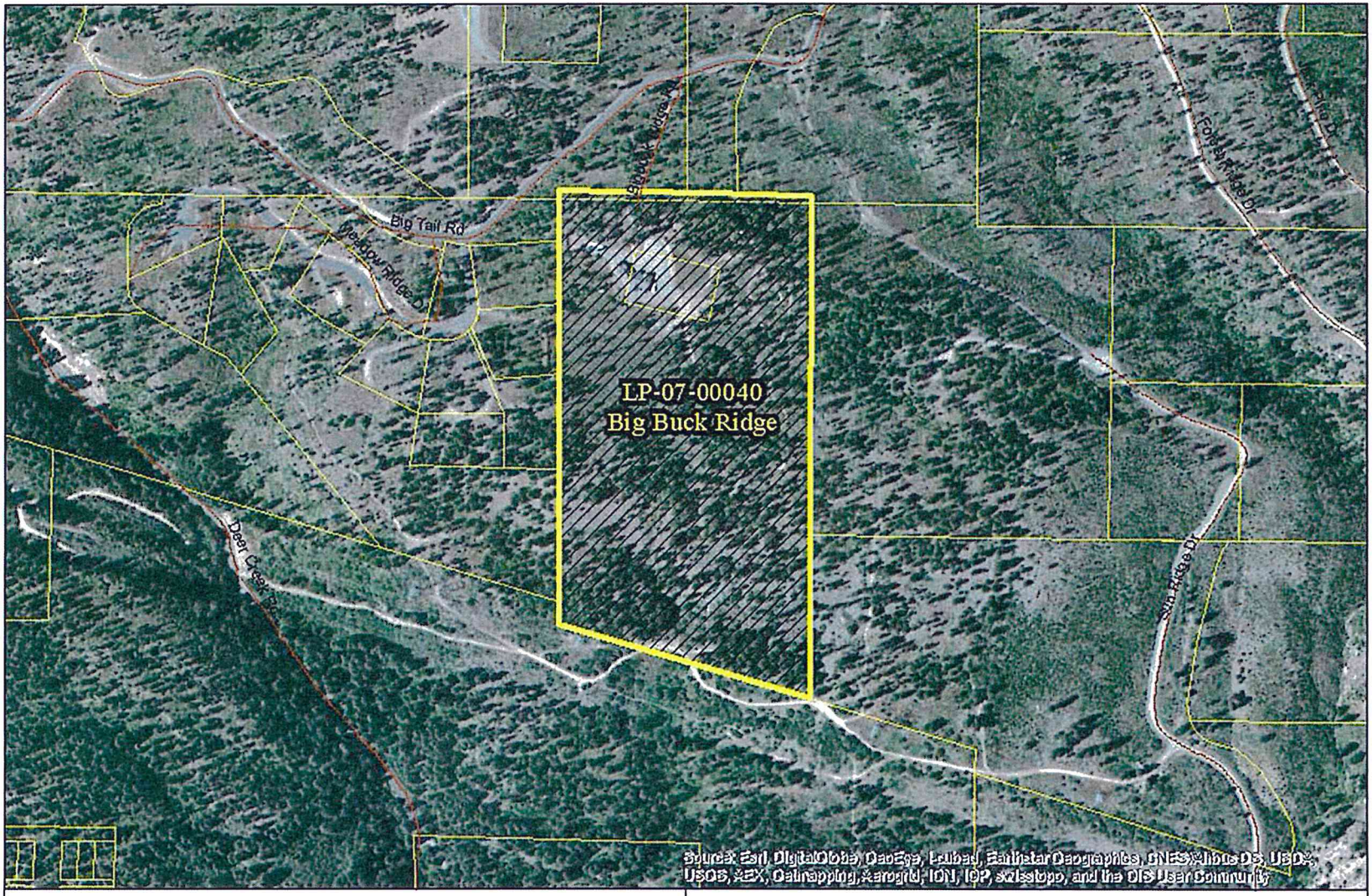


LP-07-00040 Big Buck Ridge	Area Map City Limits (Yellow) and UGA (Brown)

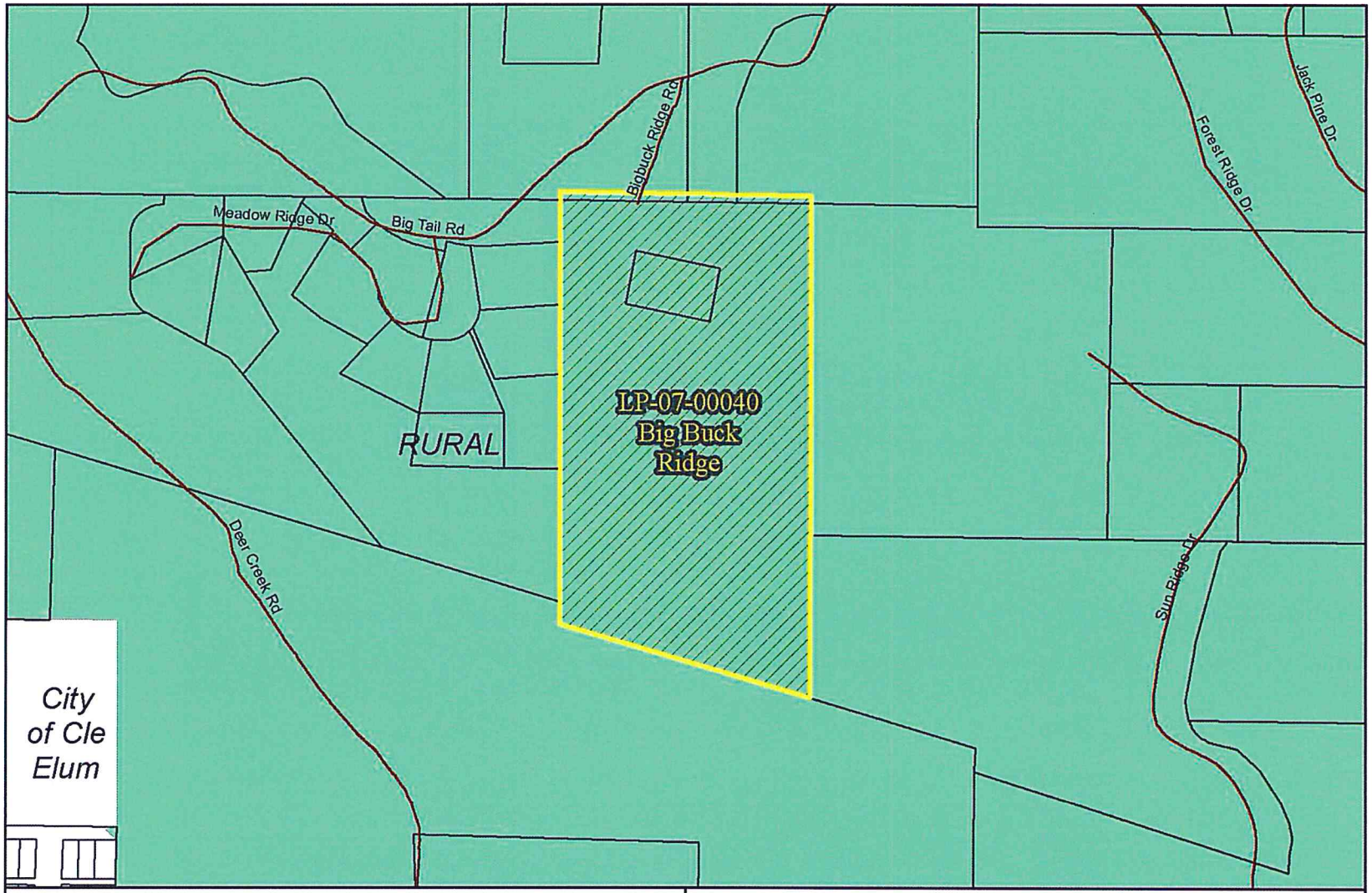
(18)



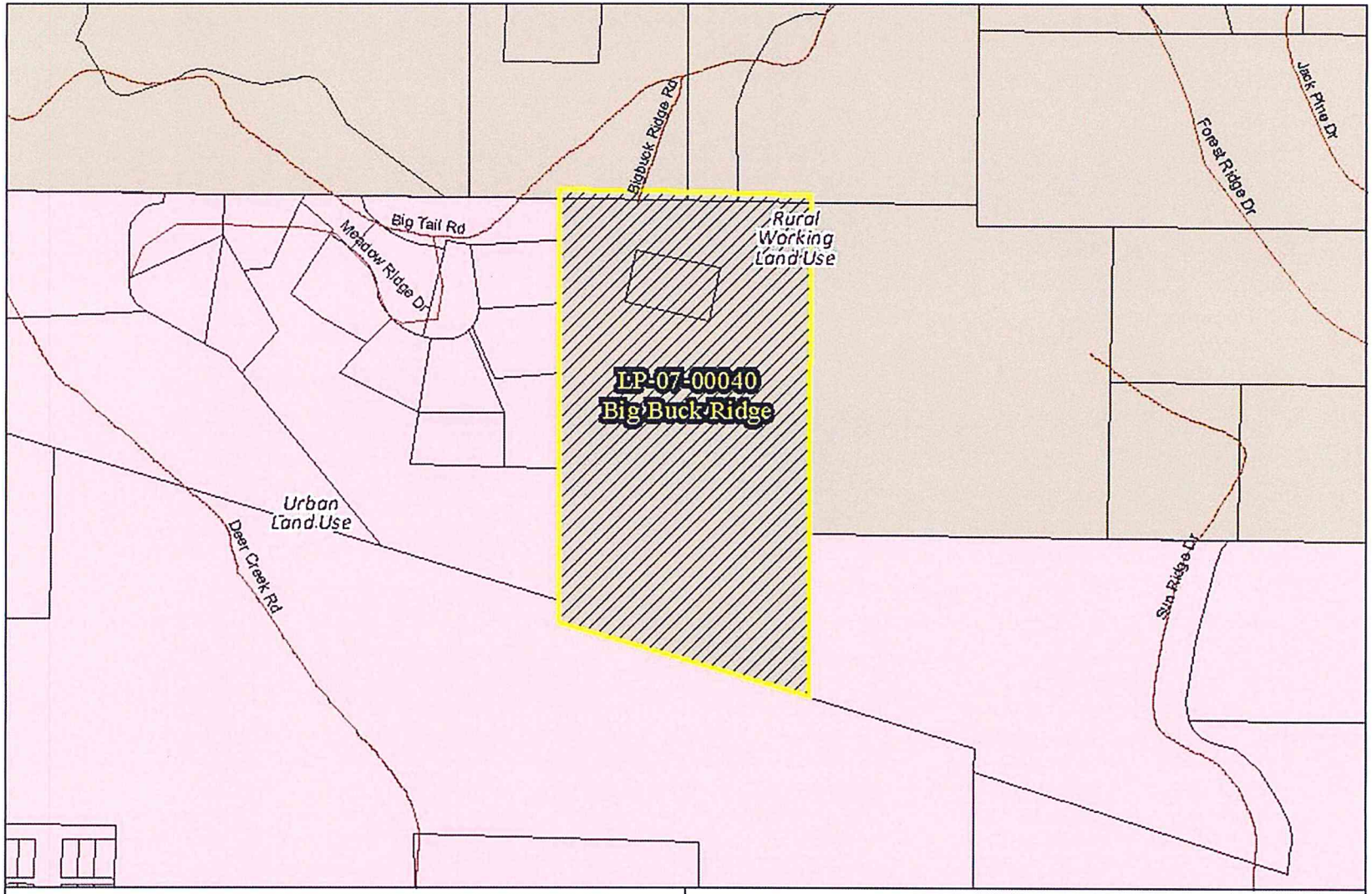




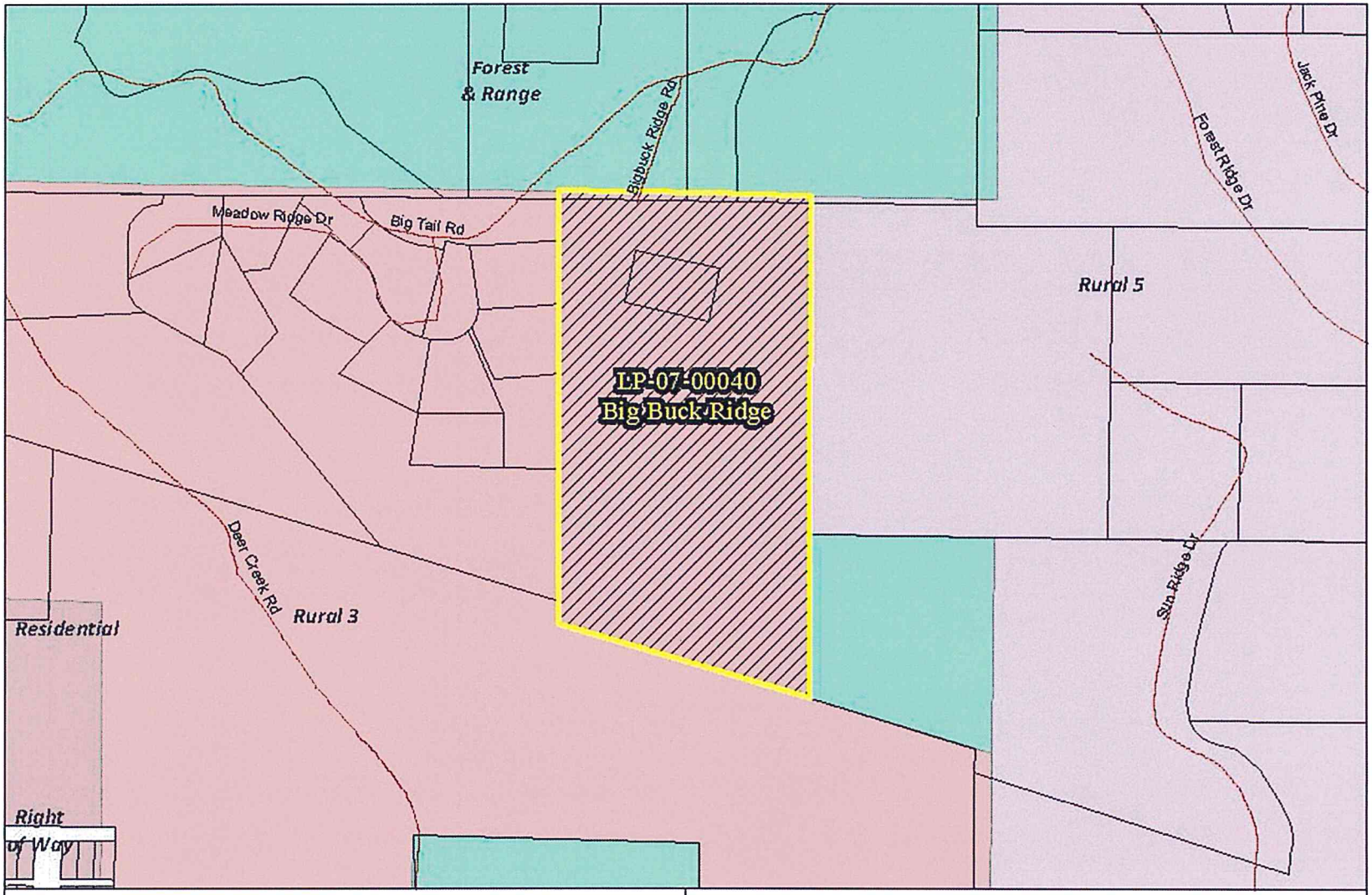
LP-07-00040 Big Buck Ridge	Air Photo Vertical



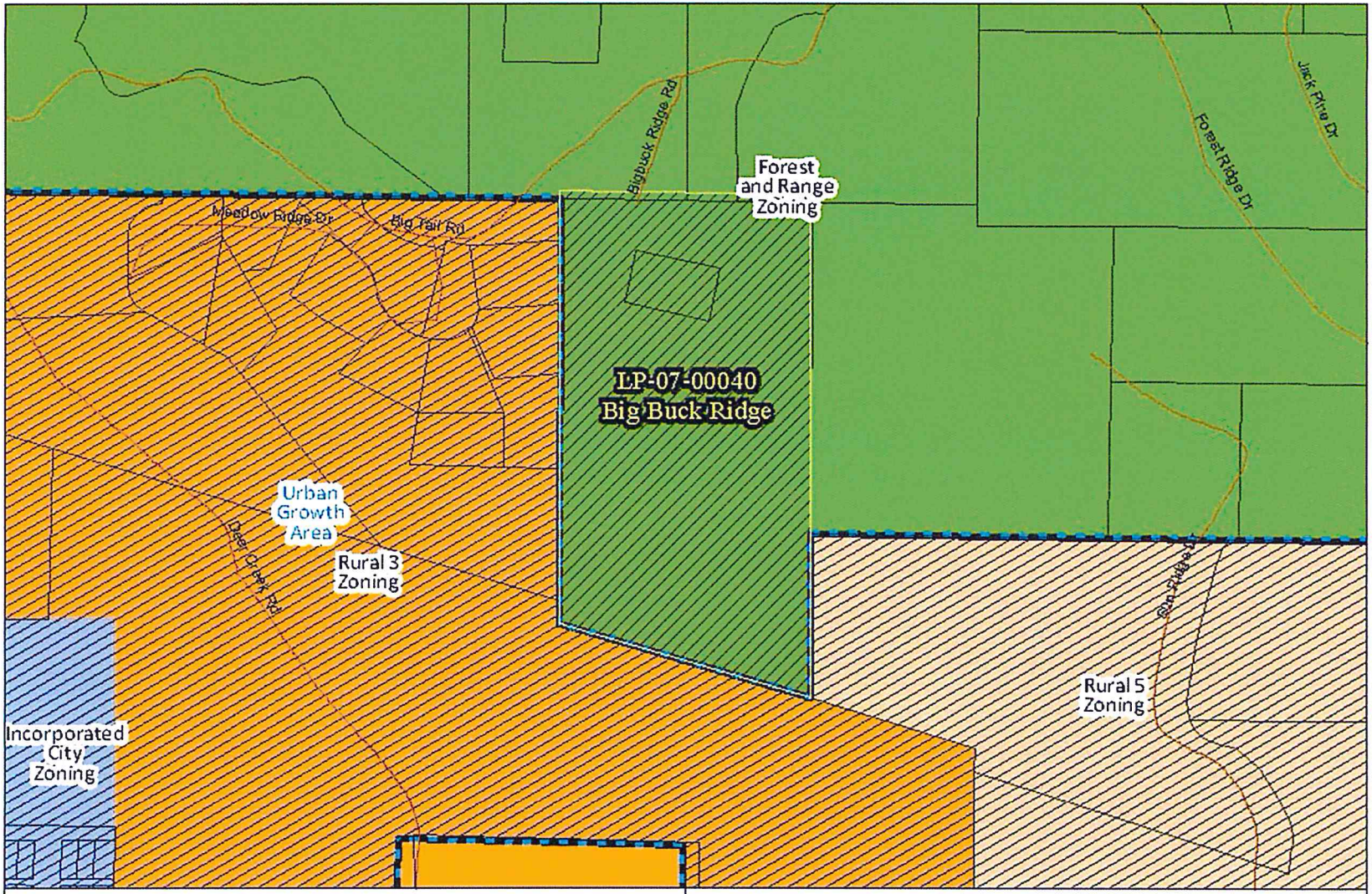
LP-07-00040 Big Buck Ridge	Vested Land Use



LP-07-00040 Big Buck Ridge	Land Use

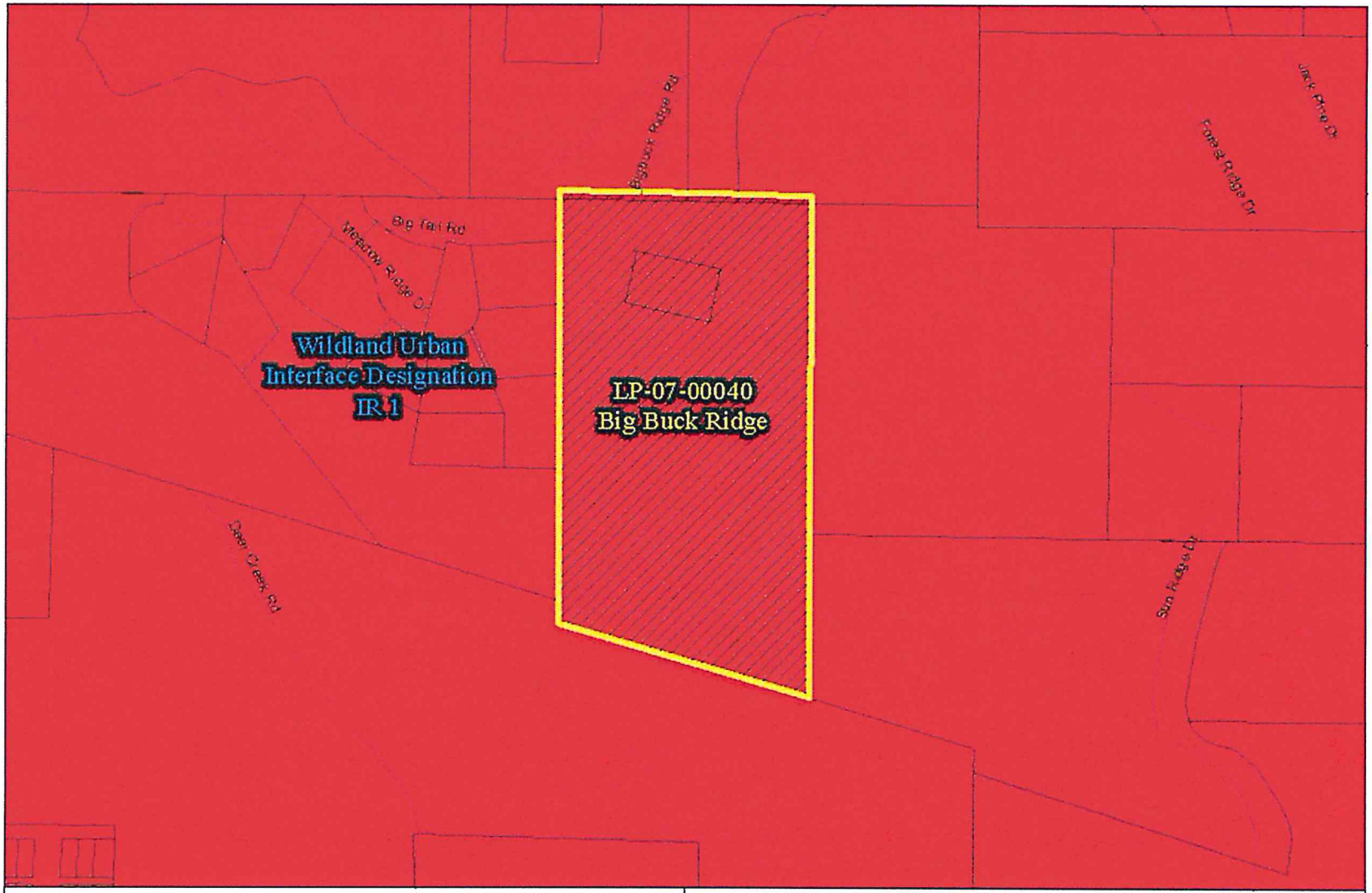


LP-07-00040 Big Buck Ridge	Vested Zoning

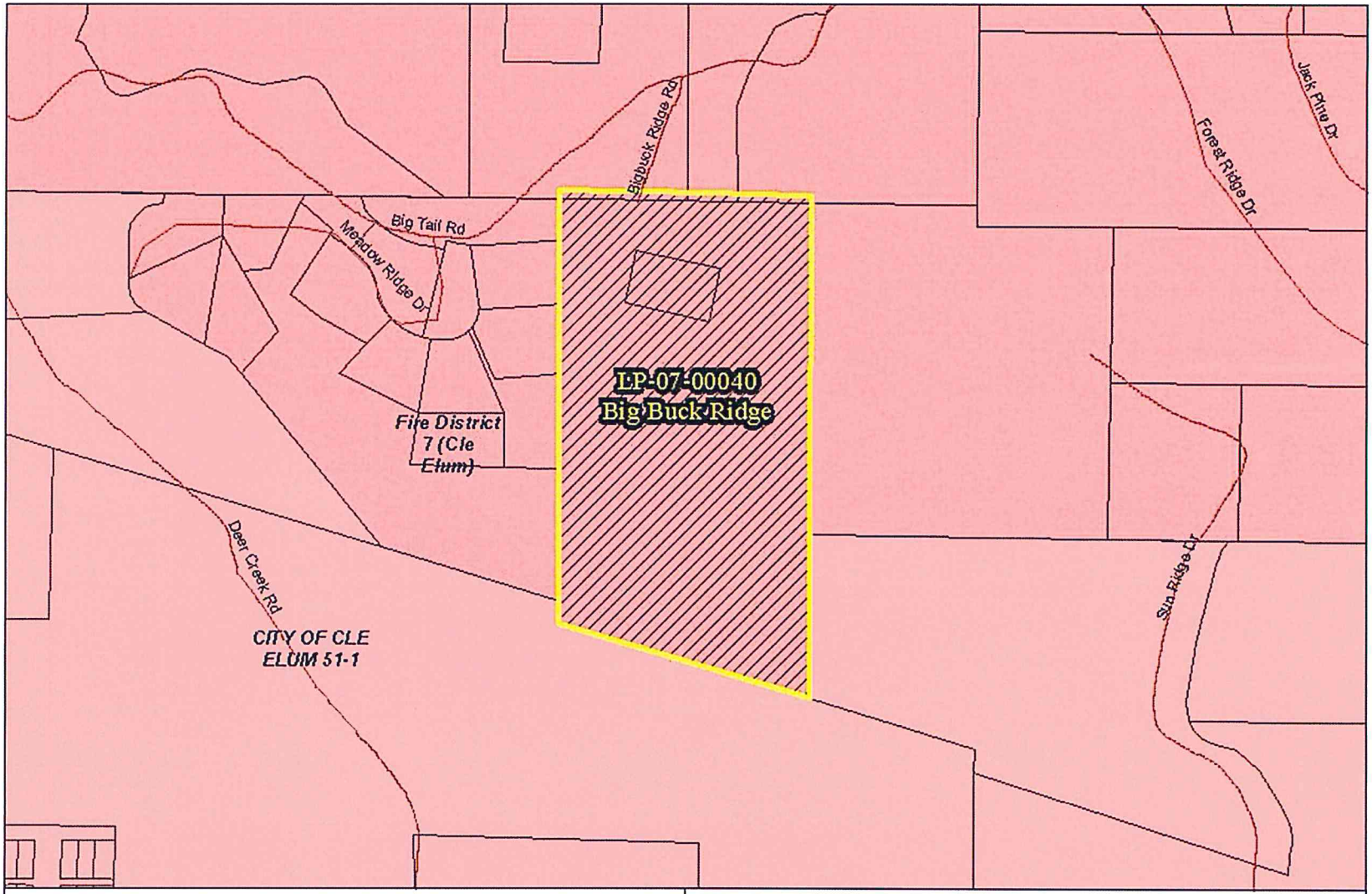


LP-07-00040
Big Buck Ridge

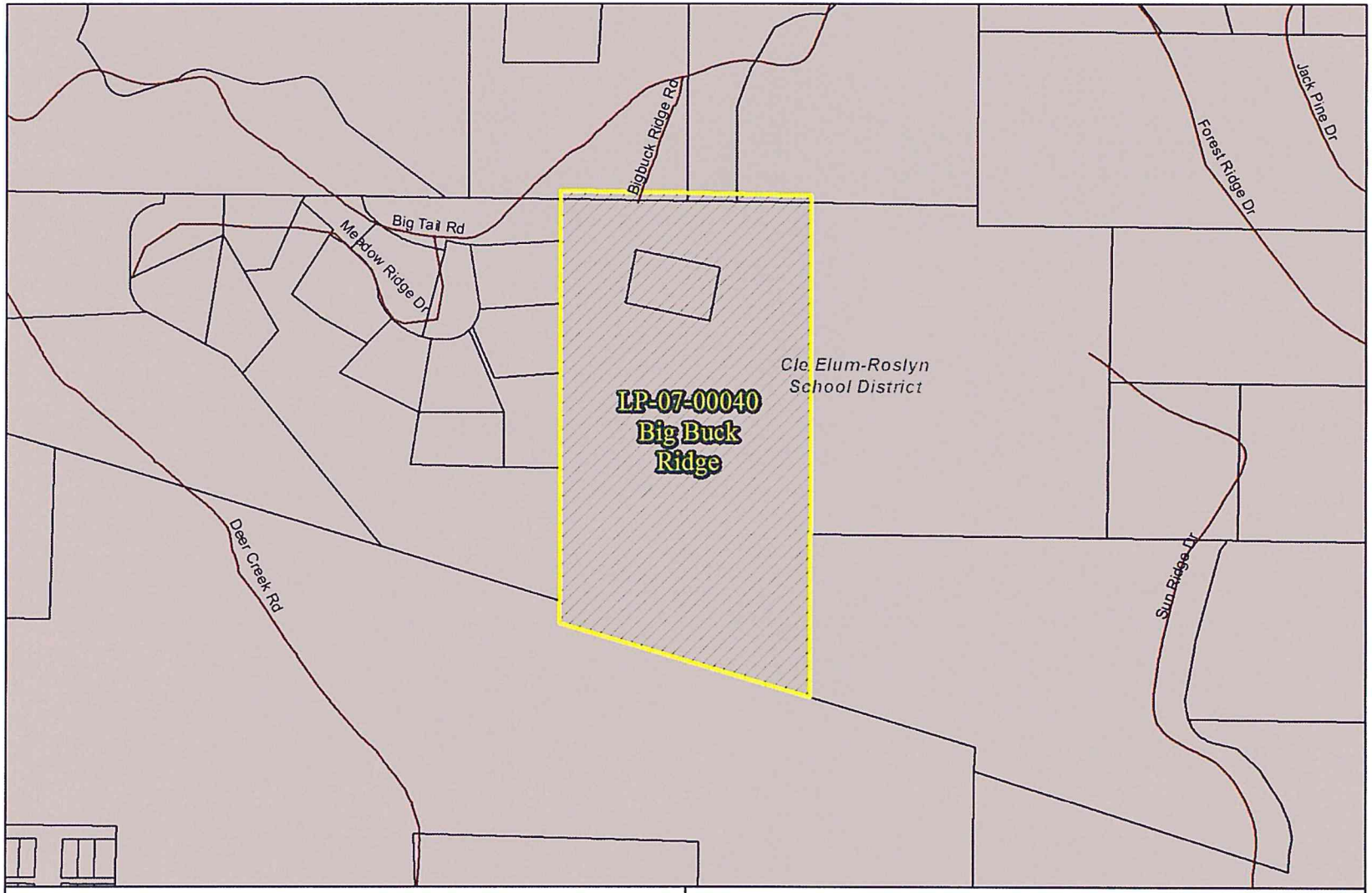
Current
Zoning



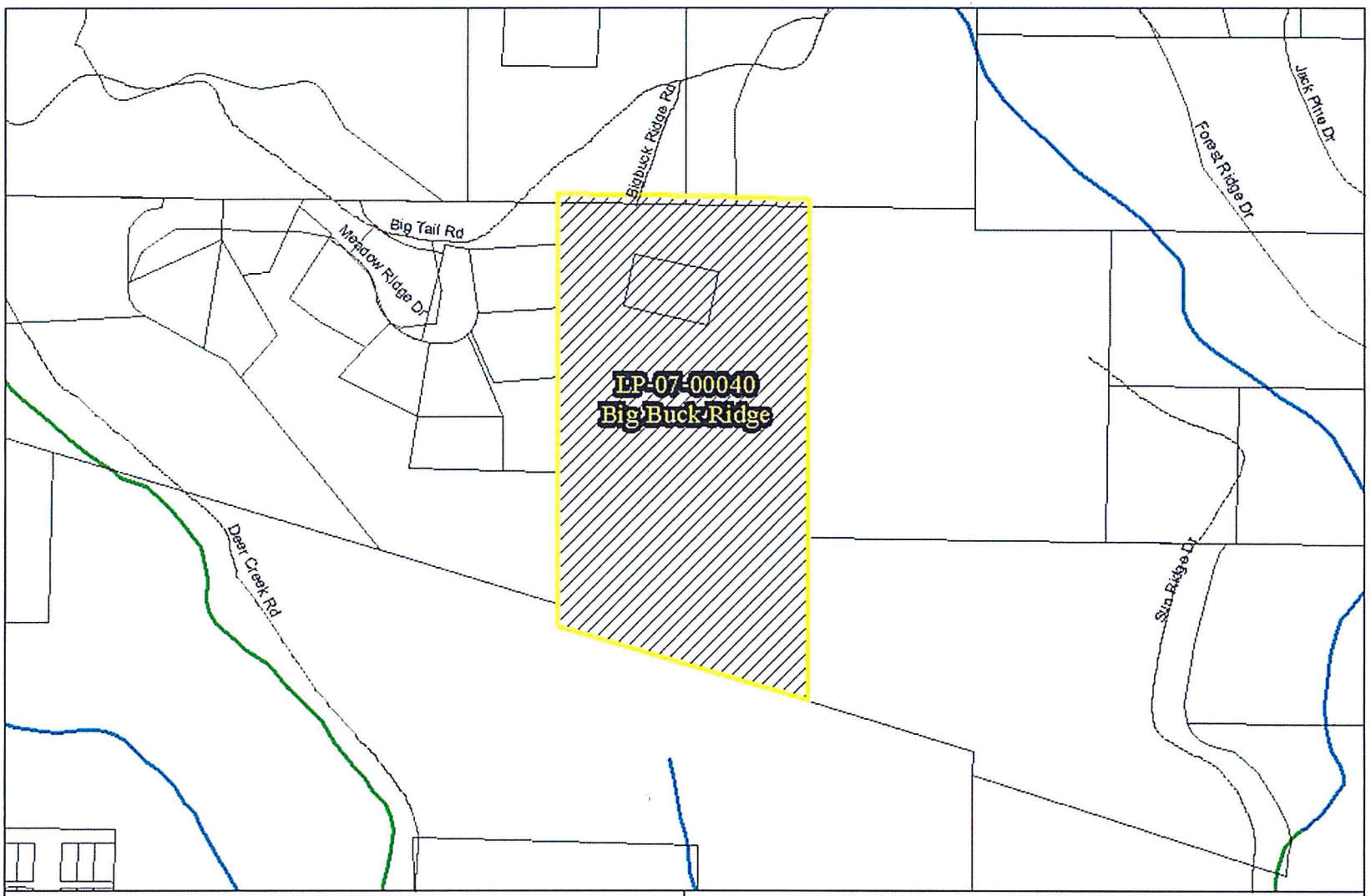
LP-07-00040 Big Buck Ridge	Wildland Urban Interface Designation



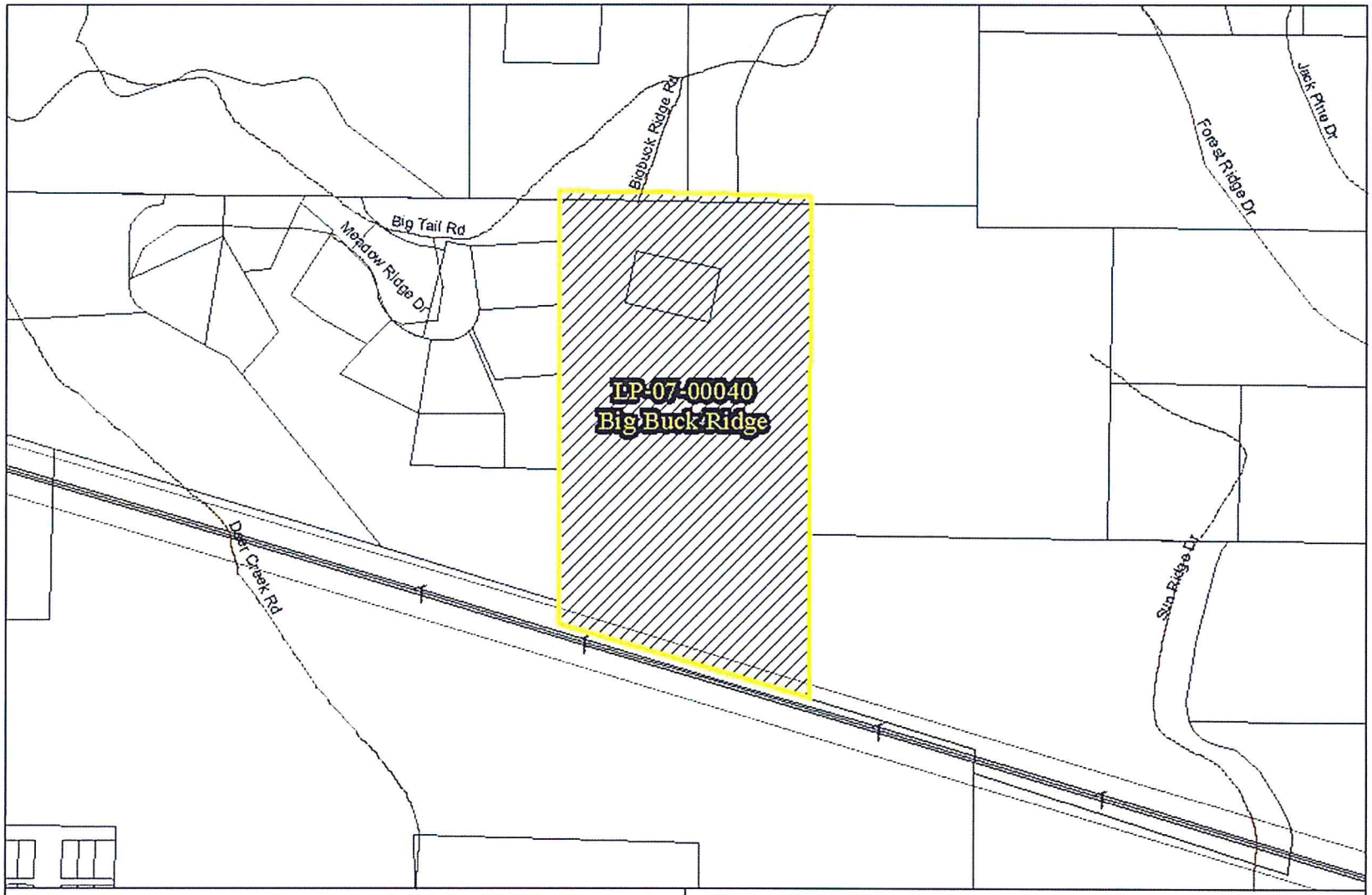
LP-07-00040 Big Buck Ridge	Fire Districts



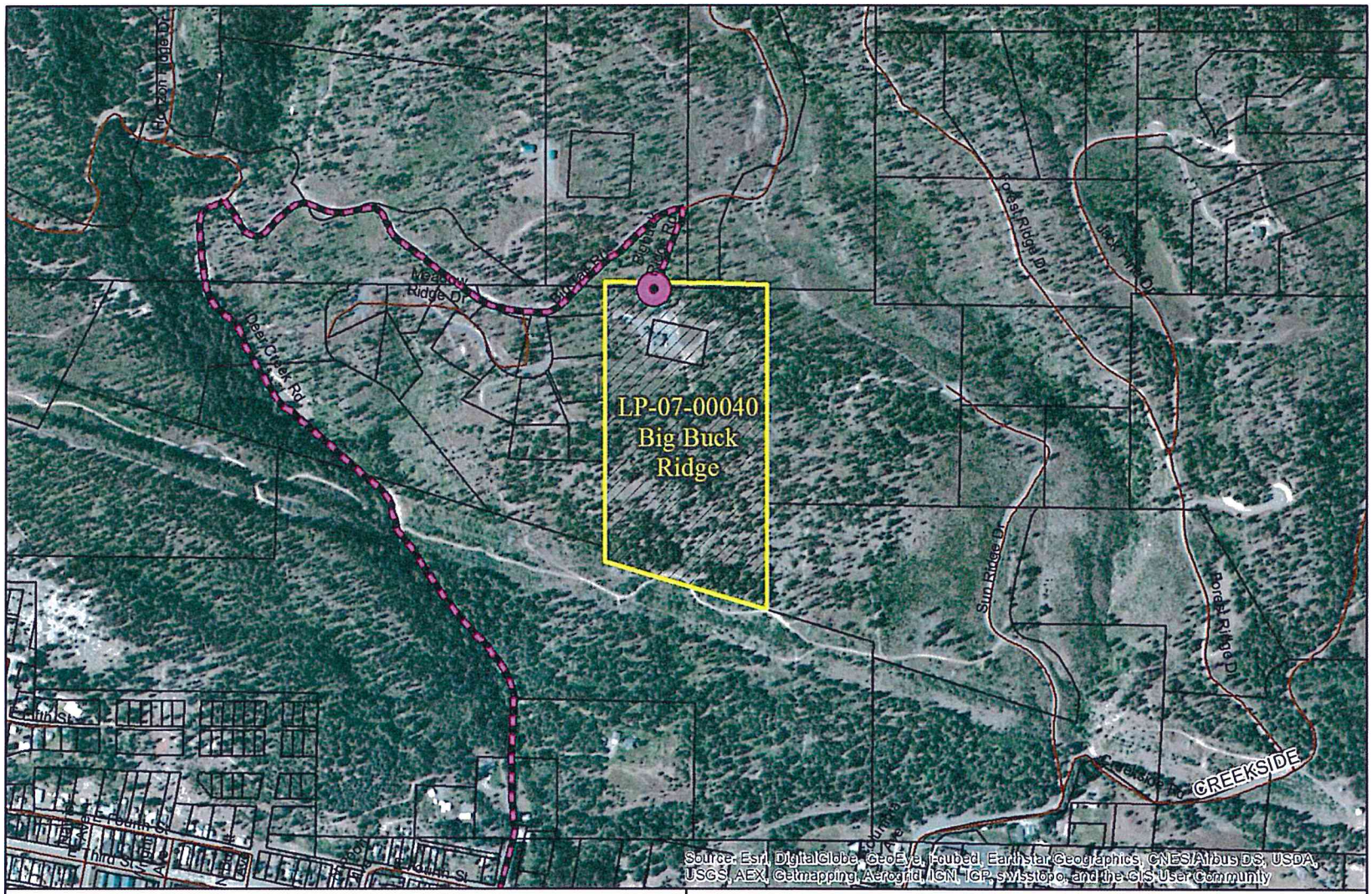
LP-07-00040 Big Buck Ridge	School District



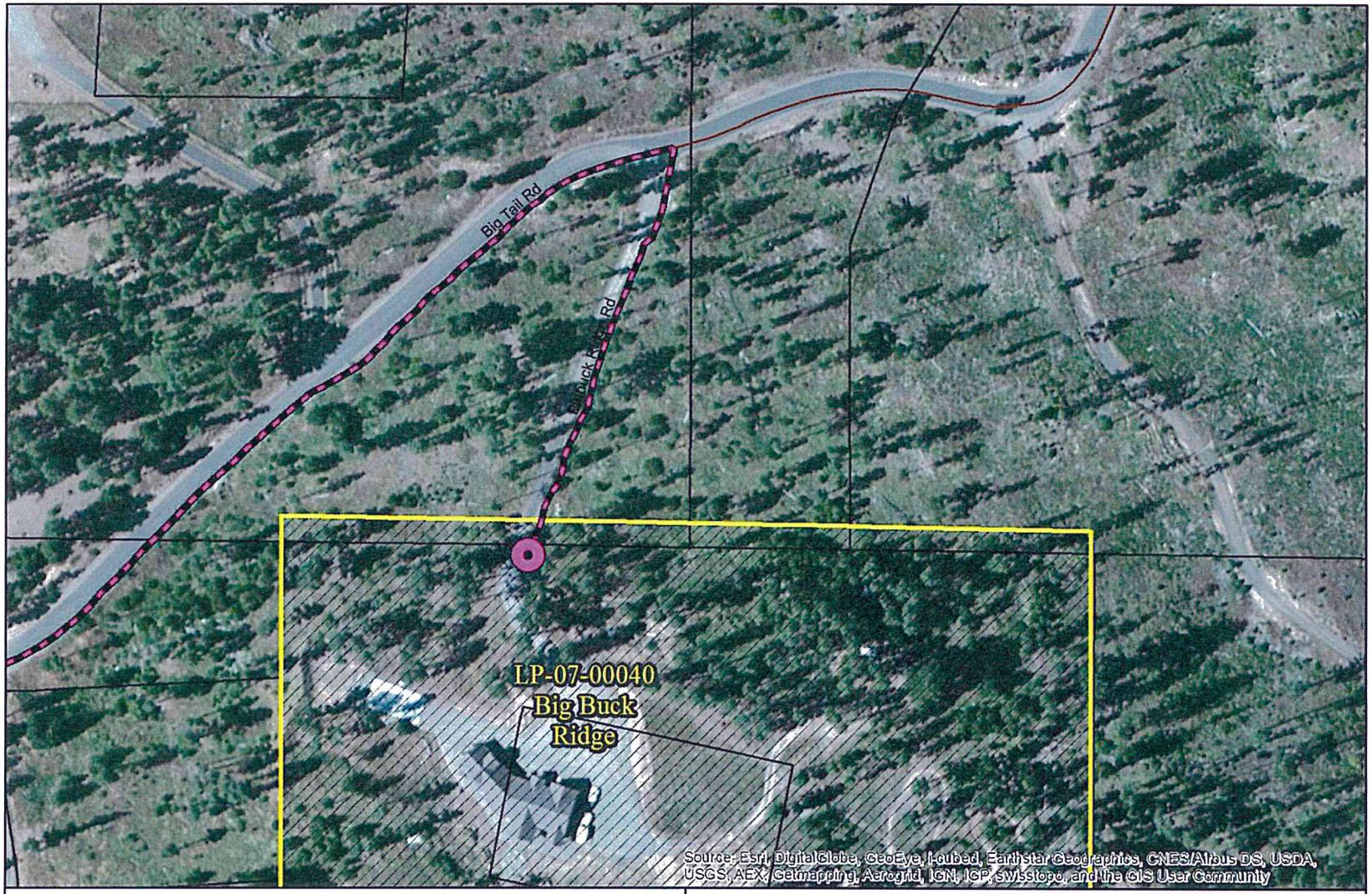
LP-07-00040 Big Buck Ridge	Shorelines, Floodplain, Floodway, Wetlands, and Streams



LP-07-00040 Big Buck Ridge	BPA Right of Way



LP-07-00040 Big Buck Ridge	Access Road and Point



LP-07-00040 Big Buck Ridge	Access Road and Point

KITTITAS COUNTY
WASHINGTON
PLAT
P-07-XX

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) IN FEE SIMPLE OF THE DESCRIBED REAL PROPERTY, DOES HEREBY DECLARE THIS PLAT AND DESCRIPTION AND IN LIEU OF DEDICATION OF ROADS HEREBY GRANTS FOREVER UNTO ALL LESSEES OF LOTS IN THIS PLAT AND ALL FUTURE PLATS IN THIS PLAT AN UNDIVIDED INTEREST IN ALL ROADS SHOWN AS PRIVATE ROADS.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS

_____ DAY OF _____, A.D., 20____

_____
NAME

_____
NAME

_____
NAME

_____
NAME

ACKNOWLEDGEMENT

STATE OF _____)
) SS
COUNTY OF _____)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT

_____

SIGNED THIS DEDICATION AND ON OATH STATED THAT (HE/SHE) WASAUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE

_____ OF _____

TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____
SIGNATURE OF
NOTARY PUBLIC _____
PRINTED NAME OF
NOTARY PUBLIC _____
TITLE _____
MY APPOINTMENT EXPIRES _____

REFERENCE SURVEYS

#1) SURVEY FILED IN VOL. 27, PAGE 111 BY LS 29269
#2) SURVEY FILED IN VOL. 28, PAGES 48-50 BY LS 29269
#3) SURVEY FILED IN VOL. 11, PG. 79 BY LS 7172
#4) REVISED B&A SURVEY FILED IN VOL. 28, PG. 44-45 BY LS 29268
#5) LARGE LOT SUB. NO. SP-2003-09 AS FILED IN BK. 8, PG. 229-230 BY LS 29268
#6) BOUNDARY LINE ADJUSTMENT AS FILED UNDER AFN 200507280018 BY LS 29268
#7) SHORT PLAT FILED IN BOOK H, PAGES 167 & 168 BY LS 29268

BASIS OF BEARINGS

BASIS OF BEARING: SURVEY FILED IN VOL. 28, PAGES 48-50, RECORDS OF KITTITAS COUNTY, WASHINGTON

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY THAT THE TAXES AND ASSESSMENTS ARE PAID FOR THE PRECEDING YEARS AND FOR THIS YEAR IN WHICH THE PLAT IS NOW TO BE FILED

DATED THIS _____ DAY OF _____, A.D., 20____

_____
KITTITAS COUNTY TREASURER

KITTITAS COUNTY PUBLIC WORKS

EXAMINED AND APPROVED THIS _____ DAY OF

_____ A.D., 20____

_____
PUBLIC WORKS DIRECTOR

COUNTY PLANNING DIRECTOR

I HEREBY CERTIFY THAT THE PLAT OF _____ HAS BEEN EXAMINED BY ME AND FIND THAT IT CONFORMS TO THE COMPREHENSIVE PLAN OF THE KITTITAS COUNTY PLANNING COMMISSION

DATED THIS _____ DAY OF _____, A.D., 20____

_____
KITTITAS COUNTY PLANNING DIRECTOR

KITTITAS COUNTY HEALTH DEPARTMENT

I HEREBY CERTIFY THAT THE PLAT OF _____ HAS BEEN EXAMINED BY ME AND I FIND THAT THE SEWAGE AND WATER SYSTEM HEREIN SHOWN DOES MEET AND COMPLY WITH ALL REQUIREMENTS OF THE COUNTY HEALTH DEPARTMENT.

DATED THIS_____DAY OF _____, A.D., 20____

_____
KITTITAS COUNTY HEALTH OFFICER

CERTIFICATE OF COUNTY ASSESSOR

I HEREBY CERTIFY THAT THE PLAT OF BELL CREEK HAS BEEN EXAMINED BY ME AND I FIND THE PROPERTY TO BE IN ACCEPTABLE CONDITION FOR PLATTING

DATED THIS _____ DAY OF _____, A.D., 20____

_____
KITTITAS COUNTY ASSESSOR

CERTIFICATE OF BOARD OF COUNTY COMMISSIONERS

EXAMINED AND APPROVED THIS _____ DAY OF

_____ A.D., 20____

_____
BOARD OF COUNTY COMMISSIONERS KITTITAS COUNTY, WASHINGTON BY CHAIRMAN

ATTEST:

_____
CLERK OF THE BOARD

ORIGINAL PARCEL DESCRIPTION

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 26, TOWNSHIP 20 NORTH, RANGE 15 EAST, W.M., KITTITAS COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE NORTH 88°38'56" WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 562.75 FEET TO THE TRUE POINT OF BEGINNING;

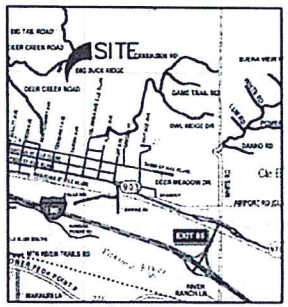
THENCE CONTINUING NORTH 88°38'56" WEST ALONG SAID NORTH LINE A DISTANCE OF 766.78 FEET; THENCE SOUTH 00°25'27" WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 1,310.73 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE CONTINUING SOUTH 00°25'27" WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 14.40 FEET; THENCE SOUTH 73°18'17" A DISTANCE OF 788.37 FEET; THENCE NORTH 00°47'37" EAST PARALLEL TO THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 1,533.14 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE TRUE POINT OF BEGINNING

TAX PARCEL NO. 20-15-26010-0010

OWNER: CORY W. & REBECCA L. ANDRUS
P.O. BOX 785 CLE ELUM, WA 98922

RECORDING NO. | VOL./PAGE

PORTION OF
NE 1/4 NE 1/4, SEC 26, TWN 20, RGE 15E, W.M.



VICINITY MAP
NTS

Chapter 16.09 KCC – Performance Based Cluster Platting

Big Buck Plat

Public Benefit Ratings System Chart

Element	Points Allowed	Points Applied	Comments
Agriculture			
Open Space	40	40	44% open space (11.0 acres)
Trails			
Historic Preservation			
Rural Character		44	
Buffering			
Cluster Design			
Density			
Water Quality			
Water Quantity			
Community Water	10	0	Group B water system as proposed
Reclaimed Water	10	0	
Sewer			
Fire Protection	5	5	
Access	10	10	Trails Proposed
Other			
TOTAL		79	

NEIGHBORING OWNERSHIP

Cory Andrus
PO Box 785
Cle Elum, WA 98922
20-15-26010-0009

James Muhlbeier
21403 SE 16th Place
Sammamish, WA 98075
20-15-23000-0005

Thomas Flanagan
PO Box 1024
Cle Elum, WA 98922
20-15-25059-0001

Cle Elum Homestead LLC
PO Box 654
Port Orchard, WA 98366
20-15-23051-0003

Highmark Resources LLC
206 West First Street
Cle Elum, WA 98922
20-15-25058-0003

Northland Investments LLC
PO Box 973
Cle Elum, WA 98922
20-15-26060-0003

Northland Investments LLC
PO Box 973
Cle Elum, WA 98922
20-15-26060-0004

Sapphire Skies LLC
206 West First Street
Cle Elum, WA 98922
20-15-26057-0003

Alan Person
12023 434th Ave SE
North Bend, WA 98045
20-15-23000-0004

Michael Ross
1300 Skywall Dr
Sutton, WA 98294
20-15-23000-0003

RECORDER'S CERTIFICATE

FILED FOR RECORD THIS_____DAY OF_____,2006 AT____M. IN BOOK _____OF SURVEYS PAGE _____ AT THE REQUEST OF GEODATUM, INC

_____
COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF CORY & BECKY ANDRES IN JUNE, 2007

_____ 6/19/07

CERTIFICATE NO.: 31976

BIG BUCK RIDGE PLAT

CORY & BECKY ANDRUS
P.O. BOX 785
CLE ELUM, WA 98922

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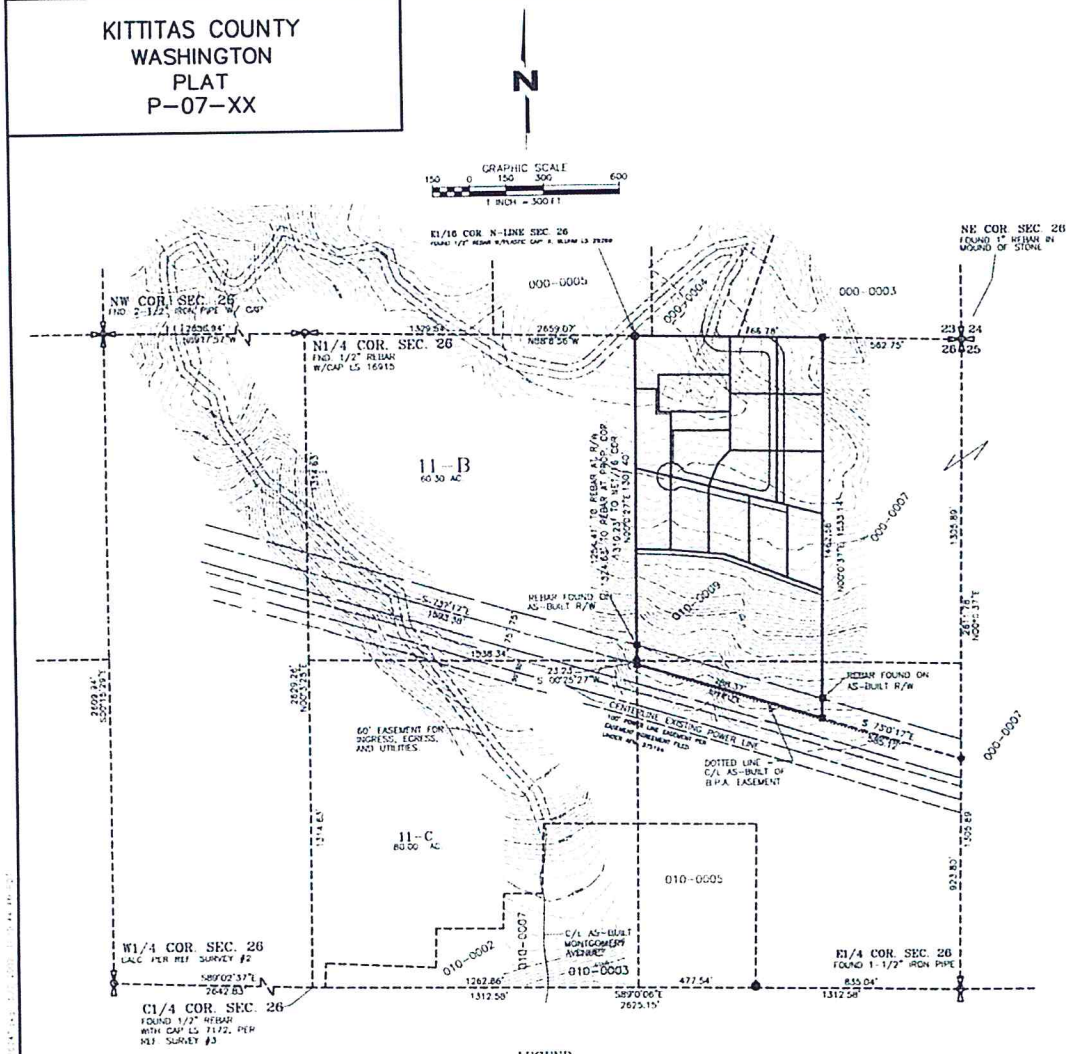
www.geodatum.com
GeoDatum Inc
SURVEY-CIVIL-STRUCTURAL
1505 NW Mall Street
Issaquah, WA 98027
(425) 837-8083

PROJECT# 2006-047 | SHEET 1 OF 3

KITTITAS COUNTY
WASHINGTON
PLAT
P-07-XX

RECORDING NO.	VOL./PAGE
PORTION OF NE 1/4 NE 1/4, SEC 26, TWN 20, RGE 15E, W.M.	



NOTES

1. THIS SURVEY IS BASED ON THE CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, POLICY NO. 72030-4368 DATED JANUARY 31, 2006 AT 8:00 A.M.
2. INSTRUMENTATION FOR THIS SURVEY WAS A 3-SECOND NIKON DTM 521 TOTAL STATION. PROCEDURES USED IN THIS SURVEY MEET OR EXCEED STANDARDS SET BY WAC 332-130-090.
3. THE TOPOGRAPHY SHOWN IS BASED UPON CONTOURS PROVIDED BY DEGROSS AERIAL MAPPING AND ARE NOT BASED ON AN ON THE GROUND SURVEY.
4. ENTIRE PLAT ROAD SHALL ACHEIVE 95% COMPACTION AND SHALL BE INSPECTED AND CERTIFIED BY A LICENSED ENGINEER IN THE STATE OF WASHINGTON SPECIFYING THAT THE ROAD MEETS CURRENT KITTITAS COUNTY ROAD STANDARDS PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR THIS PLAT.
5. KITTITAS COUNTY WILL NOT ACCEPT PRIVATE ROADS FOR MAINTENANCE AS PUBLIC STREETS OR ROADS UNTIL SUCH STREETS OR ROADS ARE BROUGHT INTO CONFORMANCE WITH CURRENT COUNTY ROAD STANDARDS. THIS REQUIREMENT WILL INCLUDE THE HARD SURFACE PAVING OF ANY STREET OR ROAD SURFACED ORIGINALLY WITH GRAVEL.
6. MAINTENANCE OF THE ACCESS IS THE RESPONSIBILITY OF THE PROPERTY OWNERS WHO BENEFIT FROM ITS USE. THE COUNTY WILL NOT MAINTAIN THE ACCESS.
7. ANY FURTHER SUBDIVISION OF LOTS TO BE SERVED BY PROPOSED ACCESS MAY RESULT IN FURTHER ACCESS REQUIREMENTS. SEE KITTITAS COUNTY ROAD STANDARDS.
8. MAILBOXES SHALL BE "BREAK-AWAY" DESIGN AND BE APPROVED BY THE U.S. POSTAL SERVICE. DRAWINGS H-12, SHEET 1-3.
9. KITTITAS COUNTY RELIES ON ITS RECORD THAT A SUPPLY OF POTABLE WATER EXISTS. THE APPROVAL OF THIS DIVISION OF LAND INCLUDES NO GUARANTEE OR ASSURANCE THAT THERE IS A LEGAL RIGHT TO WITHDRAW GROUNDWATER WITHIN THE LAND DIVISION.
10. ALL PARCELS WITHIN THIS SUBDIVISION ARE CURRENTLY ZONED RURAL-3.
11. ACREAGE IS COMPUTED TO THE CENTERLINE OF THE ROADS EXCEPT WHERE SHOWN OTHERWISE.
12. EACH LOT TO BE SERVED BY ON SITE SEPTIC SYSTEM.
13. NO KNOWN CRITICAL AREAS EXIST ON SITE.

BASIS OF BEARINGS

BASIS OF BEARING SURVEY FILED IN VOL. 28, PAGES 28-30, RECORDS OF KITTITAS COUNTY, WASHINGTON.

REFERENCE SURVEYS

1) SURVEY FILED IN VOL. 27, PAGE 111 BY LS 29269
2) SURVEY FILED IN VOL. 28, PAGES 48-50 BY LS 29269
3) SURVEY FILED IN VOL. 11, PG 79 BY LS 7172
4) REVISED BLA SURVEY FILED IN VOL. 28, PG 44-45 BY LS 29268

LEGEND

■ - FOUND 1/2" REBAR W/PLASTIC CAP, K. BLUM LS 29269, ON REFERENCE SURVEY #1
□ - FOUND 1/2" REBAR W/CAP LS 7172, PER REF. SURVEY #3
● - FOUND 1/2" REBAR W/PLASTIC CAP, J. BENTLEY LS 29268
⊠ - FOUND AS NOTED

MARK A. BLUM
EXPIRES 2-2-07

BIG BUCK RIDGE PLAT

CORY & BECKY ANDRUS
P.O. BOX 785
CLE ELUM, WA 98922

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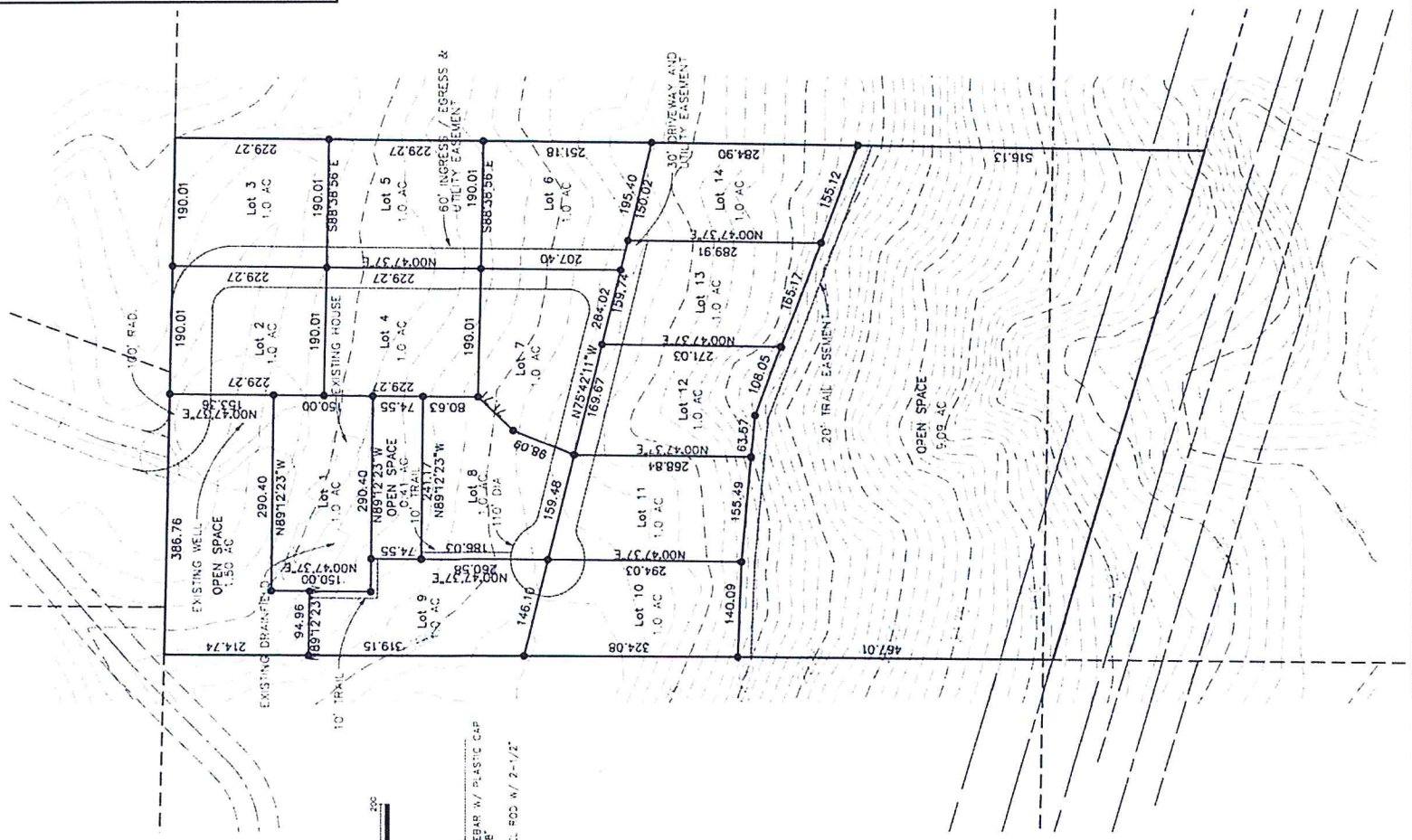
GeoDatum Inc
SURVEY-CIVIL-STRUCTURAL
1505 NW Mall Street
Issaquah, WA 98027
(425) 837-8083

PROJECT #	SHEET
2007-389	2 OF 3

81

KITTITAS COUNTY
WASHINGTON
PLAT
P-07-XX

RECORDING NO.	VOL./PAGE
PORTION OF NE 1/4 NE 1/4, SEC 26, TWN 20, RGE 15E, W.M.	



LEGEND
- FOUND 1/2" x 24" REBAR W/ PLASTIC CAP "J. BENTLEY LS 29268"
- SET 3/4" x 24" STEEL ROD W/ 2-1/2" ALUMINUM CAP "GEODATUM INC." "WOODWARD PLS" "38964 / 31976"

BIG BUCK RIDGE PLAT

CORY & BECKY ANDRUS
P.O. BOX 785
CLE ELUM, WA 98922

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Issaquah, WA 98027
(425) 837-8083

PROJECT # 2007-389 | SHEET: 2 OF 5

81

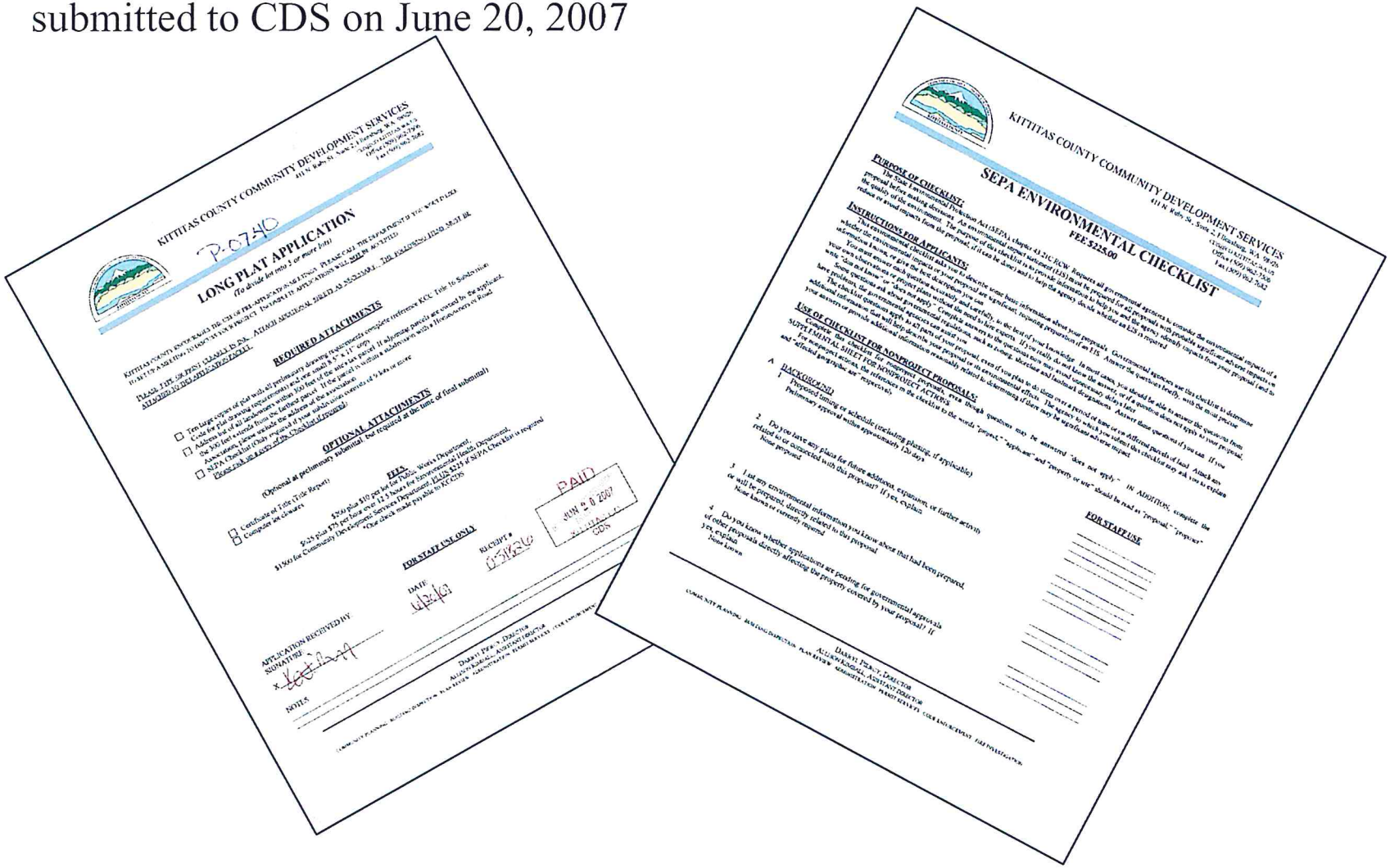
(18)





Application Timeline

The SEPA Environmental Checklist and Conditional Use Permit Applications were submitted to CDS on June 20, 2007


KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

LONG PLAT APPLICATION

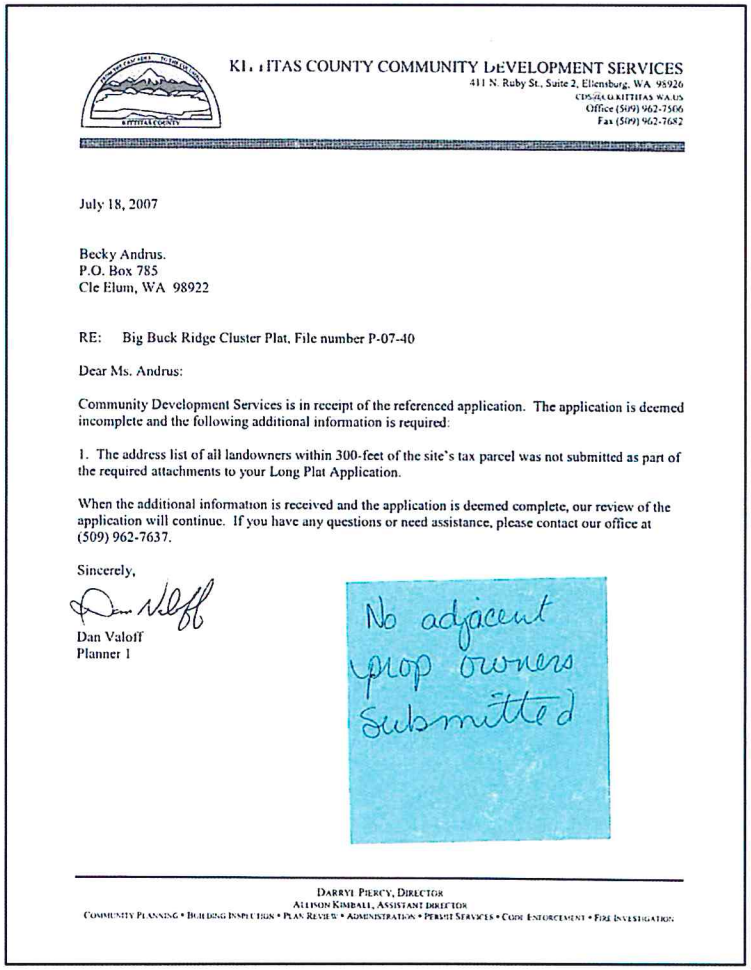
SEPA ENVIRONMENTAL CHECKLIST

FEE $225.00

PAID

Application Timeline

Deem Incomplete and Request for Additional Information was sent to Applicant July 18, 2007.



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

July 18, 2007

Becky Andrus.
P.O. Box 785
Cle Elum, WA 98922

RE: Big Buck Ridge Cluster Plat, File number P-07-40

Dear Ms. Andrus:

Community Development Services is in receipt of the referenced application. The application is deemed incomplete and the following additional information is required:

1. The address list of all landowners within 300-feet of the site's tax parcel was not submitted as part of the required attachments to your Long Plat Application.

When the additional information is received and the application is deemed complete, our review of the application will continue. If you have any questions or need assistance, please contact our office at (509) 962-7637.

Sincerely,

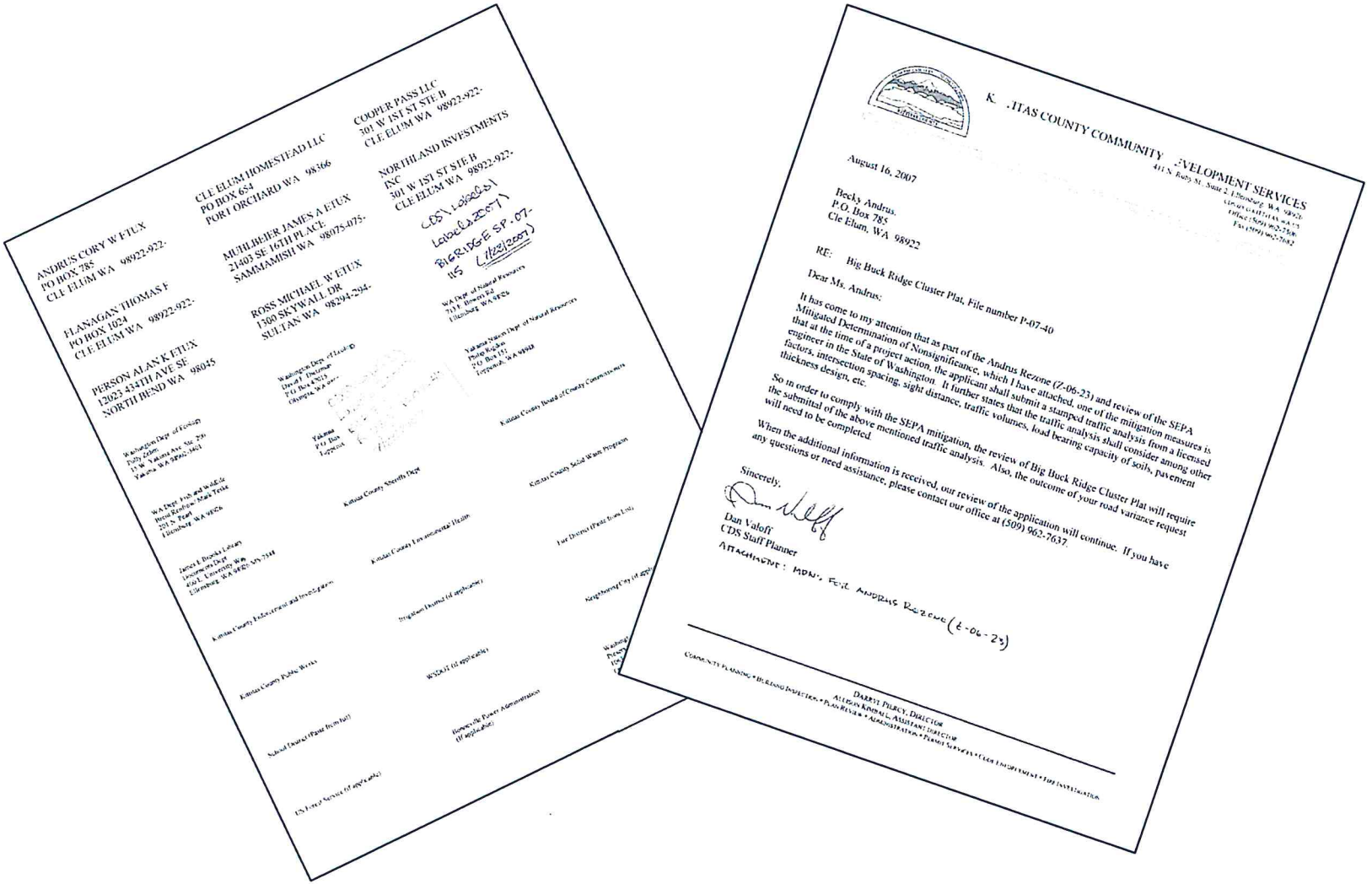
Dan Valoff
Planner 1

No adjacent prop owners submitted

DARRYL PIERCY, DIRECTOR
ALLISON KIMBALL, ASSISTANT DIRECTOR
COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

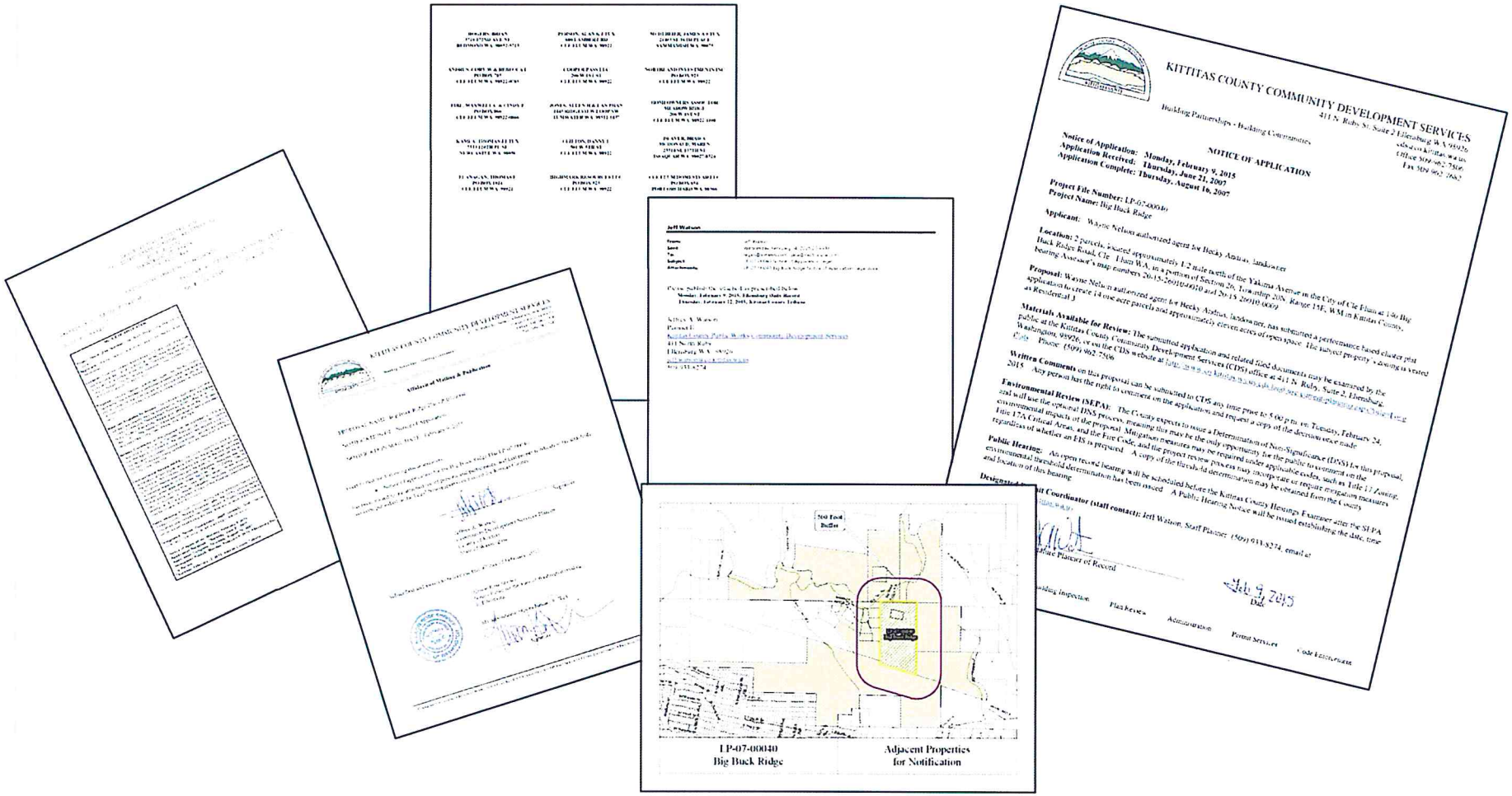
Application Timeline

The Adjacent Property List was received on July 23, 2007 and
The Application was De Facto Deemed Complete on August 16, 2007.



Application Timeline

The Notice of Application and Optional DNS process was issued on February 9, 2015.
Publication in the Official Newspaper of Record occurred on February 9, and 12th, 2015



Application Timeline

Newspaper Article Published on February 12, 2015

Rural subdivision planned near Cle Elum

Would have 14 one-acre lots under old zoning

By **MIKE JOHNSTON**
senior writer

A property owner has revived a rural subdivision proposal called Big Buck Ridge north of Cle Elum city limits.

Landowner Becky Andrus has restarted the permit review process with the county Community Development Services Department for preliminary long-plat approval for the development that was first filed in June 2007, according to a county notice.

The rural subdivision comes under the jurisdiction of county zoning and development rules as they existed in 2007, according to county planner Jeff Watson. The subdivision would have 14 one-acre lots, with 11 acres preserved as natural open space.

Major changes in the county's rural land-use regulations were adopted last year.

The subdivision application was deemed complete as of Aug. 16, 2007, and county officials then called on the landowner to undertake a traffic impact analysis.

The analysis was submitted later, in February 2014, Watson said.

The site is a 1/2 mile north of the city limits of Cle Elum, directly north of where Yakima Avenue ends at the city's boundary.

The former zoning of the site, in 2007, was residential-3, allowing minimum lot sizes of three acres. Changes in county land-use rules and zoning last year made the minimum lot size 5 acres in rural-residential zones.

Use former rules

The cluster platting rules at that time gave rural housing developers "bonus densities" for added features.

In this case, the owner plans to create a recreational trail system, set aside 11 acres of wooded ridge land that would stay in its natural state and also have recreational trails, and have a group domestic water system serving each one-acre lot.

These features allowed the developer to go from eight lots under the zoning to 14 one-acre lots.

The public can submit comments on the proposal and its possible impacts on the environment before a 5 p.m. Feb. 24 deadline.

Comments can be emailed to jeff.watson@co.kittitas.wa.us, or mailed or dropped off to county CDS offices, 411 N. Ruby St., Ellensburg. This may be the only time the public can submit comments on the project's possible environmental impacts, the county notice said.

CDS staff will review public comments, then make a decision on the project's probable level of environmental impact, and call for any measures to lessen impacts.

County staff, at this time, is considering issuing a declaration that the project will not have a probable significant impact on the environment.

After the project's level of impact is declared, a public hearing will be set with the county's land-use hearings examiner who will review the project and take public testimony.

The hearings examiner will make a recommendation to county commissioners who will, in turn, make the final decision.

More information about the project is available on the county's website.

CORRECTION

Recipe correction

An incorrect recipe for soft caramels appeared o Page B8 of Wednesday's Daily Record. A corrected recipe appears in full on Page A6 today.

EVENTS CALENDAR

Today, Feb. 12

Free tax assistance, 9:30 a.m. to 3 p.m., Ellensburg Activity Center, appointment required call 962-7242

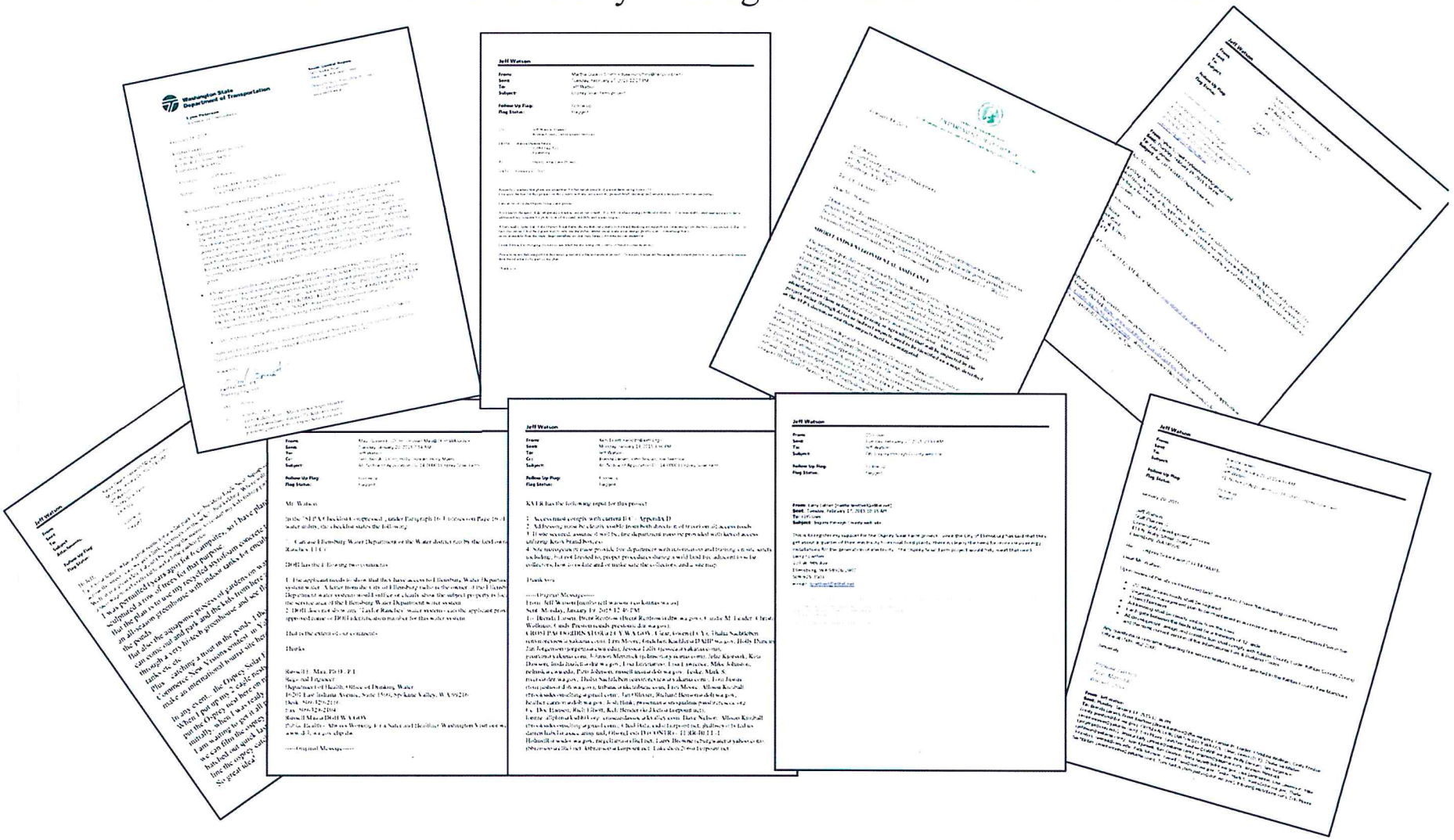
KITTCOM Administrative Board meeting, noon, 700 Elmview Road Ellensburg

Mardi Gras party, 6 p.m., Michaelson Hall Room 126, CWU

Al Anon Literature for Progress meeting, 6:30 p.m., 1st Presbyterian, 1307 E. Third Ave., Ellensburg

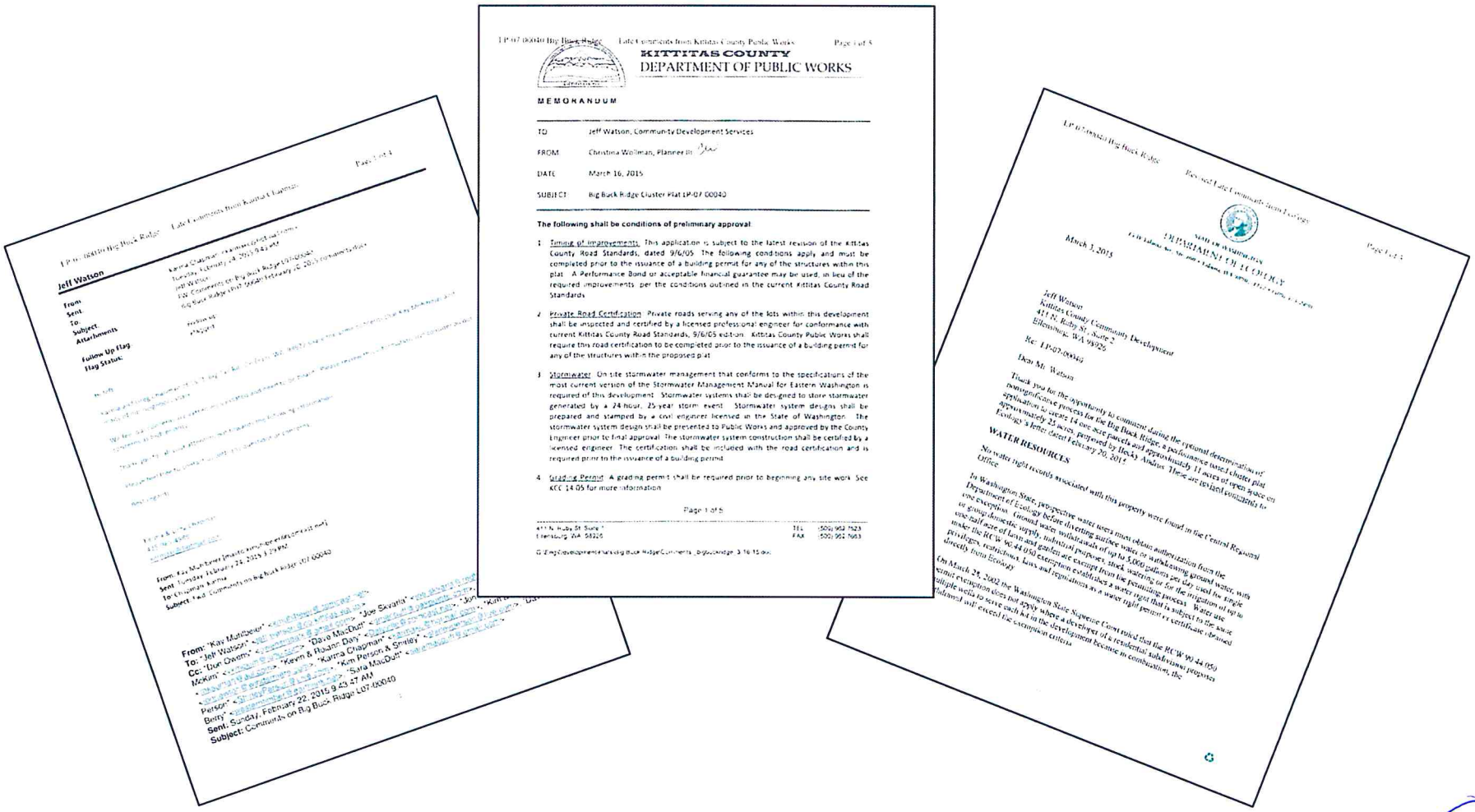
Application Timeline

The Comment Period ran from February 9th through February 24th as required by KCC 15A. Comments were received by Four agencies and Nineteen individuals.



Application Timeline

Late submittals for entry into the Hearings Examiner Record were submitted by Kittitas County Public Works, a revision by the Washington State Department of Ecology, and Karma Chapman. These letters were given consideration in the MDNS and Conditions of Approval.



KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Jeff Watson, Community Development Services

FROM: Christina Wollman, Planner III

DATE: March 16, 2015

SUBJECT: Big Buck Ridge Cluster Plat LP-07-00040

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 prior to the issuance of a building permit for any of the structures within the proposed plat.

3 Stormwater. On site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit.

4 Grading Permit. A grading permit shall be required prior to beginning any site work. See KCC 14.05 for more information.

Page 1 of 5

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

TEL (509) 962-7523
FAX (509) 962-7663

G:\Employee\Planning\Big Buck Ridge\Comments_DpbGuenidge 3.16.15.doc

Jeff Watson
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Re: LP-07-00040

Dear Mr. Watson:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Big Buck Ridge, a performance based cluster plat application to create 14 one acre parcels and approximately 17 acres of open space on approximately 25 acres, proposed by Becky Andrus. These are limited comments to Ecology's letter dated February 20, 2015.

WATER RESOURCES

No water right records associated with this property were found in the Central Regional Office.

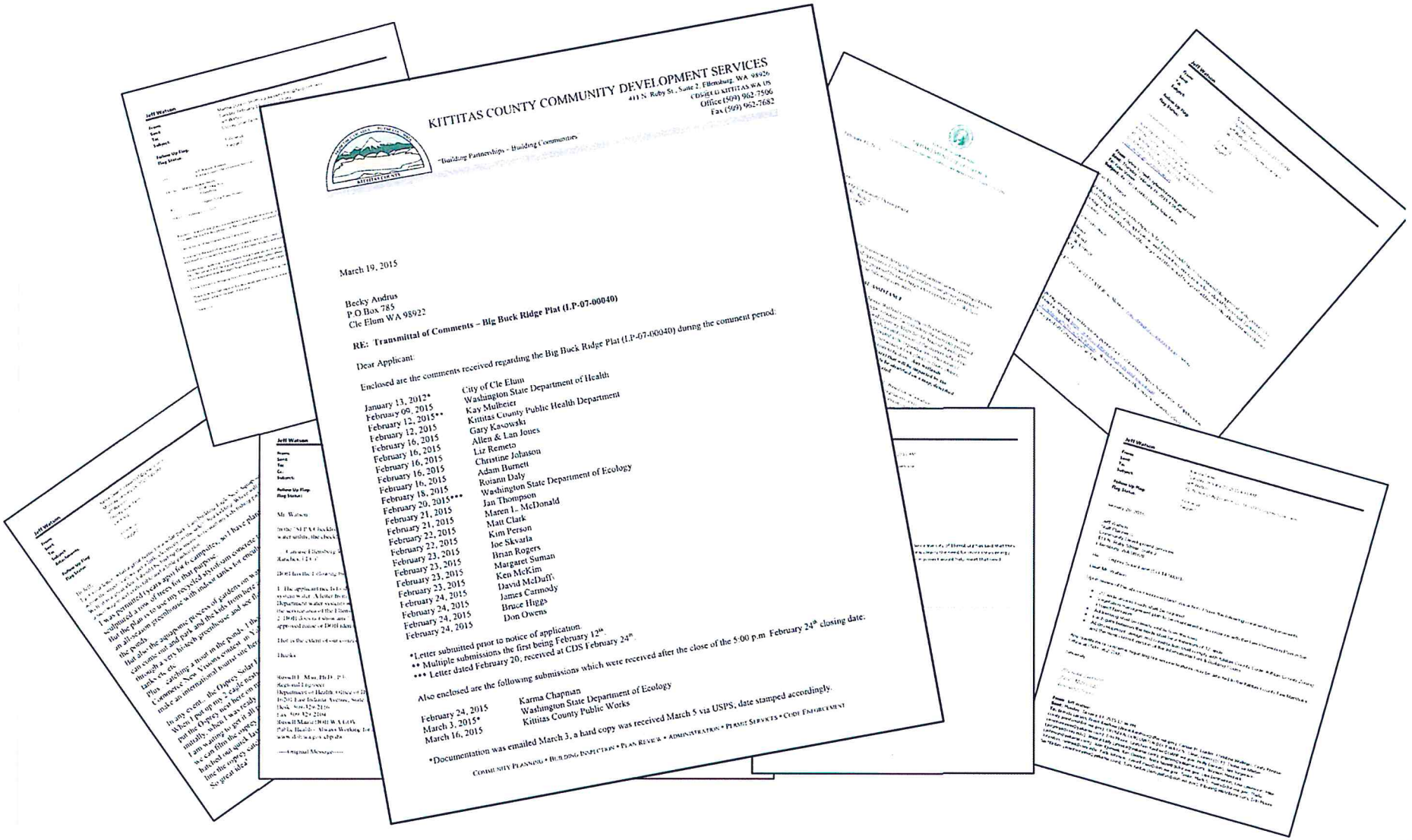
In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface waters or withdrawing ground water, with one exemption. Ground water withdrawals of up to 5,000 gallons per day used for single domestic supply, industrial purposes, stock watering or for the irrigation of up to one half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

On March 25, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development because in combination, the withdrawal will exceed the exemption criteria.

81

Application Timeline

All comments were forwarded to the Applicant on March 19th, 2015



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"

March 19, 2015

Becky Andrus
P.O Box 785
Cle Elum WA 98922

RE: Transmittal of Comments – Big Buck Ridge Plat (LP-07-00040)

Dear Applicant:

Enclosed are the comments received regarding the Big Buck Ridge Plat (LP-07-00040) during the comment period:

January 13, 2012*	City of Cle Elum
February 09, 2015	Washington State Department of Health
February 12, 2015**	Kay Mulheier
February 12, 2015	Kittitas County Public Health Department
February 16, 2015	Gary Kasowski
February 16, 2015	Allen & Lan Jones
February 16, 2015	Liz Remeto
February 16, 2015	Christine Johnson
February 16, 2015	Adam Burnett
February 18, 2015	Rotann Daly
February 20, 2015***	Washington State Department of Ecology
February 21, 2015	Jan Thompson
February 21, 2015	Maren L. McDonald
February 22, 2015	Matt Clark
February 22, 2015	Kim Person
February 23, 2015	Joe Skvarla
February 23, 2015	Brian Rogers
February 23, 2015	Margaret Suman
February 23, 2015	Ken McKim
February 24, 2015	David McDuff
February 24, 2015	James Carmody
February 24, 2015	Bruce Higgs
February 24, 2015	Don Owens

*Letter submitted prior to notice of application.
** Multiple submissions the first being February 12th.
*** Letter dated February 20, received at CDS February 24th

Also enclosed are the following submissions which were received after the close of the 5:00 p.m. February 24th closing date.

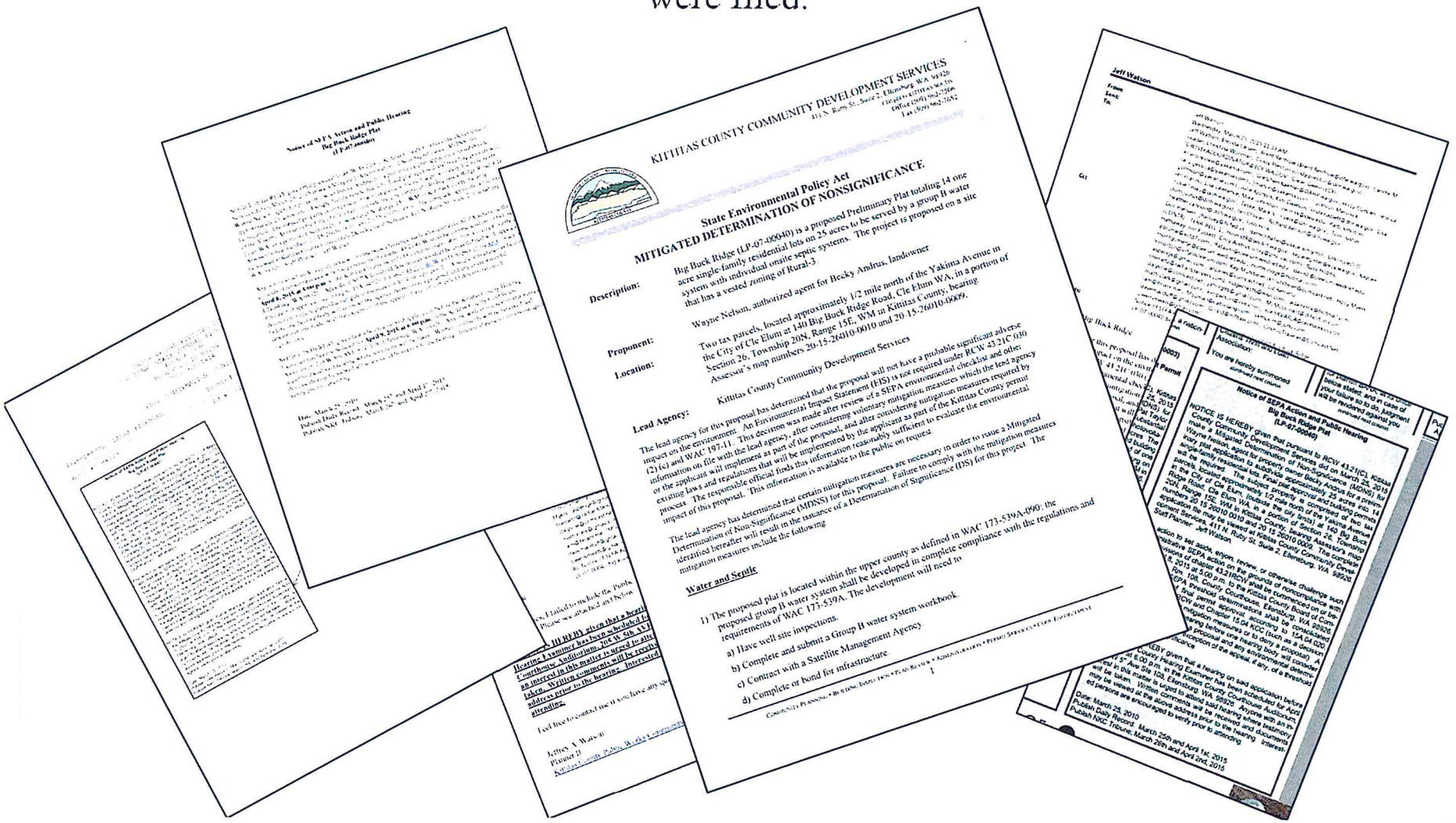
February 24, 2015	Karma Chapman
March 3, 2015*	Washington State Department of Ecology
March 16, 2015	Kittitas County Public Works

*Documentation was emailed March 3, a hard copy was received March 5 via USPS, date stamped accordingly.

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

Application Timeline

A SEPA MDNS and Notice of Public Hearing was issued on March 25, 2015, published on that date, again on April 1st, 2015 in the Daily Record; on the 2nd and the 26th in the NKC Tribune and sent to all parties of record. The appeal period closed April 9, 2015; no appeals were filed.



Application Timeline

Newspaper Articles were Published on March 26th & 30th , 2015



LOCAL

A3 March 26, 2015

Development to get environmental review

Public hearing for one-acre plots coming

By MIKE JOHNSTON
senior editor

A rural housing development with one-acre lots has undergone an environmental review and will be the focus of a public hearing on April 9.

The Big Buck Ridge cluster subdivision is planned on a 25-acre parcel a 1/2-mile north of the city limits of Cle Elum, directly north of where Yakima Avenue ends at the city's boundary, according to Kittitas County Community Development Department staff.

The development, proposed by landowner Becky Andrus, is formally configured as a long plat that's designed to be a performance-based cluster subdivision. This means as the developer adds community amenities to the plat, like lands kept in a natural state, trails and other public-use features, the subdivision is allowed to use smaller lots.

The landowner plans to create a recreational trail system within the development, set aside 11 acres of wooded, ridge land that would stay in its natural state that also will have recreational trails, and install a group, domestic water system serving each one-acre lo
A public
receive wid
from the co
the propos
p.m. April 9
county's lan
examiner. T
will be in R
courthouse

Public inp
County Pl
Watson said
comments
can be subm
the hearing
CDS Depart
hearing.
Documen
the develop
Big Buck Rid
be viewed at the CDS office during regular work
stormwater according to local and state rules, and

EVENTS CALENDAR

Submit events to the Daily Record through the online calendar at www.dailyrecordnews.com or

LOCAL

A3 Monday March 30, 2015

Cle Elum residents challenge subdivision

Question is whether to use 2007 land-use rules or those in place now

By MIKE JOHNSTON
senior writer

A group of Cle Elum area residents is challenging a 14-lot rural subdivision claiming it should come under county land-use rules as they stand now, not those in place in 2007.

Kittitas County Community Development Services staff ruled the Big Buck Ridge plan comes under the regulations from 2007, when the plan was submitted.

Becky Andrus, the landowner seeking the plat, wants 14 one-acre lots and 11 acres kept as natural, open space, a provision allowed under the 2007 rules for performance-based cluster plats.

Property and homeowners north of Cle Elum calling themselves the Cle Elum Ridge Community say the proposed Big Buck Ridge cluster subdivision, planned on 25 acres a 1/2 mile north of Cle Elum city limits, must be reviewed using Kittitas County zoning and development rules as they were substantially changed in early 2013.

Traffic analysis

The attorney hired by the ridge property owners, James Carmody of Yakima, said the county in 2007 required the developer to submit a traffic impact analysis with the original application.

Without the analysis, which was submitted in February 2013, the entire application wasn't complete, Carmody said.

In addition, the traffic analysis must be deemed adequate or complete separately before the overall cluster subdivision preliminary plat request can be considered complete or ready for detailed staff or public review.

"The filed (traffic impact analysis) report is grossly deficient and fails to address specific elements required by (county ordinance)," Carmody wrote.

He also said rulings by the state growth management board and the state Supreme Court have indicated that zoning allowing lots of three acres in size or smaller do not comply with the state's Growth Management Act.

County government did away with three-acre zoning in agricultural or rural zones in 2013 with action on Feb. 11, 2013, but the traffic analysis was submitted Feb. 20 of that year, Carmody said, based on the previous zoning.

He concludes the Big Buck Ridge application was not complete as of the date its analysis was filed based on the county's Feb. 11, 2013, ordinance change.

County Planner Jeff Watson said county officials maintain the subdivision comes under rules as of 2007 when it was first submitted.

He said Carmody will have an opportunity to argue his case against the plat before the county's land-use hearings examiner during a public hearing on the plat set for 6 p.m. April 9 in Room 109 at the courthouse in Ellensburg.

"We believe the legal status of the application is that it is vested under the former zoning regulations," Watson said. "The hearings examiner, an experienced land-use attorney, will hear both sides in this issue and make a ruling. The ruling will be a recommendation that goes to county commissioners who will later make a final decision on the preliminary plat.

EVENTS CALEN
Submit events to
Daily Record throu
online calendar at
dailyrecordnews.co
by email to newsro
kvnews.com. Even
this column are lis
space-available ba

Today, March 30

Kittitas County Fa
Market members
meeting, 6-8 p.m.,
Holmes Center, 20
Ruby St., Ellensbur

Al Anon Serenity Se
p.m., 306 N. Ander
Ellensburg

Tuesday, March

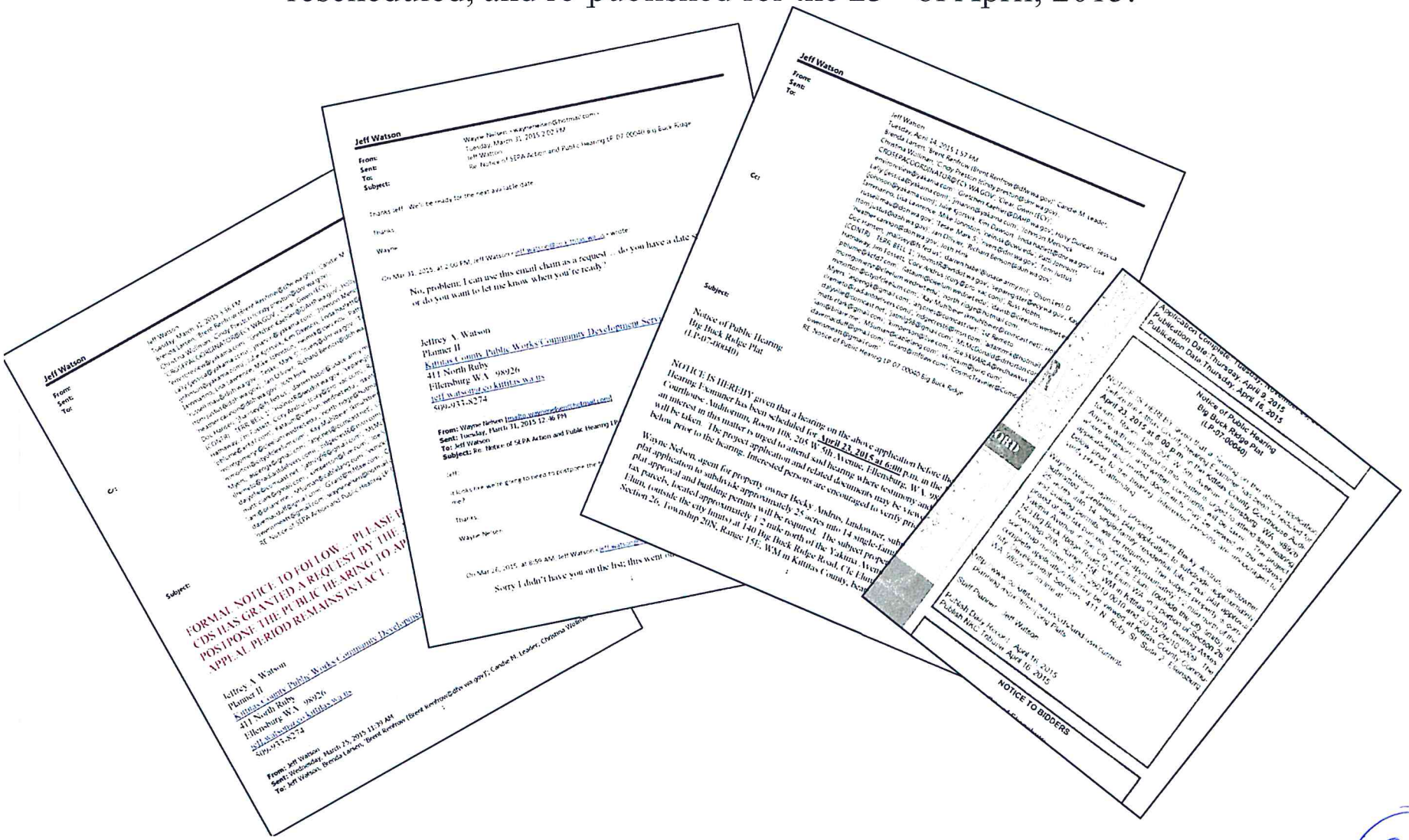
Weight Watchers
5:30 p.m., Ellensbu
Activity Center, 50
St., Ellensburg

Ribbon cutting ce
for the new Wineg
Jerrol's location, 1

81

Application Timeline

On March 31st, 2015 the applicant requested that the Hearing be postponed for two weeks. CDS granted the request, parties of record were notified, and the hearing was cancelled, rescheduled, and re-published for the 23rd of April, 2015.



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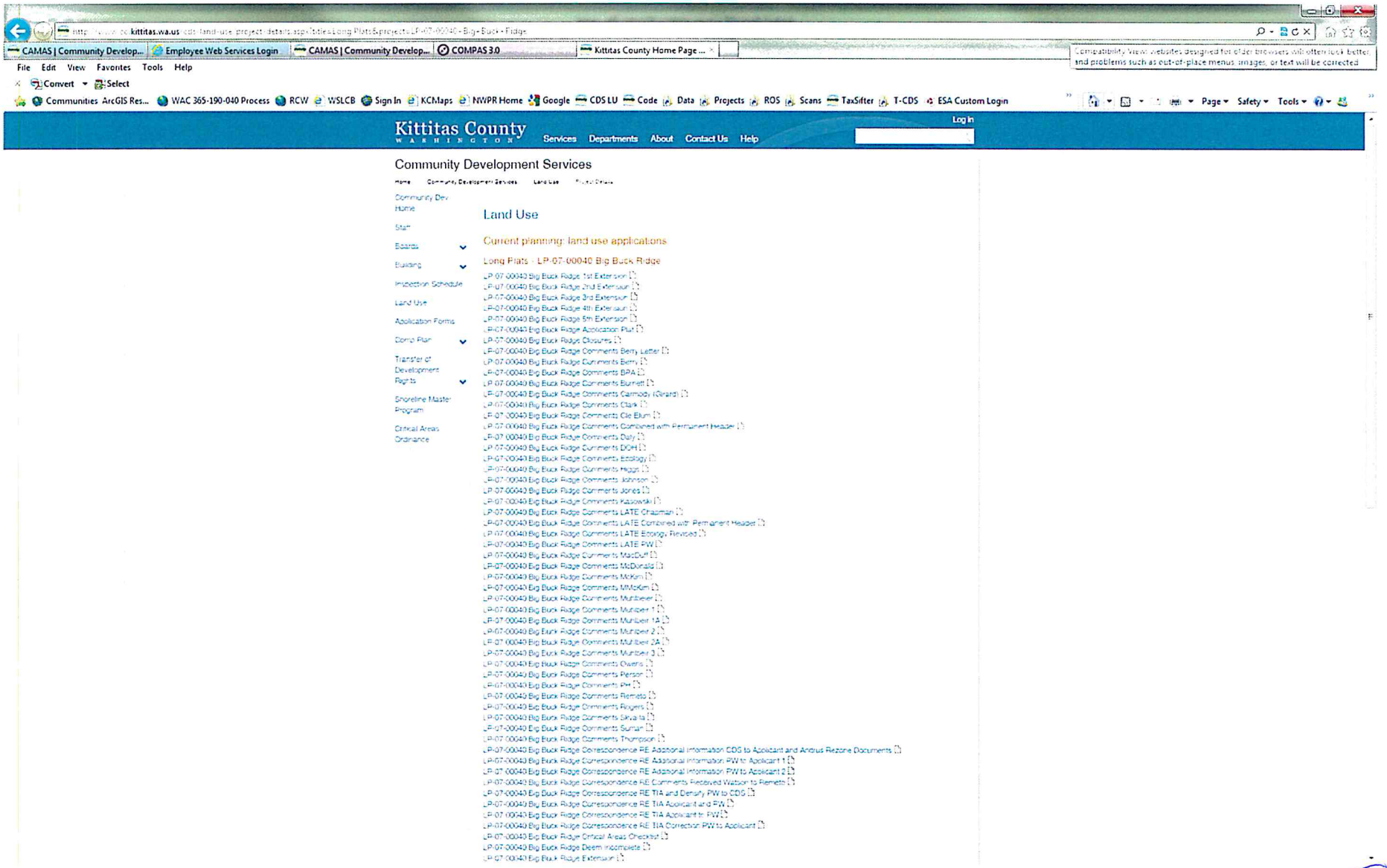
Application Timeline

All files were maintained throughout the process on the County Website.



Staff Revised Recommendations for Conditions of Approval

16) Private Road Improvements: Access shall be constructed to meet or exceed the conditions of a Low-Density 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 20', with 1' shoulders, for a total width of 22'..
b) Minimum centerline radius shall be 60'.
c) The surface requirement is for a minimum gravel surface depth of 6".
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.

39) This property falls within the Wildland Urban Interface area classified as IR1. IR1 classification requires that all residences be provided with residential sprinkler systems. Additionally, the exterior building construction materials must be non-combustible, eaves and soffits must be enclosed, and defensible space must be provided around each structure a minimum of 150'.

40) Approved water storage of 15,000 gallons, with a private fire hydrant system shall be installed.

41) Water storage and hydrant spacing shall comply with the International Fire Code.

42) 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.

43) "No Parking-Fire Lane" signs must be posted per Fire Marshal requirements on any cul-de-sacs.

44) All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2012 International Fire and Building Codes.

45) A separate permit is required for any private water storage or hydrant system. The tank and hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.

46) Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on December 21, 2012. The following are the mitigation contained within the MDNS and shall be conditions of approval:

Project Analysis

As Conditioned the Project is Consistent with:

Comprehensive Plan.

KCC 17A Critical Areas

Chapter 17.61 Utilities

KCC 14.04 Building Code as conditioned.

KCC 12 Roads and Bridges as conditioned

Staff recommends approval of the Big Buck Ridge Performance Based Cluster Plat as conditioned.

KITTITAS COUNTY HEARINGS EXAMINER

Plat Application of:	LP-07-00040
Becky Andrus	APPLICANTS' MEMORANDUM OF AUTHORITIES IN SUPPORT OF PLAT APPLICATION

The Applicants, Cory and Becky Andrus (hereinafter "Andrus" or the "Applicants"), have applied for approval of the Big Buck Ridge Performance Based Cluster Plat.

I. BACKGROUND

The Applicants, through their agent, Wayne Nelsen, have applied for preliminary approval of a performance based cluster plat application. The effect of the application, if approved, would be to create fourteen (14) one (1) acre home sites clustered around eleven (11) acres of open space. The application was submitted in 2007, deemed complete in 2007 and was extended until now.

Kittitas County has filed a detailed staff report recommending approval of the performance based cluster plat with 38 specific conditions.[1] Kittitas County has also submitted a document index.[2] The Applicant has reviewed the 38 conditions and, except as discussed below, agrees with the staff report and the proposed conditions.

[1] See Exhibit 1, Staff Report.
[2] See Exhibit 2, document index.

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II. DISCUSSION

Specific issues raised by the comments centered around two (2) primary issues. First, the vesting of the plat to the 2007 development code in place when the application was filed. Second, concern over road impacts and requirements that Mr. and Mrs. Andrus participate in the costs of maintaining the many private roads in the area. Each of these issues will be discussed below.

2.1 This application is vested to, and must be considered under, the land use controls, ordinances and development standards in place on the date the application was submitted.

Neighbors who are opposed to this development asserted that they do not believe the County is correct in its position the application is vested to the zoning and development standards in effect in 2007. Mr. and Mrs. Andrus rezoned the property in 2006.[3] As part of the approved rezone, Kittitas County required a SEPA analysis on any additional development. The neighbors incorrectly argue this was a requirement to submit a traffic analysis as part of a future development application. Mr. and Mrs. Andrus submitted a Cluster Plat Application (File No. P-07-40) on June 19, 2007. Kittitas County issued a letter on July 18, 2007 informing Ms. Andrus that her application was incomplete because she had failed to provide the address list of all landowners within 300 feet of the site.[4] Upon receipt of the letter, Ms. Andrus submitted a list of all landowners within 300 feet on July 23, 2007.[5]

The neighbors assert that while Ms. Andrus submitted the list of adjoining property owners, the application failed to include a transportation impact analysis (TIA), which they contend was required as part of any future development activity when the property was rezoned. As a result they argue the application is not vested and, further, because the application is not vested the density is now prohibited because of GMA appeals made of Kittitas County development code and Comprehensive Plan, which were ruled on by the Washington State Supreme Court in *Kittitas County v. Eastern Washington Growth Management Hearings Board*, 172, Wn.2d 144 (2011).

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[3] See Exhibit 3, Ordinance No. 2006-57.
[4] See Exhibit 4.
[5] See Exhibit 1, Staff Report, and Exhibit 2, document index).

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The neighbors' analysis is flawed. The application is vested to the zoning code, development standards and road standards in place in 2007. A legal analysis of Washington vesting law supports the County's conclusion that the application is vested to the 2007 rules.

2.2 Vesting Law

The vested rights doctrine was a common law doctrine under which a land use application, under proper conditions, would be considered only under the land use statutes and ordinances in effect at the time of the application's submission. *Friends of the Law v. King County*, 123 Wn.2d 518, 522, 869 P.2d 1056 (1994). "The purpose of vesting is to provide a measure of certainty to developers, and to protect their expectations against fluctuating land use policy." *Id.*

> The purpose of the vesting doctrine is to allow developers to determine, or "fix," the rules that will govern their land development. The doctrine is supported by notions of fundamental fairness. As James Madison stressed, citizens should be protected from the "fluctuating policy" of the legislature. Persons should be able to plan their conduct with reasonable certainty of the legal consequences. Society suffers if property owners cannot plan developments with reasonable certainty, and cannot carry out the developments they begin. (Citations omitted).

West Main Associates v. City of Bellevue, 106 Wn.2d 47, 51, 720 P.2d 782 (1986). The Vesting Doctrine was "rooted in concepts of fundamental fairness and due process." *Schneider Homes, Inc., v. Kent*, 87 Wn. App. 774, 942 P.2d 1096 (1997), *review denied*, 134 Wn.2d 1021 (1998). The Washington common law did not restrict the application of the doctrine to particular types of permits. Over time, the common law doctrine was applied to a number of different types of land use permits. *Friends of the Law*, 123 Wn.2d at 522 (citing *Norco Constr., Inc. v. King County*, 97 Wn.2d 680, 684, 649 P.2d 103 (1982)).

In 1987, the Legislature, codified the common law vested rights doctrine for building permits and the subdivision of land. Laws of 1987, ch. 104. RCW 19.27.095 codified the common law doctrine for building permits. *Noble Manor Co. v. Pierce County*, 133 Wn.2d 269, 275, 943 P.2d 1378 (1997). RCW 58.17.033 expressly applied the vested rights doctrine to the

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subdivision of land. *Id.* As a result of the recent Court of Appeals case, common law vesting no longer exists in Washington. In *Potala Village Kirkland LLC v. Kirkland*, 183 Wn.App. 191, 334 P.3d. 1143 (2014) the Washington Court of Appeals held that the statutory vested rights doctrine, including building permits and plat applications, did not supplement common law vesting. *Id.* at 203. Instead, the court found statutory vesting replaced common law vesting. *Id.* at 203; see also, Town of Woodway v. Snohomish County, 180 Wn.2d 165, 322 P.3d 1219 (2014). Under RCW 58.17.033, this application is vested to the zoning, subdivision rules and road standards in place on the day the application was filed by Ms. Andrus.

In addition to vesting in RCW 58.17.033 and RCW 19.27.095, local governments may also enact vesting ordinances. "Within the parameters of the doctrine established by statutory and case law, municipalities are free to develop vesting schemes best suited to the needs of a particular locality." *Erickson & Associates, Inc. v. McLerran*, 123 Wn.2d 864, 872-73, 872 P.2d 1090 (1994). Kittitas County has enacted vesting statutes best suited to the needs of Kittitas County.

2.2 Vesting Discussion

At the time the application was submitted, Kittitas County had in effect KCC 15A.03.040.[6] The essence of this statute is to set out the terms and conditions under which an application is determined to be complete. KCC 15A.03.040(1) requires the County, within 28 days after receiving a project permit application, to determine if it is complete or incomplete and provide the applicant with a written determination of whether it is complete.[7] In this case, Kittitas County did that, sending Ms. Andrus a letter indicated she needed to submit the address list of the landowners. Ms. Andrus then submitted the address list and the County proceeded forward with processing the application. KCC 15A.03.040(3) provides as follows:

> A project permit application is complete for the purposes of this title when it meets the procedural submission requirements of Kittitas County and is sufficient for continued processing even

[6] See Exhibit 5.
[7] See also, Exhibit 1, Staff Report, § 111, pp. 2-3.

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> though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude Kittitas County from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

The neighbors assert there was not a complete application because the TIA was not submitted as they believe is required under the Andrus Rezone (Z-06-23).[8] KCC 15A.03.040(4) provides that within 14 days of the Applicants providing the additional information the County is required to notify the application whether the application is complete or identify additional information needed. The County did not respond to the submission and as a result the application was deemed complete by the County.

The Andrus Property was rezoned in 2006. That rezone was approved by the Board of County Commissioners and implemented through Ordinance No. 2006-57.[9] The Ordinance, at page 3, indicates the following at Condition 8:

> 8. Additional conditions are necessary to protect the public's interest. The Condition is as follows:
> a. SEPA review will be required for any future development regardless of the exemption status at time of development. **(See attached Exhibit B)**

The attached Exhibit B referenced in Ordinance No. 2006-57 is the rezone SEPA Mitigated Determination of Non-Significance (MDNS). It provides under subsection I.c. the following language:

> At the time of a project action, the applicant shall submit a stamped traffic analysis for a licensed engineer in the State of Washington considering among other factors, intersection spacing, sight distances, traffic volumes, load bearing capacity of soils, pavement thickness design, etc. Reference Current Kittitas County Road Standards. (Emphasis added.)

The rezone ordinance the neighbors reference did not make the TIA a required part of any subsequent development activity application. Ordinance No. 2006-57 does not suggest, nor can it

[8] See February 24, 2015 comment letter from Jamie Carmody, Section A.
[9] Attached as Exhibit 3.

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be construed, that the Board of County Commissioners intended to alter the definition of a project permit application under County Code. Project Permit Application is defined as follows:

> "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical areas ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

KCC 15A.02.080. Additionally, Kittitas County acted consistent with its statute. Once they commenced processing the application on August 16, 2007, the TIA was required by the County and in that August 16, 2007 letter the County put the applicant on notice that they had to prepare and submit a TIA, which is "additional information" that may be required by the County under KCC 15A.03.040(3).

2.3 Transportation/Road Issues and the Private Road Conditions

Access to the site is from Montgomery Avenue, a City of Cle Elum street.[10] Once the Cle Elum street ends, the access continues on a series of private roads. The vast majority of comments against the application references the impact on private roads and the need for Andrus to join a maintenance association and participate in road maintenance. As a SEPA condition, Kittitas County required Andrus to join and/or participate in road maintenance associations and staff suggested Condition 38, Transportation Number 4, which is somewhat different than suggested Condition 21.

Mr. and Mrs. Andrus acquired their property on April 2, 2002.[11] When they purchased the property they were one of the first individuals in the area. They received an easement in April of

[10] See Exhibit 6, January 13, 2012 letter from the City of Cle Elum.
[11] See Exhibit 7.

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2003.[12] The signatories to the Road Maintenance Agreement[13] were developers who in turn developed the lots into smaller lots and sold them. As a result, the individuals who now own those lots are part of a road maintenance association and are complaining because Andrus is not part of the association. A review of Exhibit B of the Road Maintenance Agreement shows the Andrus lot, but Andrus was excluded from the road maintenance provisions of the agreement.

As an aid to the discussion below on Andrus's rights and obligations with respect to these roads, Andrus has prepared a map to demonstrate where they are subject to road maintenance agreements and where they are not.[14]

Andrus is instead subject to maintenance provisions, covenants, conditions and restrictions of Brookside Trails (hereinafter the "Brookside Trails CC&Rs") for the private road from the end of Montgomery Avenue up to the south boundary of Section 23 (see Articles 5 and 6[15]). The only portion of the Andrus Easement road where they are not subject to maintenance provisions is the short stretch within Section 23 and that portion of the road in Section 26, south of the BPA transmission lines. Additionally, the Brookside Trails CC&Rs give Andrus the authority to use roads in Section 24.

Andrus received a road variance for emergency access.[16] Attached to the road variance is a map that shows the Applicants' lot in relation to the roads in the area.

Andrus is willing to participate in the Road Maintenance Agreement and is willing to require the future 14 lots owners to participate.

Andrus is concerned that, despite the fact they were excluded from this Road Maintenance Agreement, some of the current owners may refuse Andrus's efforts to join as a means of stopping the plat even though Andrus has an easement to access their land for all purposes.[17] Andrus has

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[12] See Exhibit 8.
[13] See Exhibit 9.
[14] See Exhibit 10.
[15] See Exhibit 11.
[16] See Exhibit 12.
[17] See Exhibit 8.

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the same legal right to use the road to their property as their neighbors. They will be required to make improvements to the road and if they do fulfill those conditions and bind all 14 of the lot owners to future contributions to the road association they should be deemed to have satisfied the County's road maintenance conditions.

1.4 Condition 16

Condition 16 requires a private road to be constructed to higher density standards based on the number of lots served. However, the 2005 standards Andrus is vested to also consider the average lots size and as a result of the large lots in Section 23, Deer Creek Road should actually be considered a "low density" road regardless of the number of lots served. Thus, the Applicant requests clarification on Condition 16.

II. CONCLUSION

The neighbors' vesting argument fails. This application is vested to the rules and laws in place on the date it was filed and the County and the applicant are not precluded from processing the permit as a result of current ordinances and/or court decisions. The Hearings Examiner should approve the application with the County Staff Report suggested conditions, except:

(1) The County private road conditions should require Andrus to pay for their impacts but not deprive Andrus of the easement rights they have.

(2) Condition 16 should be modified so Andrus is required to construct to the density standards in place in 2007.

Respectfully submitted this 21 day of April, 2015.

LATHROP, WINBAUER, HARREL,
SLOTHOWER & DENISON L.L.P.

Jeff Slothower, WSBA #14526
Attorney for Becky Andrus

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CERTIFICATE OF SERVICE

I certify that I have this day caused a copy of the document to which this is attached to be served on the individual(s) listed below and in the manner noted below:

Andrew L. Kottkamp, Hearings Examiner Kottkamp & Yedinak PLLC 435 Orondo Ave Wenatchee, WA 98801	☐ BY U.S. MAIL ☐ BY HAND DELIVERY ☐ BY OVERNIGHT DELIVERY ☒ BY EMAIL: andy@wenatcheelaw.com
Jeff Watson, Staff Planner Kittitas County Community Development Services 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926	☐ BY U.S. MAIL ☒ BY HAND DELIVERY **[2 copies]** ☐ BY OVERNIGHT DELIVERY ☒ BY EMAIL: jeff.watson@co.kittitas.wa.us

I certify, or declare, under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Ellensburg, Washington this 21st day of April, 2015.

Heather L. Hazlett
Legal Assistant to Jeff Slothower

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EXHIBIT 1

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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"

STAFF REPORT
BIG BUCK RIDGE PRELIMINARY PLAT
LP-07-00040

TO:	Kittitas County Hearing Examiner
FROM:	Kittitas County Community Development Services Staff
RE:	Big Buck Ridge Preliminary Performance Based Cluster Plat (LP-07-00040)
DATE:	April 23, 2013

I. GENERAL INFORMATION

Requested Action: Wayne Nelson authorized agent for Becky Andrus, landowner, has submitted a performance based cluster plat application to create 14 one acre single family parcels and approximately eleven acres of open space. The plat proposes a group B water system and onsite individual septic systems. The subject property's zoning is vested as Residential 3.

Location: The subject property is 2 parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road (outside city limits), Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

II. SITE INFORMATION

Total Project Size:	25 acres
Number of Lots:	14
Domestic Water:	Group B Community 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: Light Development\Vacant
South: Power Lines; Undeveloped\Vacant
East: Undeveloped \Vacant
West: Subdivided Single Family under construction

The area is primarily covered in sparse forest; topography starts relatively flat on the north end of the parcels then steadily gains in slope (up to 33%) as it progresses to the south.

Access: The proposed project will have access from Bigbuck Ridge Road, a 60-foot private access easement. A second access route is required as conditioned by Kittitas County Public Works exhibit, number 5 (index document 65).

Zoning and Development Standards: The subject property is vested within the Rural-3 zoning district. 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 R-3 zones will be to minimize adverse effects on adjacent natural resource lands. Applicable development standards set forth in KCC Chapter 17.30 include, but

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are not limited to the following:

> Lot Size: The minimum residential lot size shall be three acres in the Rural-3 zone. The overall density of any residential development shall not exceed one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.
>
> Setbacks: There shall be a minimum front yard setback of twenty-five feet. Side yard and rear yard setbacks shall be 15 feet.

Preliminary Plats: The requirements of KCC Chapter 16.08.200, "Subdivision" means the division or re-division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership any one of which is less than 20 acres.

Performance Based Cluster Plats (PBCPs; KCC 16.09) : These types of subdivisions were originally integrated into County development regulations as an *"innovative"* planning technique to *"protect critical areas, water resources, and resource lands"* as well as *"... foster appropriate densities while protecting the environment and maintaining the high quality of life in Kittitas County"*. Chapter 16.09 also mandated an annual review to *"... check the effectiveness of the code in meeting the purpose and intent."* PBCPs were integrated into County Code on November 1, 2005 (Ord. 2005-35); revised on August 16, 2006 (Ord. 2006-36) and again on July 19, 2007 (2007-22; the version applicable to this proposal). The chapter was modified again in 2010 (Ord. 2010-014) and the PBCPs were eliminated from code in 2013 (Ord. 2013-001) and replaced by "Cluster Plat" language which was accepted by the Growth Management Hearings Board as being compliant with the Growth Management Act (GMA).

III. ADMINISTRATIVE REVIEW

Deem Incomplete, Request for Additional Information, and Notice of Application: The application for the Big Buck Ridge Plat was submitted to Community Development Services (CDS) on June 20, 2007. On July 18, 2007, staff issued a letter of incomplete application, requiring an address list for all landowners within 300 feet of the proposal. The file indicates that the requested address list was submitted to CDS on July 23, 2007 (see index document 10, page 1 of the record) On August 16, 2007 staff sent a letter to the applicant indicating that a prior land use action (the Andrus rezone RZ-06-00023) mandated through a SEPA Mitigated Determination of Non-Significance that a Traffic Impact Analysis (TIA) be completed (as well as a road variance) before review of the application could continue. The letter did not indicate a precise determination as to the status of the application at that time. Current Staff has taken the position that the application was complete at that time based on the following:

> **KCC Chapter 15A.03.040(3):** *"A project permit application is complete for the purposes of this title when it meets the procedural submission requirements of Kittitas County and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude Kittitas County from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur."*
>
> The Plat Application Form (see index document 5, page 1) stipulates that a *"Required Attachment"* for a preliminary plat is an *"Address list of all landowners within 300 feet of the site's tax parcel..."* This *"procedural submission requirement"* as described above, was met by the applicant July 23rd, 2007 following Staff's Deem Incomplete and Request for Additional Information on July 18th, 2007.
>
> **KCC Chapter 15A.03.040(4):** *"Within 14 days after an applicant has submitted to the permitting agency additional information identified by the permitting agency as being necessary for a complete application, the permitting agency shall notify the applicant whether the application is complete or what additional*

information is necessary... "

The letter from Staff requesting the TIA was written and sent on August 16th, 2007; 24 days after the submission of the address list requested in the original Deem Incomplete letter. Convention dictates that a failure to respond or clarify the completeness of an application within the timeframes provisioned in chapter 15A amounts to a de facto declaration of a complete application. The request for the TIA was not a *"procedural submission requirement"*.

KCC Chapter 15A.03.045(1): *"Once an application has been deemed complete, the Director may request the applicant to submit additional corrections, studies or other information on the proposed project. The Director shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification of such requests to the applicant."*

The requirement for the TIA was determined by Current Staff to be an *"additional correction, study or other information."* as described above. No parameters for a delivery date of the study were provisioned in the letter.

In the wake of sweeping changes to the structure and make up of CDS through 2009 an inventory was done in early 2010 to determine the status of, and make appropriate notifications to, the large cache of outstanding and pending land use applications on file. On February 9th, 2010 the Interim Planning Manager notified Mrs. Andrus that a request to withdraw application or the TIA would need to be submitted within 60 days (April 10th, 2010) for the application to remain active. On February 16th, 2010, Mr. Andrus requested an extension of the timeline because of uncertainty related to water withdrawal requirements in the Upper County; an extension was granted on June 25th, 2010. The record contains a series of extension over the course of the next several years; additional 120 day extensions were granted by CDS on:

October 17, 2010
June 27, 2011
September 30, 2011
January 11, 2012
June 26, 2012
October 23, 2012

On February 20th, 2013, the Transportation Impact Analysis was submitted to Kittitas County Public works and was declared to meet concurrency requirements.

The Notice of Application for the preliminary plat application was issued on February 9th, 2015. 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 February 24th, 2015.

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 March 25th, 2015. The appeal period ended on April 9, 2015 at 5:00 p.m. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments 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:
As conditioned the proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan at the time of submission. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a community water system and individual septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas which include possible steep slopes. Also of note for consideration is the existence of Bonneville Power Administration right of way on the south end of the parcel. No wetlands, classified streams or floodplain designations were identified in the proposal area. The proposal was identified as being within the designated coal mine area, but no mitigation measures are required by code.

Consistency with the provision of KCC 17.30, Rural 3 zoning (index document 78):
This proposal is consistent with the Kittitas County Zoning Code 17.30 at the time of submission. The purpose and intent of the R-3 zone at that time was to:

> *"... provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands."*

The subject property is not at this time, nor was it at the time of application, near or adjacent to a resource land of any kind. Single family residences are permitted in both the current and the vested zones of these parcels. Cluster subdivisions were permitted outright in the R-3 zone at the time of application. Lot sizes of less than 3 acres were provisioned for under KCC 16.09 at the time of application.

Consistency with the provisions of KCC 16: Preliminary Plats and Performance Based Cluster Plats:

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As conditioned, this proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats and Performance Based Cluster Plats. KCC Chapter 16.09 at the time of application (see index item 77) provided a means to increase densities beyond the maximum of what would normally be permitted for the R-3 zone based on public benefit rating system. The applicant in this case is using three public benefit categories to decrease the minimum lot size from three acres to one acre:

Designation of 11 acres of the 25 total acres as open space in perpetuity – In order to qualify for this provision found in the Public Benefit Rating System Chart (16.09.090) the applicant must dedicate a minimum of 40% of the base lot to perpetual open space. Open space, for the purposes of the chapter is defined as:

> *"...land used for outdoor active, passive and formal recreational purposes, land used for resource protection (including related structures such as barns on agriculturally productive land), land which is a common area for use by the public and/or residents of a cluster development, which is reserved for parks, walking paths or other natural uses, but not to include critical areas where development would otherwise be restricted, or dwellings or roadways surfaces, or building setbacks required by current codes, or areas otherwise encumbered by other federal, state, or local jurisdictions. In all cases, for purposes of this chapter, open space shall be of a functional nature and incorporate logical boundaries.*
>
> Germane to the utilization of this criteria will be the amount of designated open space outside of areas restricted from development by other provisions of federal, state, and local codes, regulations, and ordinances; as conditioned the proposal will be consistent with public benefits associated with this criteria.

Use of a Group B water system – Utilization of a group B water system provides a density bonus because it minimizes the need for individual wells. For the purposes of this chapter the system will need to be a:

> *".. DOH approved water system that meets the requirements of WAC 246-290 or 246-291, or any water system that meets the definition of "Municipal water supplier" under RCW 90.03.015.*
>
> This water system will fall under the close scrutiny of the Washington State Department of Health and Kittitas County Public Health. As conditioned the proposal will be consistent with the public benefits associated with this criteria.

Development of active recreational facilities – The applicant has indicated in the proposal and the SEPA checklist that there will be private trails developed in conjunction with the plat connecting two of the three detached open space tracts to the internal private road. The south open space tract will also include a 20 foot trail easement; it is unclear where or how this trail will connect to adjacent properties or tracts either inside or outside the plat. For the purposes of this chapter active recreation is defined as including but not limited to:

> *"... ball fields, tennis courts, wheeled vehicle trails, outdoor riding arenas, etc."*
>
> Consideration was given to the wide variety of *"wheeled vehicles"* which people must or choose to utilize in *"active recreation."* As conditioned the trails proposed will provide increased opportunity for recreation to the eventual residents and guests of the plat and be consistent with public benefits associated with this criteria

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

As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period:

City of Cle Elum
Washington State Department of Health
Washington State Department of Ecology
Kittitas County Public Health Department.

These comments have been included in the record and conditions of approval have been crafted to address these agency concerns.

Public Comments:

Comments were received from the following members of the public representing themselves:

Kay Mulbeier
Gary Kasowski
Allen & Lan Jones
Liz Remeto
Christine Johnson
Adam Burnett
Roiann Daly
Jan Thompson
Maren L. McDonald
Matt Clark
Kim Person
Joe Skvarla
Brian Rogers
Margaret Suman
Ken McKim
David McDuff
James Carmody
Bruce Higgs
Don Owens
Mr. James Carmody was retained by the Cle Elum Ridge Community and provided comments on their behalf.

These comments have been included in the record and consideration was integrated into the conditions of approval.

Post Comment Period Exhibits

The following individuals and agencies provided additional correspondence following the close of the comment period on February 24th, 2015 at 5:00 p.m.

Kittitas County Public Works Department
Washington State Department of Ecology
Karma Chapman

These correspondences have been included in the record and consideration was integrated into the conditions of approval.

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VIII. RECOMMENDATION

As conditioned below, the application is not detrimental to the general public health, safety or welfare and meets intent and criteria associated with Title 12, Chapter 16.08, Chapter 16.09, Chapter 16.12 and Chapter 17.30 of the Kittitas County Code as well as the Kittitas County Comprehensive Plan. Staff recommends approval of the Big Buck Ridge Preliminary Plat LP-07-00040, subject to the following findings of fact and conditions outlined below.

Staff also feels compelled to recognize before the Hearings Examiner that the conditions outlined below may result in substantive changes to the plat as proposed. It is possible that the applicant may, after review of the comments, conditions, and initial testimony at the Public Hearing, wish to alter the plat to a degree which would require additional review by both staff and the public at large. At the discretion of the Hearings Examiner, a remand may be the preferred or appropriate action to take at this time.

Suggested Findings of Fact

1. Wayne Nelson authorized agent for Becky Andrus, landowner, has submitted a performance based cluster plat application to create 14 one acre single family parcels and approximately eleven acres of open space. The plat proposes a group B water system and onsite individual septic systems. The subject property's zoning is vested as Residential 3.
2. The subject property is 2 parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road (outside city limits), Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

3. Site Information

Total Project Size:	25 acres
Number of Lots:	14
Domestic Water:	Group B Community Water System
Sewage Disposal:	Individual on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District 7
Irrigation District:	None

4. Site Characteristics:
   North: Light Development\Vacant
   South: Power Lines; Undeveloped\Vacant
   East: Undeveloped \Vacant
   West: Subdivided Single Family under construction
5. The area is primarily covered in sparse forest; topography starts relatively flat on the north end of the parcels then steadily gains in slope (up to 33%) as it progresses to the south.
6. The proposed project will have access from Bigbuck Ridge Road, a 60-foot private access easement. A second access route is required as conditioned by Kittitas County Public Works exhibit, number 5.
7. The Comprehensive Plan designation is Rural.
8. The subject property is vested within the Rural-3 zoning district. The minimum lot size is one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.

9. 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 R-3 zones will be to minimize adverse effects on adjacent natural resource lands.

10. The application for the Big Buck Ridge Plat was submitted to Community Development Services (CDS) on June 20, 2007. On July 18, 2007, staff issued a letter of incomplete application, requiring an address list for all landowners within 300 feet of the proposal. The list was provided on July 23, 2007; the application was de facto deemed complete on August 16, 2007 with the request for a traffic impact analysis. The notice of application was on February 9, 2015. 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 February 24, 2015.

11. An application was submitted to Community Development Services on August 17, 2011. The Notice of Application for the preliminary plat application was issued on November 17, 2011. 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 December 2, 2011.

12. 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 March 25, 2015. The appeal period ended on April 9, 2015 at 5:00 p.m. No appeals were filed.

13. As conditioned 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 community water system and individual septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas which include steep slopes.

14. As conditioned the proposal is consistent with the Kittitas County Zoning Code Title 17

15. As conditioned the proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats.

16. As conditioned the proposal is consistent with the Kittitas County Subdivision Code for Performance Based Cluster Plats.

17. This application is subject to the Kittitas County Road Standards, dated 9/6/05. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

18. The following agencies provided comments during the comment period: Washington State Department of Health, Washington State Department of Ecology, and Kittitas County Public Health. Kittitas County Public Works submitted correspondence on March 16, 2015. These comments and correspondence have been considered 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 as conditioned.

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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:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated June 20, 2007 except as amended by the conditions herein.

2. A certificate of title of the property proposed to be platted shall be submitted with the final plat.

3. A note shall be placed on the final plat stating that any construction within areas of 33% or greater slope will require geotechnical engineering per IRC R403.7.7 and/or IRC 1805.3.1 or current adopted code.

4. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

5. All current and future landowners must comply with the International Fire Code.

6. It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.

7. Computer sheets shall be submitted with the final plat showing the closure of plat boundaries, blocks, lots or any tract. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
8. Individual onsite sewage systems will need to meet Kittitas County code requirements.
9. According to the Public Health Department, final plat approval will be conditioned upon:
    a. written findings of adequacy of potable water supplies;
    b. a well site inspection performed by KCPHD staff and the well drilled;
    c. completion and submission of a Group B Public water system to the Washington State Department of Health (WSDOH);
    d. a contract with an approved Kittitas County Satellite Management Agency;
    e. the construction or bonding of all infrastructure including the well house and storage tanks;
    f. issuance of a public water system ID number from WSDOH;
10. The Final Plat shall meet all requirements as listed in Chapter 16.20 of the Subdivision Code, as follows:

    16.20.020 Final Plat General Information

    a. The final plat shall be drawn on polyester film in a neat and legible manner.
    b. The final plat shall be drawn to such a scale as to make a sheet eighteen inches by twenty-four inches. Should this size sheet unduly congest the drawing, the plat may be submitted on two or more sheets of the above dimensions. The perimeter of the subdivision shall be depicted with heavier lines than appear elsewhere on the plat. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch on the sides. The scale shall be one (1) inch equals two hundred (200) feet, or greater, unless otherwise approved by the director.
    c. All lettering shall be printed with permanent ink.
    d. Each sheet of the final plat shall contain the subdivisions name at the top of the sheet in large letters followed underneath with the section, township, range, county and state. The space for recording the receiving number is in the upper right hand corner, sheet numbers at the bottom of the sheets.
    e. It shall show all courses and distances necessary to re-stake any portion of said plat.

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f. Required monuments shall be shown together with a legend of monuments on the face of each plat sheet. (Ord. 2005-31, 2005)

16.20.040 Plat Drawing

a. Section Data. All section, township, municipal and county lines lying within or adjacent to the subdivision;
b. Tie Monuments. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries;
c. Plat Monuments. The location of all permanent control monuments found or established within the subdivision;
d. Boundaries. The boundary of the subdivision, with complete bearings and lineal dimensions in heavier lines;
e. Bearing and Distances. The length and bearings of all straight lines, the radii, arcs, and central angles of all curves;
f. Lot Dimensions. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field;
g. Road Names. The location, width, centerline, and name or names or number of all streets within and adjoining the subdivision;
h. Easements. The location and width, shown with broken lines, and description of all easements. Easements may be described in the plat restrictions in lieu of being shown on the plat drawings;
i. Lot Numbers. Numbers assigned to all lots and blocks within the subdivision;
j. Adjacent Owners. Names of owners of land adjacent to the subdivision, and the names of any adjacent subdivisions;
k. Surrounding Area. All surrounding property shall be shown in dotted lines and letters with names of plats, roads, adjoining lots, canals, and etc., and if un-platted shall be so indicated;
l. Vicinity Maps. A vicinity map showing the boundary of the plat in relation to the surrounding area such as adjacent subdivisions, rivers, creeks, roads or highways, canals, etc. Minimum area shown would be the section or sections containing the platted area with a scale of approximately 4" = 1 mile;
m. Contours. Contour lines are not shown on a final plat as required on the preliminary plat;
n. Miscellaneous Items. North arrow, scale and legend of monuments to be shown on open area of sheets;
o. Grid Coordinates. A tie shall be made and shown on the plat if plat is within one mile of any such monument.
p. Well location. The drawings shall be marked with a "w" indicating location of the well and a broken line showing the one hundred foot radius around such.
q. Ditches. Location of existing ditches apparent or of record. (Ord. 2005-31, 2005)

11. 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 build ing 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.

12. 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 prior to the issuance of a building permit for any of the structures within the proposed plat.

13. Stormwater: On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater

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system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit.

14. Grading Permit: A grading permit shall be required prior to beginning any site work. See KCC 14.05 for more information.

15. Second Access: A second access will be required as clarified by the Board of County Commissioners on April 2, 2007. The BOCC clarified KCRS 12.01.095(2) with the following requirements: 1) If the second access is restricted to emergency access only, it must meet or exceed the following requirements: 60' easement, 20' roadway width, BST/ACP surface, and a paved apron. Access restrictions such as gates or bollards must be approved by the Fire Marshal; 2) If the second access is to be used for ingress and egress, it must meet the same standards of the first access.

    Documentation of a legal easement across the route of the second access will be required prior to final approval. The second access must be constructed and certified by an engineer licensed in the State of Washington prior to issuance of a building permit.

16. Private Road Improvements: Access 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 20', with 1' shoulders, for a total width of 22'..
    b. Minimum centerline radius shall be 60'.
    c. The surface requirement is for a minimum gravel surface depth of 6".
    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.

16. 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.

17. Joint-Use Driveway: A joint-used access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
    a. Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.
    b. The surface requirement is for a minimum gravel surface depth of 6".
    c. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

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d. Any further subdivision or lots to be served by proposed access may result in further access requirements.

18. Single-Use Driveway: A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.

    a. The roadway shall be a minimum of 8' wide with gravel surface.

    b. Maintenance or driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

    c. Any further subdivision or lots to be served by proposed access may result in further access requirements.

19. Plat Notes; Plat notes shall reflect the following:

    a. Entire private road shall achieve 95% compaction and shall be inspected and certified by a licensed engineer in the State of Washington specifying that the road meets current Kittitas County Road Standards prior to the issuance of building permit for this plat.

    b. Entire private road shall be inspected and certified by a civil engineer licensed in the State of Washington specifying that the road meets Kittitas County Road Standards as adopted September 6, 2005, prior to the issuance of a building permit. Any future subdivision or land use action will be reviewed under the most current road standards.

    c. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.

    d. Maintenance of the access is the responsibility of the property owners who benefit from its use.

    e. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.

    f. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

    g. A public utility easement 10 feet in width is reserved along all lot lines. The 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation.

20. Plat Approvals: All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

    EXAMINED AND APPROVED

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

    _____.

    Kittitas County Engineer

21. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

22. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.

23. 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.

24. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.

25. 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.

26. A burn permit must be obtained from Ecology if the proponent plans to burn trees or debris from the property. Only natural, unprocessed vegetation may be burned in an outdoor fire.

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

28. A plat note discussing the spread of noxious weeds shall be shown on the plat and shall read: "Per RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds, accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeding of areas disturbed by development to preclude the proliferation of noxious weeds."

29. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.

30. Both sheets shall reflect the Plat number: LP-07-00040.

31. An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required for this project. 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.

32. This NPDES Construction Stormwater General 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.

33. No water right records associated with this property were found in the Central Regional Office. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

    On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development because in combination, the withdrawal will exceed the exemption criteria.

34. An internal looped trail shall be bonded for or constructed in conjunction with the plat infrastructure. It shall run parallel with, but in addition to, the entire length of the private road servicing the plat to the 10 foot easement depicted on the west lot line of lot 8; then north across the .41 acre open space tract where it will connect with the 10 foot trail easement along the north and west lot lines of lot 1 to the 1.50 acre open space tract; then north and east back to the private road easement. This active recreation trail shall be constructed of an approved hard surface to accommodate wheeled traffic and utilize standards in conformance with the ICC

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A117.1-2009 manual for accessible and usable buildings and facilities.

35. Open space tracts shall be labeled with a unique identifier.

36. The face of the plat will depict accurate calculations for open space tracts which do not include areas covered by road easement or driveway, well head protection areas, utility right of way, critical area or region encumbered by other federal, state, or local jurisdiction (as per ordinance 2007-22).

37. The open space tracts shall be:

    a. owned in a proportionate and un-severable manner as tenants in common by each lot owner; and

    b. assessed, taxed, and foreclosed upon each building lot.

38. Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on December 21, 2012. The following are the mitigation contained within the MDNS and shall be conditions of approval:

Water and Septic

1. The proposed plat is located within the upper county as defined in WAC 173-539A-090; the proposed group B water system shall be developed in complete compliance with the regulations and requirements of WAC 173-539A. The development will need to:

    a. Have well site inspections.

    b. Complete and submit a Group B water system workbook.

    c. Contract with a Satellite Management Agency.

    d. Complete or bond for infrastructure.

    e. Obtain WSDOH approval and identification number.

    f. Construct well(s) in accordance with the provisions of WAC 173-160. Wells must be located 100 feet from any known, suspected, or potential source of contamination.

    g. File a well report with the Department of Ecology within thirty (30) days after the completion of the well.

2. On-site sewage systems shall be constructed in accordance with requirements and regulations in Kittitas County Code (KCC) 13.04 at the time of application (6/20/2007).

Transportation

3. KCC 12.12.010(6) requires private roads within the plat to be maintained by a legal entity made up of all benefitted property owners under the provisions of an acceptable and recorded Private Road Maintenance Agreement.

4. All parcels located within this project shall be required to join the existing Private Road Maintenance Agreement which is made up of all the benefitted property owners served by Deer Creek Road and other roadways within Section 23, Township 20 North, Range 15 East.

Stormwater

5. Activities such as road widening, stump pulling and clearing grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.

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6. On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented for review to Public Works prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit. Stormwater plans shall be submitted in accordance with KCC 12.06 and 12.08.

Cultural Resources and Historic Preservation

7. Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

Light and Aesthetics

8. A plat note shall be affixed which states: All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

Noise

9. Development and construction practices during building of this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby residential properties.

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EXHIBIT 2

PROJECT NAME:
LP-07-00040 Big Buck Ridge

Completed for: **Hearing Examiner Public Hearing 4/23/2015**

Index #	Document Name
1	Application Receipt – 6/20/2007
2	Closures – 6/19/2007
3	Well Reports – Multiple Dates
4	SEPA Checklist – 6/19/2007
5	Plat Application 6/20/2007
6	Preliminary Plat – 6/20/2007
7	Public Health Form Letter – 6/20/2007
8	Road Variance Request – 5/18/2007
9	Deem Incomplete Letter – 7/18/2007
10	Adjoining Property/Mailing Labels 7/23/2007
11	Traffic Impact Analysis Required Letter – 8/16/2007
12	Second Access Required Letter – 12/5/2007
13	Sixty Days to Submit Letter – 2/9/2010
14	TIA Correspondence Letter – 6/14/2010
15	Extension Request – 6/15/2010
16	Extension Granted Letter – 6/25/2010
17	Extension Request – 10/19/2010
18	Extension Granted Letter – 10/17/2010
19	Extension Request – 6/27/2011
20	Extension Granted Letter – 6/27/2011

21	Extension Request – 9/29/2011
22	Extension Granted Letter – 9/30/2011
23	Extension Request – 1/11/2012
24	Extension Granted Letter – 1/11/2012
25	Comments – City of Cle Elum – 1/13/2012
26	Correspondence RE TIA – 1/26/2012
27	Extension Request – 6/26/2012
28	Extension Granted Letter – 6/26/2012
29	Extension Request – 10/9/2012
30	Extension Granted Letter – 10/23/2012
31	Traffic Impact Analysis – 2/19/2013
32	Memo from Public Works – 5/6/2013
33	Email from Public Works – 5/29/2013
34	Site Visit Photos – 12/19/2014
35	Critical Areas Checklist – 1/21/2015
36	Planners Maps – 1/21/2015
37	Notice of Application Documentation – 2/9/2015
38	Newspaper Article – 2/12/2015
39	Owens Comments – 2/24/2015
40	Higgs Comments – 2/24/2015
41	Carmody Comments – 2/24/2015
42	McDuff Comments - 2/24/2015
43	McKim Comments – 2/23/2015
44	Suman Comments – 2/23/2015
45	Rogers Comments – 2/23/2015
46	Skvarla Comments – 2/23/2015

47	Person Comments – 2/22/2015
48	Clark Comments – 2/22/2015
49	McDonald Comments – 2/21/2015
50	Thompson Comments – 2/21/2015
51	Ecology Comments – 2/24/2015
52	Daly Comments – 2/18/2015
53	Burnett Comments – 2/16/2015
54	Johnson Comments – 2/16/2015
55	Remeto Comments – 2/16/2015
56	Jones Comments – 2/16/2015
57	Kasowski Comments – 2/16/2015
58	Kittitas County Public Health Comments – 2/10/2015
59	Mulhbeier Comments – Beginning 2/13/2015
60	Washington State Department of Health Comments – 2/9/2015
61	City of Cle Elum Comments – 1/13/2012
62	Transmittal of Comments – 3/19/2015
63	Chapman Exhibit – 2/24/2015 (9:43 p.m.)
64	Ecology Exhibit – 3/3/2015
65	Public Works Exhibit – 3/16/2015
66	Washington State Department of Health Exhibit – 2/25/2015
67	Road Maintenance Exhibit (Public Works) – 3/20/2015
68	Notice of SEPA Action and Public Hearing – 3/25/2015
69	Mitigated Determination of Non-Significance – 3/25/2015
70	Published Notice of SEPA Action and Public Hearing – 3/25/2015
71	Newspaper Article – 3/26/2015
72	Newspaper Article – 3/30/2015

73	Request to Postpone Public Hearing – 3/31/2015
74	Notice of SEPA Action & Postponement – 3/31/2015
75	Notice of SEPA Action & Postponement Publication Documents – 4/2/2015
76	Notice of Public Hearing Documentation – 4/14/2015
77	Ordinance 2007-22 – 7/19/2007
78	Chapter 17.30 Rural-3 Zone – 7/10/2007

EXHIBIT 3

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS STATE OF WASHINGTON

ORDINANCE NO. 2006 - 57

ANDRUS REZONE (Z-06-23)

IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS FOR A PORTION OF SECTION 26 OF TOWNSHIP 20 N., RANGE 15 E., FROM FOREST&RANGE TO RURAL-3

WHEREAS, according to Kittitas County Code Titles 15A & 17, relating to general rezones, adopted pursuant to RCW 36.70B & 36.70 respectively, an open record hearing was held by the Kittitas County Planning Commission on September 21, 2006 for the purpose of considering a zone change consisting of approximately 25.0 acres from Forest&Range to Rural-3 and described as follows:

> Located east of Deer Creek Rd., south of Big Tail Rd., and north of the City of Cle Elum, within the NE ¼, Section 26, T.20N., R.15E., W.M., Kittitas County, WA. The rezone applies to tax parcel number(s) 20-15-26010-0009, 0010; and,

WHEREAS, testimony was taken from those persons present who wished to be heard during said open record hearing before the Planning Commission; and,

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

WHEREAS, the Planning Commission recommended denial of said proposed rezone in a 3-1 decision; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on November 7, 2006 to consider the Planning Commission's recommendation on this matter; and,

WHEREAS, the following FINDINGS OF FACT have been made concerning said proposed rezone:

1. Becky Andrus, landowner has submitted an application for a general zone change from Forest & Range to Rural-3 for approximately 25.0 acres. The site is located east of Deer Creek Rd., south of Big Tail Rd., and north of the City of Cle Elum, within the NE ¼, Section 26, T.20N., R.15E., W.M., Kittitas County, WA. The rezone applies to tax parcel number(s) 20-15-26010-0009, 0010.

2. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A on June 30, 2006. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.

3. Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this comment period and other information on file with CDS, A SEPA

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Mitigated Determination of Non-Significance was issued by the Community Development Services Department on August 8, 2006. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. No SEPA Appeals were received. The SEPA MDNS has been attached for reference. **(See attached exhibit B)**

4. An administrative site analysis was completed by the staff planner in compliance with Title 17A. Moderate to steep slopes are located throughout the site, BPA easement crosses a portion of the site, coalmining activities have been a historic practice in the vicinity, but no known shafts exist on site.

5. An open record hearing was held by the Planning Commission on September 21, 2006 to consider this rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest to be served by this non-project action.

6. The requested zone change is consistent with the Rural land use designation of the Kittitas County Comprehensive Plan.

7. The proposed requested zone change does meet all seven criteria as listed in KCC 17.98.020 (E).
   a) *The proposed amendment is compatible with the comprehensive plan.*
      a. The Comprehensive Plan designation of the subject property is Rural.
      b. The requested zone change to Rural-3 is compatible with this designation.
   b) *The proposed amendment bears a substantial relation to the public health, safety or welfare.*
      a. The zoning south of the subject parcels is currently Rural-3,while zoning to the east has been rezoned to Rural-5.
      b. The subject property abuts the City of Cle Elum UGA on three sides.
      c. The rezone allows for the potential of smaller, rural parcels that are consistent with neighboring lot sizes. Smaller parcels are more valuable. The creation of this potential will increase the assessed value of the property and thereby provide more revenue for essential county services, schools, and the Fire District.
      d. The rezone will encourage and allow for the concentration of rural densities.
      e. The rezone encourages and allows for rural residential densities an area with immediate access to Big Tail Road.
   c) *The proposed amendment has merit and value for Kittitas County or a sub-area of the county.*
      a. It provides for a potential for an increased tax revenue/tax base.
      b. The rezone allows for a mixture of densities in the County.
   d) *The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.* The rezone is necessary for the reasonable development and use of the subject property because:
      a. The subject property abuts the Cle Elum UGA on three sides.
      b. The zoning south of the subject parcels is currently Rural-3, parcels abutting the subject property to the east is have recently been rezoned toRural-5.
      c. This rezone has the potential to increase the available housing stock.
      d. The rezone is necessary for the reasonable development and use of the subject property.

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e) *The subject property is suitable for development in general conformance with zoning standards for the proposed zone.*
   a. The subject property abuts the Cle Elum UGA on three sides.
   b. Adequate acreage exists to handle development that shall conform with zoning standards of the proposed zone.

f) *The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.*
   a. The surrounding area is composed of a mixture of uses which include residential, and natural resource.
   b. The proposed amendment abuts the City of Cle Elum UGA on three sides and is a logical extension of density in this specific area.

g) *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.*
   a. There is no impact to irrigation.

8. Additional conditions are necessary to protect the public's interest. The condition is as follows:
   a. SEPA review will be required for any future development regardless of the exemption status at time of development. **(See attached Exhibit B)**

9. No public testimony was heard.

NOW THEREFORE,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Kittitas County, Washington, after due deliberation and in the best interest of the public, does hereby approve said zone change from Forest&Range to Rural-3, known as the Andrus Rezone (Z-06-23), and does hereby authorize the amendment of the Kittitas County Zoning Map as set forth in **(attached Exhibit A).**

DATED this 21st day of November, 2006 at Ellensburg, Washington.

COUNTY COMMISSIONERS KITTITAS COUNTY SEAL

ATTEST:
CLERK OF THE BOARD

Julie A. Kjorsvik

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

David B. Bowen, Chairman

Alan A. Crankovich, Vice-Chairman

APPROVED AS TO FORM:

James Hurson WSBA #12686

Perry D. Huston, Commissioner

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Exhibit A: Map Andrus Rezone (Z-06-23)

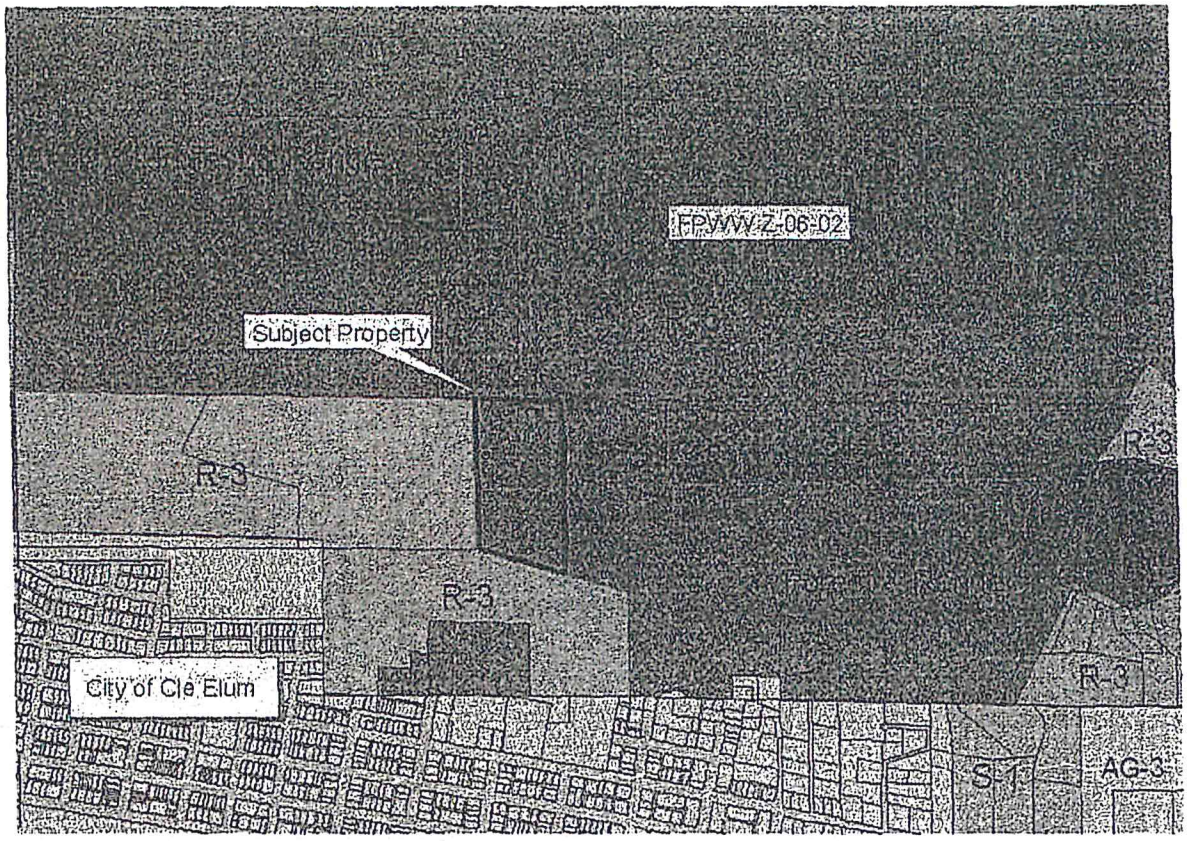

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Exhibit B: SEPA MDNS Andrus Rezone Z-06-23

SEPA
MITIGATED DETERMINATION OF NONSIGNIFICANCE

File: Andrus Rezone File No. Z-06-23

Description: Zone Change of 25 Acres from Forest & Range-20 to Rural-3

Proponent: Becky Andrus
P.O. Box 785
Cle Elum, WA 98922

Location: East of Deer Creek Rd., South of Big Tail Rd., and North of the City of Cle Elum, within the NE ¼, Section 26, T.20N., R.15E., W.M., Kittitas County, WA. The rezone applies to tax parcel numbers 20-15-26010-0009, 0010.

Lead Agency: Kittitas County Community Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. 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. These mitigation measures include the following:

I. Transportation

A. The project is accessed via a private driveway off of Big Tail Road.

B. Any future subdivision or development of the properties involved within this rezone will result in the enactment of road standards review and will require road improvements to be made that comply with all applicable agency standards including Kittitas County Road Standards (See Kittitas County Road Standards, as adopted 9/06/05). Kittitas County Department of Public Works requires a "maximum build-out" plan be discussed in a pre-applicant meeting with the applicant to clarify some of these issues.

C. At the time of a project action, the applicant shall submit a stamped traffic analysis from a licensed engineer in the State of Washington considering among other factors, intersection spacing, sight distances, traffic volumes, load bearing capacity of soils, pavement thickness design, etc. Reference Current Kittitas County Road Standards.

II. Water

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A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan.

B. Storm water and surface runoff generated by this project must be retained and treated on site in accordance with regulating agencies' standards, and not be allowed to flow onto rights-of-way.

C. Withdrawls of groundwater on the subject property will be subject to the rules & regulations adopted and administrated by the Washington State Department of Ecology.

III. Public Services

A. Any future development must comply with International Fire Code (IFC) and Appendices.

IV. SEPA Review

A. Any future subdivision or development of the properties involved within this rezone will be subject to additional SEPA review regardless of exemptions.

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 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 within 10 working days (on or before 5:00 PM, Friday, August 25, 2006).

Responsible Official: Patrick Butler

Title: Staff Planner

Address: Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506 FAX 962-7682

Date: August 8, 2006

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of $300.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 PM, Friday, August 25, 2006. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

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EXHIBIT 4

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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

July 18, 2007

Becky Andrus.
P.O. Box 785
Cle Elum, WA 98922

RE: Big Buck Ridge Cluster Plat, File number P-07-40

Dear Ms. Andrus:

Community Development Services is in receipt of the referenced application. The application is deemed incomplete and the following additional information is required:

1. The address list of all landowners within 300-feet of the site's tax parcel was not submitted as part of the required attachments to your Long Plat Application.

When the additional information is received and the application is deemed complete, our review of the application will continue. If you have any questions or need assistance, please contact our office at (509) 962-7637.

Sincerely,

Dan Valoff

Dan Valoff
Planner 1

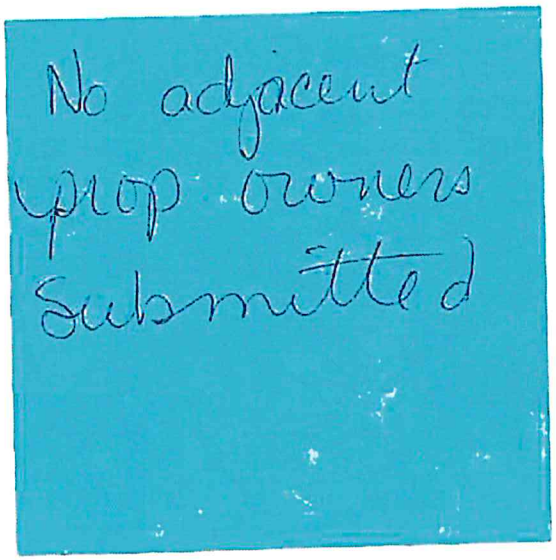

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EXHIBIT 5

EXHIBIT 5
(KCC 15A.03.040)

15A.03.040 Determination of complete application.

1. Within 28 days after receiving a project permit application, the local permitting agency shall mail or provide in person a written determination to the applicant, stating either:
    1. That the application is complete; or
    2. That the application is incomplete and what is necessary to make the application complete. An incomplete application shall expire after 180 calendar days unless the requested supplemental information is submitted in complete form.
2. To the extent known by the permitting agency, the permitting agency shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.
3. A project permit application is complete for the purposes of this title when it meets the procedural submission requirements of Kittitas County and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude Kittitas County from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.
4. Within 14 days after an applicant has submitted to the permitting agency additional information identified by the permitting agency as being necessary for a complete application, the permitting agency shall notify the applicant whether the application is complete or what additional information is necessary. In determining the number of days that have elapsed after Kittitas County has notified the applicant that the application is complete, the following periods shall be excluded:
    1.
        1. Any period during which the applicant has been requested by Kittitas County to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date Kittitas County notifies the applicant of the need for the additional information until the earlier of the date Kittitas County determined whether the additional information satisfies the request for information or 14 days after the date the information has been provided to Kittitas County.
        2. If Kittitas County determines that the additional information submitted by the applicant is insufficient, it shall notify the applicant of the continued deficiencies and the procedures under subsection (D)(1)(a) of this section shall apply as if a new request for studies has been made.
    2. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW, if Kittitas County and the applicant in writing agree to a time period for completion of an environmental impact statement.
    3. Any period of administrative appeals of project permits, if an open record hearing or a closed record appeal, or both, are allowed. The time period to consider and decide such appeals shall not exceed:

1. Ninety days for an open record appeal hearing;
2. Sixty days for a closed record appeal; and
3. The parties to an appeal may agree to extend these time periods.

4. Any extension of time mutually agreed upon by the applicant and Kittitas County.
5. These time limits do not apply to a project permit application, if the project:
    1. Requires an amendment to the comprehensive plan or a development regulation;
    2. Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200;
    3. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.
6. If Kittitas County is unable to issue its final decision within the time limits provided, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date of issuance of the notice of final decision.
7. Applications shall be void if they remain incomplete for more than 180 days.
8. This section shall apply to project permit applications filed on or after the date of adoption of this title. (Ord. 2000-07; Ord. 9810, 1998)

15A.03.045 Permit processing time.

1. Once an application has been deemed complete, the Director may request the applicant to submit additional corrections, studies or other information on the proposed project. The Director shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification of such requests to the applicant.
2. Failure by the applicant to meet such deadline shall be cause for the application to be void. However, an extension of such deadline may be requested by an applicant if the request is made prior to the expiration of the deadline. Extension requests shall be submitted in writing, include a justification of why an extension is warranted, and include an extension fee, to be determined through resolution.
3. When considering a request for a deadline extension, the Director shall give consideration to the code provisions to which the project is vested, if any. In order to assure equity in permit processing between past, current, and future applicants, deadline extensions shall be limited to one extension after code provisions affecting the project have changed. Once code provisions have changed as to make the vested code substantially different than current code, a requested deadline extension of up to six months may be granted, but it shall be the final extension granted. The Director shall determine whether code changes have created substantially different regulations.
4. The Director shall provide a written, mailed response to the applicant with its decision on each extension request. (Ord. 2013-001, 2013; Ord. 2010-014 , 2010)

EXHIBIT 6

City of Cle Elum
119 West First Street
Cle Elum, WA 98922



Telephone: (509) 674-2262
Fax: (509) 674-4097
www.cityofcleelum.com

January 13, 2012

Kittitas County Department of Public Works
Attention: Christina Wollman
411 N. Ruby Street, Suite 1
Ellensburg, WA 98926

Re: Big Buck Ridge (P-07-40)

Dear Ms. Wollman:

Thank you for the opportunity for the City of Cle Elum to provide comments on the above referenced cluster subdivision. As we understand the project, access to the property is via Montgomery Avenue, an existing city street. This area was fully evaluated as part of the EIS prepared for City Heights and the City will not require any additional studies or improvements specific to the proposed development of Big Buck Ridge. However we believe the proportionate share of Road Impacts Mitigation to be $475 per lot, payable to the City of Cle Elum at time of Short Plat Approval. This mitigation figure is derived from total mitigation (proportional impact based on traffic study and concurrency analysis) prepared for the CESS Environmental Impact Statement.

Please do not hesitate to contact me if you should require any additional information.

Sincerely,

Matt Morton
City Administrator

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EXHIBIT 7

200204050022
Page: 1 of 2
04/05/2002 03:21P
Kittitas Co Auditor AMERITITLE
WDED 10.00

When Recorded Return to:
Cle Elum's Sapphire Skies, LLC
315 – 39th Ave. SW #8
Puyallup, WA 98373

RE EXCISE TAX PAID
Amount $ 2585.70
Date 04-05-02
Affidavit No. 19650
KITTITAS COUNTY TREASURER
By K. Hiel

AMT 89786
10 –

Grantor: Cle Elum's Sapphire Skies, LLC
Grantee: Cory W. Andrus and Rebecca L. Andrus, husband and wife

Legal Description: Part of the Northeast quarter of the Northeast quarter and of the Southeast quarter of the Northeast quarter of Section 26, Township 20 North, Range 15 East, W.M., Kittitas County, Washington, more particularly described as follows:

Commencing at the Northeast corner of said Section 26; thence North 88°38'56" West along the North line of said Northeast quarter of the Northeast quarter a distance of 562.75 feet to the true point of beginning; thence continuing North 88° 38'56" West along said North line a distance of 766.78 feet; thence South 00°25'27" West along the West line of said Northeast quarter of the Northeast quarter a distance of 1,310.23 feet to the Southwest corner of said Northeast quarter of the Northeast quarter; thence continuing South 00°25'27" West along the West line of said Southeast quarter of the Northeast quarter a distance of 14.40 feet; thence South 73°18'17" a distance of 788.37 feet; thence North 00°47'37" East parallel to the East line of said Section 26, a distance of 1,533.14 feet to the North line of said Northeast quarter of the Northeast quarter and the true point of beginning.

Assessor's Tax Parcel ID#: 20-15-26010-0001

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That Cle Elum's Sapphire Skies, LLC, a Washington limited liability company, whose address is 315 – 39th Avenue SW #8, Puyallup, WA 98373, GRANTOR, in consideration of the sum of Ten and 00/100 Dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby admitted, does hereby grant, bargain, sell, convey and confirm unto Cory W. and Rebecca L. Andrus, husband and wife, GRANTEE, and to their successors and assigns, FOREVER, the real property situated in the County of Kittitas, State of Washington, described above in the "Legal Description" (the Property).

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TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

The said GRANTOR hereby covenants that it will forever WARRANT and DEFEND all right, title, and interest in and to the Property, and the quiet and peaceable possession thereof, unto the said GRANTEE, its successors and assigns, against the acts and deeds of said GRANTOR, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEROF, said GRANTOR has caused its name to the subscribed by its property officers, thereunto duly authorized on this 2 day of April, 2002.

Cle Elum's Sapphire Skies, LLC
By: The Herbrand Company, Managing Member

James E. Wood

by: James E. Wood, Vice President, The Herbrand Co.

STATE OF WASHINGTON)
COUNTY OF PIERCE)ss.

I certify that I know or have satisfactory evidence that James E. Wood signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged he is the Vice President of The Herbrand Co. who is Managing Member of Cle Elum's Sapphire Skies, L. L. C., to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: April 2, 2002

Melinda Lord

Notary public in and for the State of Washington,
residing at Graham
My commission expires on 9-1-2005.

NOTARY PUBLIC
STATE OF WASHINGTON
MELINDA LORD
My Appointment Expires Sept. 1, 2005

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EXHIBIT 8

RETURN TO:
Cle Elum's Sapphire Skies, LLC
315 - 39th Ave. SW #8
Puyallup, WA 98373

200304170008
Page: 1 of 3
04/17/2003 10:06A
Kittitas Co Auditor CLE ELUM'S SAPPHIRE SKIAMDT 21.00

DOCUMENT TITLE(S): Amended Easement

GRANTOR(S):

CLE ELUM'S SAPPHIRE SKIES, L.L.C.

GRANTEE(S):

CORY W. ANDRUS AND REBECCA L. ANDRUS, HUSBAND AND WIFE

REFERENCE NUMBER(S) OF DOCUMENTS AMENDED:

RECORDED TO AMEND EASEMENT RECORDED APRIL 5, 2002 UNDER AUDITOR'S FILE NO. 200204050025

ABBREVIATED LEGAL DESCRIPTION:

SECTION 23, TOWNSHIP 20N, RANGE 15E, W.M., PTN SOUTH HALF (60' EASEMENT)
SECTION 26, TOWNSHIP 20N, RANGE 15E, W.M., PTN NORTH HALF (60' EASEMENT)

ASSESSOR'S PROPERTY TAX PARCEL NUMBER:

NOTE: The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

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When recorded return to:

Cle Elum's Sapphire Skies, LLC
315 – 39th Avenue SW #8
Puyallup, WA 98373

200304170008
Page: 2 of 3
04/17/2003 10:08A
Kittitas Co Auditor CLE ELUM'S SAPPHIRE SKIAMDT 21.00

REVIEWED BY
KITTITAS COUNTY TREASURER
DEPUTY K. Hill
DATE 04-17-03

EASEMENT FOR INGRESS, EGRESS AND UTILITIES

This Easement Agreement ("Agreement") is dated the 1 day of April, 2003, between Cle Elum's Sapphire Skies, L.L.C. hereinafter called "Grantor," and Cory W. Andrus and Rebecca L. Andrus husband and wife herein after called "Grantee."

Whereas, Grantor has sold by Warranty Deed certain real property and equitable rights and appurtenances associated therewith located in Kittitas County, Washington to Grantee.

Whereas the Grantor wishes to grant easement rights to the Grantee as follows:

A Sixty Foot (60') Easement for ingress, egress and utilities: As depicted on the attached "Exhibit C".

The Grantor's herein reserve unto themselves their devisees, heirs, successor and assigns a reciprocal Sixty Foot (60') Easement (also as described in "Exhibit C"), with such additional width that may be necessary for needed cuts and fills, for ingress, egress, utilities road construction and repair.

GRANTOR: Cle Elum's Sapphire Skies LLC
By: The Herbrand Company, Managing Member

James E. Wood
By James E. Wood, Vice-President, The Herbrand Co.

March 26, 2003
Date

STATE OF WASHINGTON)
COUNTY OF PIERCE)ss.

I certify that I know or have satisfactory evidence that James E. Wood signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the Vice President of The Herbrand Co. who is managing member of Cle Elum's Sapphire Skies, LLC., to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 3-26-03

Becky J. Narayan
Notary public in and for the State of Washington,
residing at Puyallup
My commission expires on 3-15-05

NOTARY PUBLIC
STATE OF WASHINGTON
BECKY J. NARAYAN
My Appointment Expires March 15, 2005

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200304170008
Page: 3 of 3
04/17/2003 10:06A
Kittitas Co Auditor CLE ELUM'S SAPPHIRE SKIAMDT 21.00

EXHIBIT "C"

PART OF SECTION 28
TOWNSHIP 20 NORTH, RANGE 15 EAST, W.M.
KITTITAS COUNTY, WASHINGTON

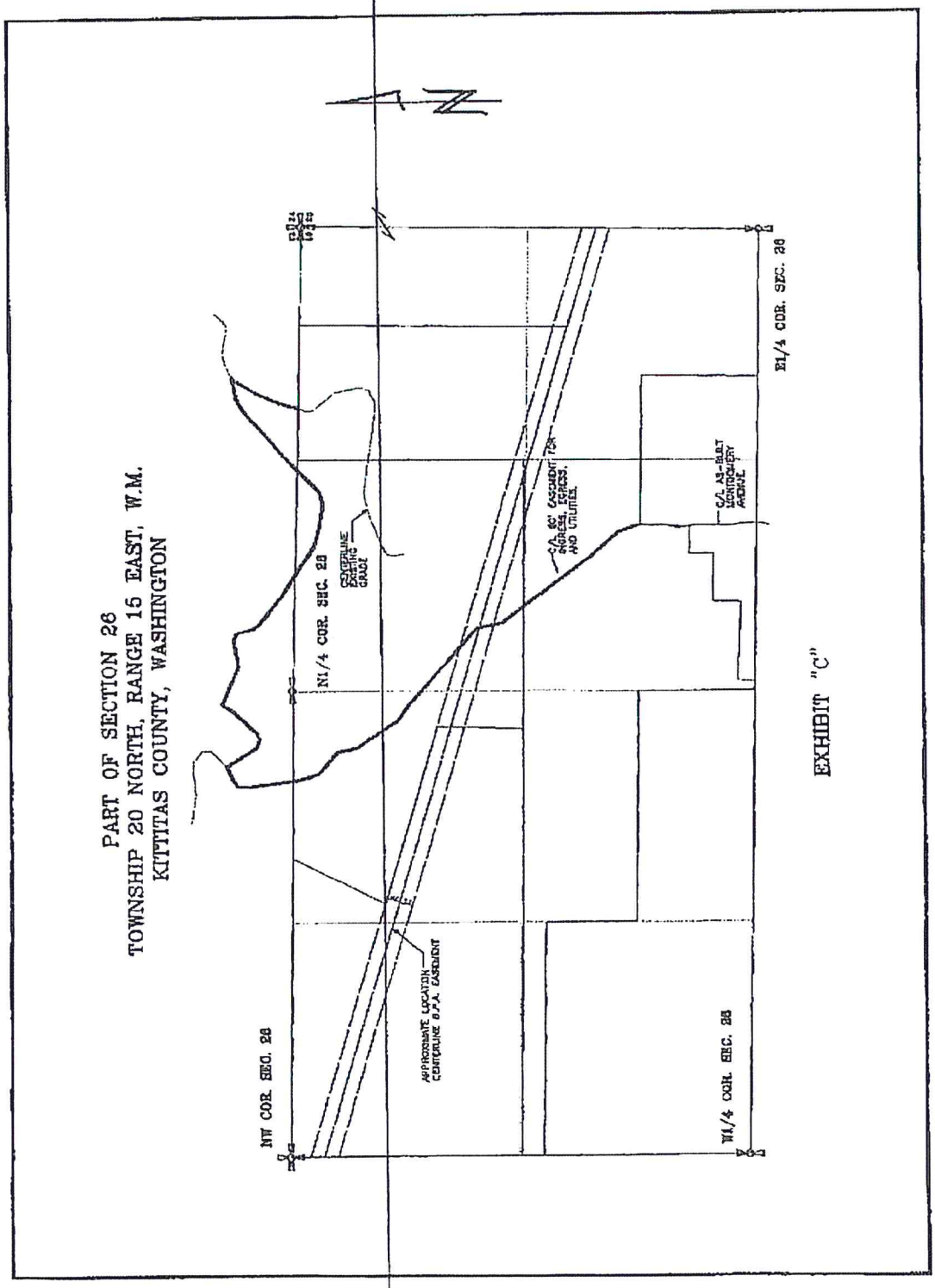

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EXHIBIT 13

EXHIBIT 9

200308260035
Page: 1 of 10
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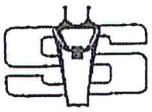

Stewart Title of Kittitas County, L.L.C.
208 West 9th Avenue, Suite 6
Ellensburg, WA 98926

REVIEWED BY
KITTITAS COUNTY TREASURER
DEPUTY M Chandler
DATE 8-26-03

Document Title(s) (or transactions contained therein)
Road Maintenance Agreement

Reference Number(s) of Documents assigned or released: 200307290059

Grantor(s) (Last name first, then first name and initials)
1. Cle Elum Sapphire Skies LLC
2.
3.
4.
5. Additional names on page of document.

Grantee(s) (Last name first, then first name and initials)
1. DJ Cattle and Land, LP
2. Cle Elum Homestead LLC
3. David G. Berry
4.
5. Additional names on page of document.

Abbreviated legal description

Additional legal description on page of document.

Assessor's Property Tax Parcel/Account Number

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

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200307290059
Page: 1 of 7
07/29/2003 04:08P
Kittitas Co Auditor WAYNE NELSEN AGR 28.00

Return Original To:
Cle Elum's Sapphire Skies
315 - 39th Ave SW, Suite 8
Puyallup, WA 98373

REVIEWED BY
KITTITAS COUNTY TREASURER
DEPUTY K. Hiel
DATE 07-29-03

ROAD MAINTENANCE AGREEMENT

*RERECORDING TO ADD EXHIBITS A + B

THIS ROAD MAINTENANCE AGREEMENT ("Agreement") is made as of this 16 day of June, 2003, by and among Cle Elum's Sapphire Skies, LLC, a Washington limited liability company ("CESS"), and DJ Cattle and Land, L.P., a Washington limited partnership, Cle Elum Homestead, LLC, a Washington limited liability company and David G. Berry (collectively "Berry").

RECITALS

A. The parties desire to set forth a method for the maintenance of certain roads used by the owners of certain property located in Kittitas County, Washington, which are described on attached Exhibit "A" and Exhibit "B" (the "Properties").

B. The Properties are also depicted on the map attached as Exhibit "A" and Exhibit "B" are separately referred to as the "CESS Lots," the "Berry Lots". Each lot comprising the Properties and each additional lot created from a segregation, short plat or subdivision of the existing lots (the "Lots" or separately a "Lot") will be assigned certain maintenance shares for certain roads pursuant to this Agreement. Lots created from CESS Lots shall also be CESS Lots; Lots created from Berry Lots shall also be Berry Lots for purposes of this Agreement and the allocation of costs.

C. The roads are depicted on the map attached hereto as Exhibit "A" and Exhibit "B" and shall be referred to, respectively, as the "Outlet Road," the "South Road" and the "Upper Roads," and collectively as the "Roads."

D. The parties are willing to maintain the Outlet Road, the South Road and the Upper Roads on the terms and conditions set forth in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and commitments set forth herein, the parties agree as follows:

1. Easements. This Agreement shall not govern the easements held by the parties and their successors over the Roads; provided, however, that no party or successor shall be obligated for maintenance over a road on which such party or successor has no easement rights. Furthermore, this Agreement shall not govern or restrict the ability of any Lot owner in granting road easements over such owner's property subject to this Agreement.

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2. Maintenance. The cost of road maintenance, snowplowing and resurfacing shall be allocated as follows:

Outlet Road	One equal maintenance share for each CESS Lot, each Berry Lot.
South Road	One equal maintenance share for each CESS Lot and each Berry Lot, *provided*, however, that the owner of any CESS Lot which relinquishes its easement over the South Road and acquires other access to its Lot shall no longer be obligated for maintenance under this Agreement
Upper Roads	One equal maintenance share for each Berry Lot.

The parties hereto shall meet and establish necessary maintenance provisions. Such provisions shall include, but shall not be limited to:

(a) The appointment of a maintainer, which may be one of the parties hereto or any third party, who will perform or cause to be performed, at a reasonable and agreed upon rate, the maintenance and resurfacing of the road or the portion thereof being used, and snowplowing; and

(b) The Roads shall be snowplowed, at a minimum, 16 feet wide. Upon 6 inches of snowfall, the Roads shall be snowplowed. The Roads shall be snowplowed a maximum of one time per day. It is the intent of these standards to maintain the Roads passable by four-wheel drive vehicles. It shall be the responsibility of Lot owners to plow their own driveways; and

(c) A method of payment by which each party using said road or a portion thereof shall pay its share of the cost incurred by said maintainer in maintaining or resurfacing said road or portion thereof.

For the purposes of this easement, maintenance is defined as the work normally necessary to preserve and keep the roadway, road structure and road facilities as nearly as possible in their present condition or as hereafter improved.

3. Road Damage. Each party using any portion of said road shall repair or cause to be repaired at its sole cost and expense that damage to said road occasioned by it that is in excess of that which it would cause through normal and prudent usage of said road. Should inordinate damage to said road occur which is not caused by an authorized user of said road, the parties hereto shall meet to agree on the cost of replacement, and the shares of replacement cost to be borne by each user of said road.

4. Construction and Improvement. Unless a majority of the Lot owners responsible for maintaining a particular Road (under Section 2 above) approve in advance any road improvements (other than the routine maintenance provided for in Section 2 above), the costs of said improvements shall be solely for the account of the improver. When a majority of responsible Lot owners approve said improvements, however, the cost of said improvements shall be shared by all responsible Lot owners in accordance with Section 2, above, and said costs

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shall constitute a lien on the property of each responsible Lot owner until paid. All work performed or caused to be performed to install or maintain utilities shall be completed in a careful and workmanlike manner to CESS'S reasonable satisfaction, free and clear of all claims or liens and in accordance with applicable law. All areas disturbed by the improver in installing or maintaining utilities shall be promptly restored to their prior condition.

5. Default; Remedies. In the event of a breach of this Agreement by any party, the damages suffered by the other parties are difficult if not impossible to ascertain, and therefore the non-breaching parties shall have the right to obtain specific performance of the obligations of the breaching party in addition to damages for all loss and expense (including, without limitation, attorneys' fees and costs) arising from such breach.

6. Notices. All notices or other communications shall be in writing and shall be sent by personal delivery, telephone facsimile transmission, first-class mail, postage prepaid, or express courier or delivery service, addressed as follows:

If to CESS, to:

James E. Wood
Cle Elum's Sapphire Skies, LLC
315 39th Avenue SW #8
Puyallup, WA 98373

with a copy to:

Michael J. Murphy
Groff Murphy Trachtenberg
& Everard PLLC
300 E. Pine
Seattle, WA 98122

If to Berry, to:

David G. Berry
P.O. Box 654
Port Orchard, WA 98366

with a copy to:

7. Successors and Assigns. This Agreement shall be a covenant running with the land and shall benefit and burden the Property. This Agreement shall inure to the benefit of and shall be binding upon the parties and their respective successors and assigns. CESS, at its option, may record a copy of this Agreement, or a memorandum of same in the real property records of Kittitas County, Washington.

8. Severability. If any provision of this Agreement shall be determined to be unenforceable, that shall not affect any other provision of this Agreement.

9. Amendments; Waivers. This Agreement may be amended only by a written instrument signed by all parties. No breach of any agreement, warranty or representation shall be deemed waived unless expressly waived in writing and signed by the party who might assert such breach. No failure or delay by either party in exercising any right under this Agreement shall operate as a waiver of such right, nor shall any single or partial exercise of any right preclude any other or further exercise of such right or the exercise of any other right. The remedies provided in this Agreement are cumulative and not exclusive of remedies provided by law.

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10. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

11. Entire Agreement. This Agreement constitutes the entire agreement and supersedes all prior agreements and understandings, written or oral, between the parties, with respect to its subject matter.

12. Counterparts. This Agreement may be signed in several counterparts, each of which shall be an original, but all of which together shall constitute the same instrument.

13. Legal Fees. In the event of legal action or proceeding to enforce any of the provisions of this Agreement, costs and reasonable attorneys' fees (including reasonable charges allocated for internal counsel) shall be awarded to the prevailing party.

14. Termination. This Agreement shall terminate in part or in whole, as the case may be, with respect to any portion of the Roads, which become public roads.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the year and date first written above.

Cle Elum's Sapphire Skies, LLC

By: The Herbrand Company, Managing Member

By: James E. Wood
James E. Wood, Vice President

By: David G. Berry
David G. Berry

By: DJ Cattle and Land, L.P.

By: David G. Berry
David G. Berry

Title: MANAGER
CLE ELUM

By: Homestead, LLC

By: David G. Berry
David G. Berry

Title MANAGER

DORILEE SHOBERT
NOTARY PUBLIC
STATE OF WASHINGTON
DEC. 10, 2005

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Kittitas Co Auditor WAYNE NELSEN AGR 26.00

STATE OF WASHINGTON)
) ss.
COUNTY OF Pierce)

On this day personally appeared before me the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, James E. Wood to me known or proved to me on the basis of satisfactory evidence to be the Vice President of THE HERBRAND COMPANY, a Washington corporation, to me known or proved to me on the basis of satisfactory evidence to be the Managing Member of CLE ELUM'S SAPPHIRE SKIES, LLC, the Washington limited liability company that executed the foregoing instrument, and acknowledged the same instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

Given under my hand and official seal this 21 day of ~~June~~ July 2003.

NOTARY PUBLIC
STATE OF WASHINGTON
BECKY J. NARAYAN
My Appointment Expires March 15, 2005

Becky J. Narayan
Print Name: Becky J. Narayan
NOTARY PUBLIC in and for the State of Washington, residing at Puyallup
My Appointment Expires: 3-15-05

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

On this day personally appeared before me the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, DAVID G BERRY to me known or proved to me on the basis of satisfactory evidence to be the MANAGER of D.J CATTLE & LAND, L.P, a Washington LIMITED PARTNSHP that executed the foregoing instrument, and acknowledged the same instrument to be the free and voluntary act and deed of said L.P. for the uses and purposes therein mentioned, and on oath stated that HE is authorized to execute the said instrument.

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Given under my hand and official seal this 18th day of ~~June~~ July 2003.

DORILEE SHOBERT NOTARY PUBLIC STATE OF WASHINGTON DEC. 10, 2005

Dorilee Shobert
Print Name: DORILEE SHOBERT
NOTARY PUBLIC in and for the State of Washington, residing at PORT ORCHARD.
My Appointment Expires: 12-10-2005

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

On this day personally appeared before me DAVID G. BERRY and _____, to me known or proved to me on the basis of satisfactory evidence to be the individuals described in and who executed the within and foregoing instrument, and I acknowledge that HE and _____ signed the same as a free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 18th day of ~~June~~ July 2003.

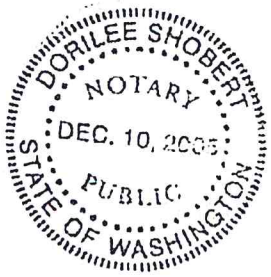
DORILEE SHOBERT NOTARY PUBLIC STATE OF WASHINGTON DEC. 10, 2005

Dorilee Shobert
Print Name: DORILEE SHOBERT
NOTARY PUBLIC in and for the State of Washington, residing at PORT ORCHARD
My Appointment Expires: 12-10-2005

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

On this day personally appeared before me the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, DAVID G. BERRY to me known or proved to me on the basis of satisfactory evidence to be the MANAGER of CLE ELUM HOMESTEAD, LLC, a Washington LMTD LIAB. Co, that executed the foregoing instrument, and acknowledged the same instrument to be the free and voluntary act and deed of said LLC for the uses and purposes therein mentioned, and on oath stated that HE is authorized to execute the said instrument.

Given under my hand and official seal this 18th day of ~~June~~ July 2003.



Dorilee Shobert

Print Name: DORILEE SHOBERT
NOTARY PUBLIC in and for the State of Washington, residing at PORT ORCHARD
My Appointment Expires: 12-10-2005

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KITTITAS COUNTY, State of Washington
I, David B. Bowen, Kittitas County Auditor, do hereby certify that the enclosed instrument is a true and correct copy of the imaged original record preserved in my office. Witness my hand and official seal.
Date: 8-26-03 By Deputy: S Newkirk

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"Exhibit B"

PART OF SECTION 28
TOWNSHIP 20 NORTH, RANGE 15 EAST, W.M.
KITTITAS COUNTY, WASHINGTON

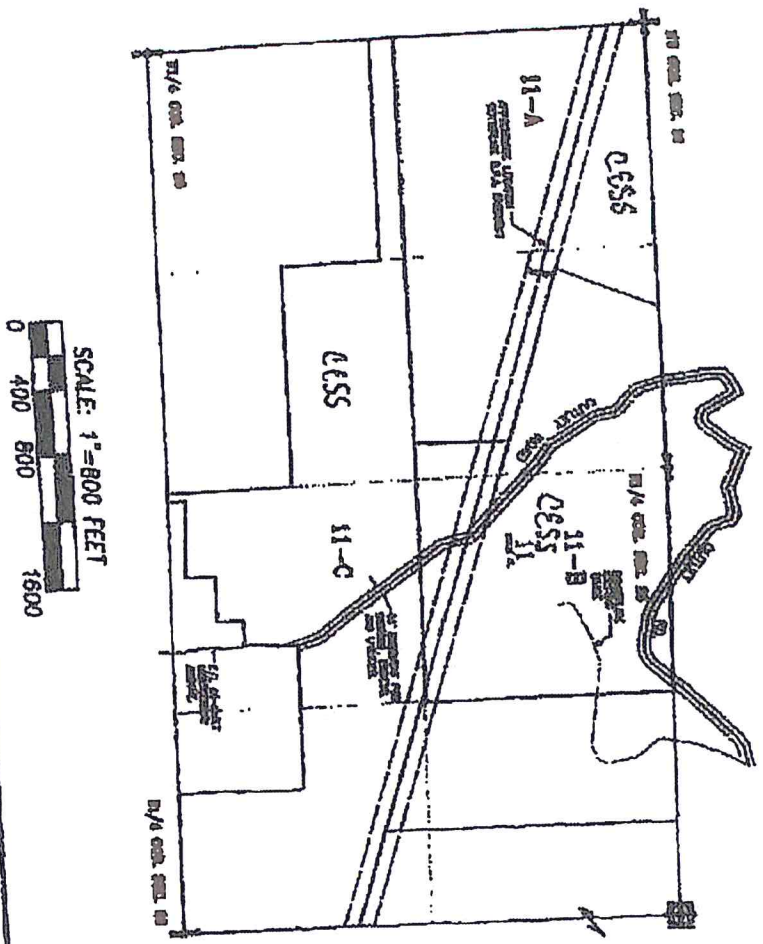

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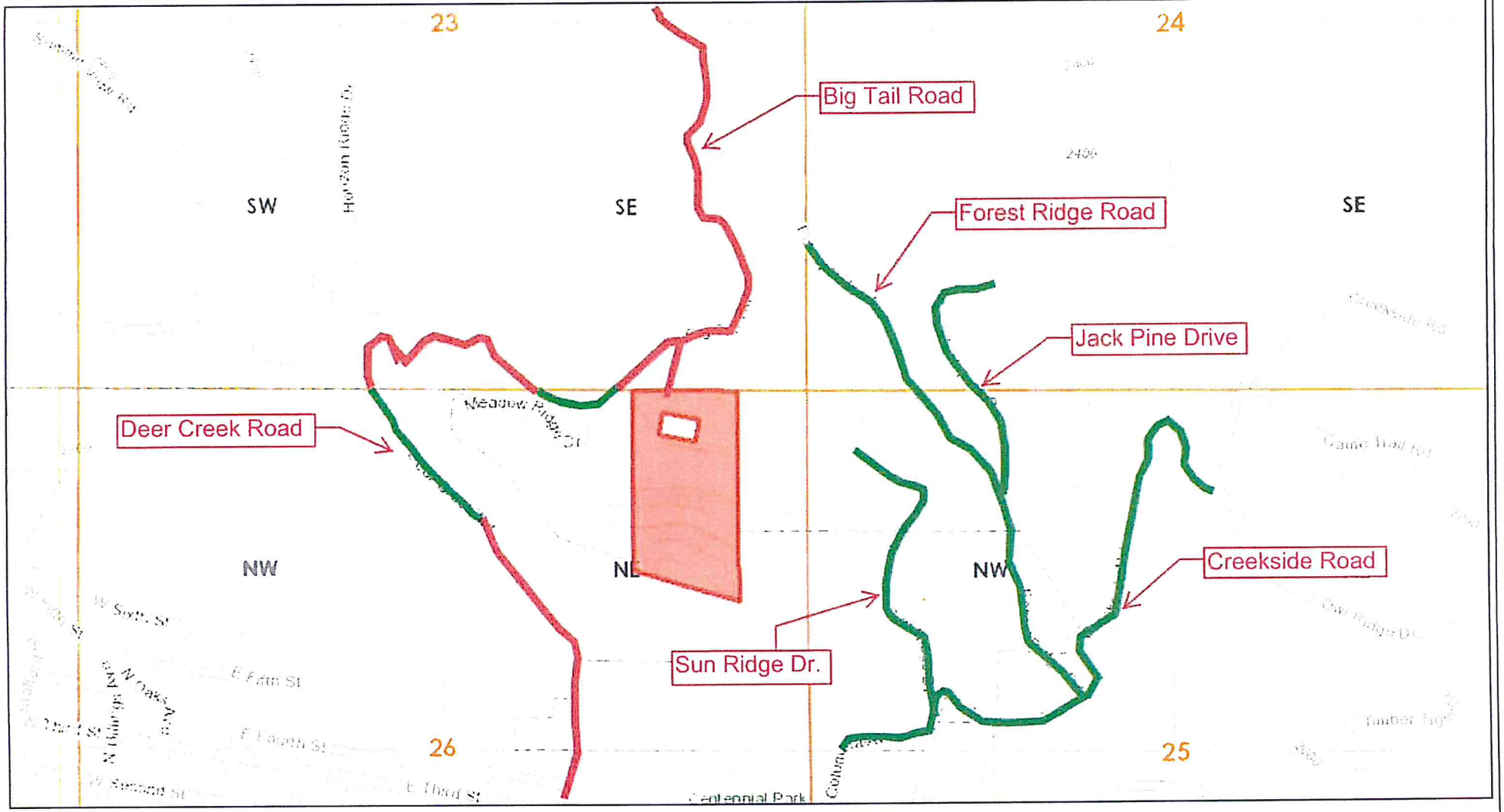
EXHIBIT 10

Kittitas County COMPAS Map



Date: 4/20/2015

1 inch = 1,505 feet

Relative Scale 1:18,056

= Road Maintenance

= No Road Maintenance

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

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0 455 910 1,820 2,730 3,640 mi

EXHIBIT 11

TREASURER'S USE ONLY	RECORDER'S USE ONLY
Real Estate Excise Tax Exempt Kittitas County Treasurar By S. Johnson 02-28-02	200202280020 Page: 1 of 18 02/28/2002 01:05P MULTI 35.00 Kittitas Co Auditor CLE ELUM SAPPHIRE SK

Return To: Cle Elum's Sapphire Skies LLC
301 W. First St. #B
Cle Elum, WA 98922

Kittitas County Auditor/Recorder's Indexing Form

Please Print Or Type All Information

A. *Document Titles (or transactions contained therein):*
1 Covenants, Conditions & restrictions
2 Easements

B. *Grantor (last name, first name, middle initial):*
1 Cle Elum's Sapphire Skies
2 Brookside Trails
Additional grantors on page___ of document.

C. *Grantee (last name, first name, middle initial):*
1 public
2
Additional grantees on page___ of document.

D. *Legal description (lot, block, plat or section, township, range):*
S 1/2, S 1/2, Sec. 24, Twn. 20, Range 15E
Additional legal description on page___ of document.
N 1/2, Sect 25. Twn. 20, N, Range 15E

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

F. *Reference numbers of documents assigned or released:*
N/A.
Additional references on page___ of document.

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

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BROOKSIDE TRAILS
COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration is made and entered by Cle Elum's Sapphire Skies, LLC, a Washington Limited Liability Company, referred to below as Declarant. Declarant does hereby declare and set forth covenants, conditions and restrictions (CC&R's) to run with all of the lands described below as provided by law, which covenants, conditions, restrictions, and reservations of easements shall be binding upon all parties and persons claiming an interest in any of the property described hereafter, and which covenants, conditions, restrictions, and reservations of easements shall be for the benefit of and limitations upon all future owners, and being for the purpose of providing reasonably necessary services and keeping said real estate desirable, uniform and suitable in architectural design and use as specified herein.

The following disclosures and representations are made:

A. The land affected by this Declaration, as of the date of execution of this Declaration, is legally described on Exhibit "A" attached hereto.

B. The property and roads are as depicted on the map attached hereto as Exhibit "B". The map is intended to indicate the current intended location and roads for the Property.

C. Declarant intends by this document to impose upon the entire Property described herein, a mutually beneficial and enforceable common plan of reciprocal covenants, conditions and restrictions.

Therefore, Declarant hereby declares that the Property shall be held, conveyed, sold, and improved, subject to the following declarations, limitations, covenants, conditions and restrictions, all of which are for the purpose of enhancing and protecting the value and attractiveness of the Property, and every part thereof, in accordance with the plan for improvement, sale, and ownership of the Property as a residential development. All of the limitations, covenants, conditions and restrictions shall constitute covenants and encumbrances which shall run with the land and shall be binding upon Declarant and its successors-in-interest and assigns for its term and all parties having or acquiring any right, title, or interest in or to any part of the Property.

ARTICLE I

ASSOCIATION, ADMINISTRATION, MEMBERSHIP AND VOTING RIGHTS

1.1 Organization of Association: The Association is or shall be incorporated as BROOKSIDE TRAILS HOMEOWNERS ASSOCIATION, pursuant to the Washington Nonprofit Corporation Act.

1.2 Duties and Powers: The duties and powers of the Association are those set forth in this Declaration, The Articles and bylaws, together with its general and implied powers of a nonprofit corporation, generally to do any and all things that a corporation organized under the laws of the State of Washington may lawfully do which are necessary or proper in operating for the peace, health, comfort, safety and general welfare of its Members, subject only to the limitations upon the exercise of such powers as are expressly set forth in this Declaration, the Articles and bylaws. Without limiting the generality of the foregoing, the primary functions of the Association shall be the maintenance, operation and insurance of the entry statement, private roads, drainage system, common drainage and retention system and any other common amenities or elements which may be constructed and/or transferred to the Association; and collection of Assessments and payment of Common Expenses.

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1.3 Membership: The Owner of a Lot shall automatically, upon becoming the Owner of that Lot, be a Member of the Association, and shall remain a Member thereof until such time as his ownership ceases for any reason, at which time his membership in the Association shall automatically cease. Membership shall be in accordance with the Articles and the bylaws of the Association.

1.4 Transferred Membership: Membership in the Association shall not be transferred, pledged, or alienated in any way, except upon the transfer of ownership of the Lot to which it is appurtenant; and then Membership shall immediately transfer to the new Owner. Any attempt to make a prohibited transfer is void. When a Lot is transferred to a new Owner, the Association shall have the right to record the transfer of Membership upon its books, and thereupon the old membership outstanding in the name of the former Owner shall be null and void.

1.5 Classes of Membership. The association shall have two classes of voting membership:

Class A. Class A members shall be all Owners of Lots, with the exception of the Declarant and any owners who are non- occupant Builders until the termination of the Class B membership. Each Class A member should be entitled to one (1) vote for each Lot owned.

Class B. The Class B members shall be the Declarant and any non-occupant Builder. The Declarant and non-occupant builders shall be entitled to three (3) votes for each lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

(i) When one-hundred percent (100%)of the Lots have been conveyed to Purchasers; or
(ii) Five (5) years after the conveyance of the first Lot to a Purchaser; or
(iii) When the Declarant notifies the Association in writing that it relinquishes its Class B membership.

1.6 Membership Meetings: Regular and special meeting of Members of the Association shall be held with the frequency, at the time and place, and in accordance with the provisions as set forth in the Bylaws.

1.7 Board of Trustees: The affairs of the Association shall be managed by a Board of Trustees, which shall be established and which shall conduct regular and special meetings according to the provisions as set forth in the Articles and Bylaws.

1.8 Use of Agent: The Board of Trustees, on behalf of the Association, may contract with a professional management agent for the performance of maintenance and repair and for conducting other activities on behalf of the Association, as may be determined by the Board.

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ARTICLE 2

RIGHTS IN COMMON AREA

2.1 Common Area: The Common Area shall include all portions of the Property intended for the common use and enjoyment of the Owners, including the entry statement, any areas which may be landscaped by the Association, common drainage and retention system for the Property, and any other amenities which may be accepted by the Association as an item to be maintained by the Association, all of which shall be dedicated to the common use and enjoyment of all Owners. The Common Area and roadways shall be operated, maintained, and insured by the Association for the use and benefit of Owners of Lots in the Project, subject to reasonable rules and regulations enacted according to the bylaws. Each Lot Owner, through membership in the Association, shall have a nonexclusive right to use the Common Area and roadways in accordance with the purposes for which it is intended without hindering the exercise of or encroaching upon the lawful rights of any other Lot Owners. Declarant reserves for itself and its successors-in-interest and assigns an easement (and the right to grant further easements) over and onto all portions of the Common Area and roadways for ingress and egress to and from, and for drainage and utilization of the infiltration system(s) for the benefit of, adjacent property in connection with the development, use, sale, and occupancy thereof.

Declarant reserves the right to make such grant or grants of property to said Homeowners Association, including any common areas identified on the Plat as is necessary to complete development of said property. Roadways are hereby established as easements pursuant to Article 7, and nothing herein shall prevent the Owners from making future grant of these roadways to the Association.

2.2 Partition of Common Area Prohibited: Regardless of the possible dissolution of the Association, no Owner shall bring any action for partition or division of any part of the Common Area, it being agreed that this restriction is necessary in order to preserve the rights of the Owners with respect to the operation, management, use, and enjoyment of the Common Area. Should there occur dissolution of the Association, such common areas would devise to an equal ownership interest among the Lots represented.

No portion of any common area may be further subdivided, or put into other use than that of an open space common area or common roadway.

2.3 Damage by Owner: Each Owner shall be liable to the Association for any damage to a roadway or Common Area not fully reimbursed to the Association by insurance, if the damage is sustained because of the negligence or willful misconduct of the Owner, the Owner's guests, tenants, or invitees, or any other persons deriving their right of use and enjoyment of the Common Area from the Owner, or his or their respective family and guests, both minor and adult. However, the Association acting through the Board, reserves the right to determine whether any claim shall be made upon the insurance maintained by the Association, and the Association further reserves the right to levy a Special Assessment equal to the increase, if any, in insurance premiums directly attributable to the damage caused by an Owner or person for whom the Owner may be liable as described above. The cost or correcting the damage to the extent not reimbursed to the Association by insurance shall be a Special Assessment against the Member's Lot and may be enforced as provided hereby for the enforcement of any other Assessment.

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ARTICLE 3

ARCHITECTURAL CONTROL

BROOKSIDE TRAILS is a rural residential community. The goals and primary objective of the Architectural Control Committee (ACC) are to maintain a quality community appearance, insure compatible development of land and structures, and to protect and enhance real estate values.

3.1 Architectural Committee: The ACC shall consist of three (3) members. The initial members shall be Sean Northrop, James Wood, and Paul Willms. Declarant shall retain architectural control until the sooner of the date when no Lots are owned by the Declarant or the date when the Declarant gives written notice to the Association that the Declarant has elected to pass control of the ACC to the Board of Trustees of the Association who shall then appoint the members.

3.2 Prohibition of Alteration and Improvement: Subject to the exemption of Declarant hereunder, no fences, structure, improvement, or alteration of any kind which will be visible from other Dwellings, private roadways serving the Property or any public right of way shall be commenced, erected, painted or maintained upon the Property, until the same has been approved in writing by the ACC.

3.3 Plans and Approval: The ACC, shall base decisions to approve or deny proposals on the quality of the proposed workmanship and the materials to be used, the harmony of the proposal to the external design and existing structures, and as to location with respect to topography and finished grade elevation. The ACC shall also have the authority to develop and make available to all Owners within the Property, a set of rules and guidelines to assist Owners in preparing plans under this section. The rules and guidelines shall not be binding upon the Declarants or ACC, but shall set forth general criteria to be considered by the ACC in evaluating a particular application for architectural approval.

The ACC shall consider and act upon any and all plans and specifications submitted for its approval under this Article and perform such other duties as from time to time shall be assigned to it by the Board, including the inspection of construction in progress to assure its conformance with plans approved by the ACC. The ACC may also take into account proposed exterior colors and materials in review of an application. Any application submitted to the ACC pursuant to this Article shall be deemed approved unless written disapproval or a request for additional information or materials by the ACC shall have been transmitted to the applicant within thirty (30) days after the date of receipt by the ACC of all required materials.

3.4 Non-Liability of ACC Members: Neither the ACC or Declarant, nor any member thereof shall be liable to the Association, or to any Owner for any loss damage or injury arising out of or in any way connected with the performance of the ACC's duties hereunder unless due to the willful misconduct or bad faith of the ACC or member. The ACC shall review and approve or disapprove all plans submitted to it for any proposed structure, improvement or alteration, solely on the basis of the criteria established in this Declaration, aesthetic considerations and the overall benefit or detriment which would result to the immediate vicinity and the Property generally. The ACC shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approval of, any plan or design from the standpoint of structural safety or conformance with building, zoning or other codes.

3.5 Minimum Standards: The minimum standards stated in Article Four (4) shall be binding upon the ACC unless and until this Declaration may be amended as provided below.

ARTICLE 4

RESIDENCE AND USE RESTRICTIONS

4.1 Land Use and Building Type: BROOKSIDE TRAILS is designed and intended to be a territorial view community, and all design and improvement guidelines, and all covenants, conditions, and restrictions contained herein shall be construed to further the intent that views from each parcel remain unobstructed. Only one single family residence and one detached garage no larger than 2,500 square feet shall be constructed on any lot.

(a) Minimum Dwelling Size: Each dwelling structure shall consist of a minimum of One Thousand Eight Hundred (1,800) square feet, exclusive of basement, garages, patios, breeze-ways and detached storage rooms. For purposes of this provision, a Dwelling with a daylight basement shall include the daylight basement area toward the total square footage. No mobile or manufactured homes shall be allowed.

(b) Roofs: All roofs and roof materials shall be fire retardant and as approved by applicable governmental authorities. Subject to governmental approval, the following roof materials are permitted: metal, tile, slate, or fire-retardant, dimensional shake shingles, architectural composition (Elk Prestique Plus 30-year or comparable) shingles, and comparable roofing materials. Untreated cedar shakes or shingles shall not be permitted. Minimum roof pitch shall be 6/12.

(c) Construction: All homes constructed on each lot shall be built of new materials, with the exception of "décor" items such as used brick, weathered planking, and similar items. No homes on any Lot shall consist, in whole or part, of a mobile home, nor of "factory built housing" (as that term is defined in RCW 43.22.450 as in effect at the time of execution of this Declaration.)

(d) Antennae and Satellite Dishes: No antenna, satellite dish or other device for the transmission or reception of radio, television, satellite signals or other form of signal transmission or reception of any sort shall be erected, used or maintained outdoors and above ground, except "mini-dishes" (maximum 18 inches diameter) shall be permitted. Said antennae or dish shall not be located on the side of the home fronting the community roads.

(e) Fencing: All fences and fencing material shall be primarily of wood, or wood grain composite, and shall be wood rail variety . No barbed wire may be used on the property perimeter. Fence height shall be a maximum of 8 feet from ground elevation.

(f) Outbuildings: All outbuildings (detached garages, etc.) must complement the dwelling in material, color and design and must be placed in an unobtrusive location within the Building Pad, and must be set back or even with the front of the house. The size of the detached garage shall not exceed 2,500 square feet. Only one single storage shed less than 40 square feet may be constructed on a lot. The ACC, at its discretion, may waive these requirements and the location requirement if an acceptable plan is submitted that is compatible and will enhance the property without overly restricting views from other Lots in the subdivision.

(g) Exterior Colors: Exterior colors of all buildings shall be of moderate hues and/or earth tones and shall be approved by the ACC.

4.2 Recreational vehicles, boats, trailers, campers, etc. shall not be parked in the public right of way or on community roads for a period of time exceeding 18 hours, nor shall they be parked in the right of way on a daily or regular basis. All residents or guests staying more than 24 hours shall park their vehicles on private property.

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4.3 Vehicle & Equipment Storage: All inoperable vehicles and equipment must be stored inside of an enclosed building. All stored recreational vehicles shall be placed behind the front elevation of the house, and must be screened from view.

4.4 Vacation Provisions. Any lot may be used for vacation purposes and have a motor home or vacation trailer for a period of time not to exceed six weeks. Said recreational vehicles are not to be left on property unless otherwise permitted by these CC&R's.

4.5 Business Use Prohibited: No trade, craft, business, or commercial or manufacturing enterprise or activity of any kind, other than a professional business conducted from an office inside the home and which does not generate excessive customer traffic, shall be conducted or carried on upon any Lot within the Property. This Section is specifically intended to prohibit maintenance or operation of a day care, unless required to be permitted by law. In addition, no goods, equipment, vehicles, materials or supplies used in connection with any business or commercial activity shall be permitted, kept, parked, stored, dismantled, or repaired on any Lot or street within the Property, unless stored entirely within a structure permitted by these CC&Rs.

4.6 Nuisance Prohibited: No noxious, illegal, or offensive activities shall be carried on in any Dwelling, or in any part of the Property, nor shall anything be done thereon which may be or may become an annoyance or a nuisance to, or which may be in any way interfere with, the quiet enjoyment of each of the Owners of his or her respective Dwelling Lot, or which shall in any way increase the rate of insurance for the Property, or cause any insurance policy to be canceled or to cause a refusal to renew the same, or which will impair the structural integrity of any building. No Lot within the Property shall be used as a dump for trash or rubbish of any kind, and all garbage or other waste shall be kept in appropriate sanitary containers for proper disposal. No waste, including rocks, dirt, lawn, or shrubbery clippings shall be dumped into the roadways or ditches or onto any vacant Lots within the Property.

In the event correction action to bring a lot into compliance with this paragraph is not completed within 15 days of the mailing of notice by the Board of Directors, the Board of Directors may hire the work done and all charges including all attorney's fees incurred shall become a lien against the lot and foreclosed as are mortgages.

4.7 Temporary Structures: No structure of a temporary character, basement only, tent, shack, garage, barn, prefabricated structure or other outbuildings, or trailer shall be used as a residence, except on a temporary basis during the course of evident construction of the primary dwelling, but in no case longer than 6 months. No mobile homes are permitted on the property.

4.8 Time of Completion: Any Dwelling or structure erected or placed on any Lot in the Property shall be completed as to exterior appearance, including finished painting, within fourteen (14) months from the date of commencement of construction. Provided, the Architectural Control Committee may extend the time requirement for completion on behalf of any Owner upon a showing of good cause, in the sole discretion of the Architectural Control Committee.

4.9 Animals: Animals include horses, dogs, cats, caged birds, fish in tanks, and other small household pets which shall be permitted on Lots. Dogs shall not be allowed to run at large or to create a disturbance for other Owners. Leashed dogs are permitted within rights of way or common areas only when accompanied by their owners or their agents. Efforts shall be made by the person accompanying the dog to exercise "scooping" of animal waste. The Board may enact as becomes necessary reasonable rules respecting the use of common areas by Owners walking their pets.

Animals including horses, livestock and poultry can be raised for purpose of private use and enjoyment, provided they are not kept, bred or maintained for any commercial purpose. Pigs shall not be permitted. All animal enclosures must be kept in a neat, clean, and odor free condition at all

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times. The Declarant or HOA may at any time require the removal of any pet or animal which it finds disturbing other Owners unreasonably, in the HOA's determination, and may exercise this authority for specific pets or animals even though other pets or animals are permitted to remain.

4.10 Signs: Professional appearing signs advertising Lots for sale or rent, including the temporary daytime display of signs advertising open houses, may be displayed on the appropriate Lot without prior approval of the Board or the Architectural Committee, provided that such signs shall be of reasonable and customary size, not to exceed five (5) square feet. Declarant, or its authorized agent may display one construction sign per lot to advertise lots for sale. Such signs shall not exceed 32 square feet.

4.11 Garbage and Refuse Material: No property shall be used or maintained as dumping ground for discarded equipment, rubbish, trash, garbage, or similar material. After initial construction of the residence, all garbage and trash shall be kept in covered containers. No cans shall be visible until such day as designated for refuse pick up.

4.12 Mail Boxes: Mail boxes shall be at specified group locations as per U.S. Post Office requirements.

4.13 No Warranty of Enforceability: While Declarant has no reason to believe that any of the restrictive covenants contained in this Article 8 or elsewhere in this Declaration are or may be invalid or unenforceable for any reason or to any extent, Declarant makes no warranty or representation as to the present or future validity or enforceability of any such restrictive covenant. Any Owner acquiring a Lot in the Property in reliance on one or more of such restrictive covenants shall assume all risks of the validity and enforceability thereof and, by acquiring the Lot agrees to hold Declarant harmless therefrom.

ARTICLE 5

REPAIR AND MAINTENANCE

5.1 Owner's Maintenance Responsibilities: Each Owner shall have responsibility for maintaining the exterior of their residence and all other buildings and improvements located upon their Lot according to standards which may be established from time to time by the ACC. Each parcel shall be maintained in a clean, sightly condition at all times and shall be kept free of litter, junk, trash, rubbish, garbage, debris, and excess building materials.

5.2 Repair and Maintenance Rights and Duties of Association: Subject to provisions in this Declaration pertaining to eminent domain and destruction of improvements, the Association shall paint, maintain, repair and replace all parts of the Common Area and Open Space. Private Roads, common drainage and retention system, or shall contract for such maintenance, repair and replacement to assure maintenance of such areas in good condition, reasonable wear and tear excepted. However, the Association shall not be responsible for or obligated to perform those items of maintenance, repair or improvement, which are the responsibility of the Owners as provided in Paragraph 4.1 above.

For the purpose of performing any maintenance, repair or replacement as authorized by this Article, or for purposes of making emergency repairs necessary to prevent damage to the Property or to other Dwellings, or for any other purpose reasonably related to the performance by the Board of its responsibilities under this Declaration, the Association (and its agents and employees) shall have an irrevocable easement over and onto all portions of the Common Area, and shall also have the irrevocable right after reasonable notice to the Owner, and at reasonable hours, to enter onto any Lot.

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5.3 HOA Utilities: The Declarant shall be responsible for payment of all utilities consumed by the entry monument and entry landscaping, until such time as the sale of the last parcel owned by Declarant, or sooner, at Declarant's discretion, upon written notice to the HOA.

ARTICLE 6

ASSOCIATION MAINTENANCE FUNDS AND ASSESSMENTS

6.1 Creation of the Lien and Personal Obligation of Assessments: The Declarant, for each Lot, not including vacant Lots, owned within the Property, hereby covenants, and each Owner of any Lot by acceptance of a deed or contract therefore, whether or not it shall be so expressed in such deed or contract, is deemed to covenant and agree to pay to the Association the following Assessments, which shall be established and collected as provided herein and in the bylaws of the Association:

-- Regular Assessments;
-- Extraordinary Assessments; and
-- Special Assessments

All Assessments, together with interest, costs, and actual attorneys' fees, shall be a charge and a continuing lien upon the Lot against which each Assessment is made. However, such lien shall be subordinate to the lien of any first mortgage or construction loan. Such liens may be enforced or foreclosed according to law, with attorney's fees and costs to be charged against the party being foreclosed. Each such assessment together with interest, costs and actual attorneys' fees, shall also be the personal obligation of the person who was the Owner of such Lot at the time when the Assessment fell due. No Owner of a Lot may exempt himself from liability for his or her contribution toward the Common Expenses by waiver of the use or enjoyment of any of the Common Area or by the abandonment of his or her Lot.

6.2 Purpose of Assessments: The Assessments levied by the Association shall be used exclusively to promote the recreation, health, safety and welfare of all the residents in the entire Property, for the improvement and maintenance of the Common Area, Private Roads, common drainage and retention system, for the maintenance of any agreed upon community landscaping, for the payment of utility bills associated with the common areas and entry statement, and for the common good of the Property. The Regular Assessments shall include an adequate reserve fund for maintenance, repair and replacement of all such items, which must be replaced on a periodic basis.

6.3 Regular Assessments: Until the end of the Association's fiscal year immediately following the closing of the sale of the first Lot in the Property, the annual maximum Regular Assessment per Lot shall be such amount as set forth in the Property budget prepared by the Declarant, payable in monthly installments. Each Lot's share for the first fiscal year shall also be prorated based on the number of months remaining in that fiscal year. Thereafter, the Board shall determine and fix the amount of the maximum annual Regular Assessment against each Lot at least sixty (60) days in advance of the start of each fiscal year; provided, however, that the maximum annual Regular Assessment may not be increased by more than ten percent (10%) above the maximum Regular Assessment for the immediately preceding fiscal year, without the vote or written assent of a two-thirds (2/3) of the total voting power as identified in the Articles and Bylaws. The Regular Assessment for 2002 is hereby set at $360.00, payable in monthly installments of $30.00 each month.

6.4 Extraordinary Assessments: In addition to the Regular Assessments authorized above, the Board may levy, in any fiscal year, an Extraordinary Assessment applicable to that year only for the purpose of covering the actual cost of any construction, reconstruction, repair or replacement of any improvement upon the Common Area, entry statement, common drainage and retention system or roadways, including fixtures and personal property related thereto, or to defray any unanticipated

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or underestimated expense not covered by the Regular Assessment and, where necessary, for taxes assessed against the Common Area, Drainage System or Infiltration System(s).

6.5 Special Assessments: In addition to the Regular and Extraordinary Assessments authorized above, the Board may levy Special Assessments (without limitation as to amount or frequency and without requiring a vote of Owners) against an individual Lot and its Owner for violations of any provisions within this Declaration, including the right of the Association to receive reimbursement for costs incurred in bringing that Owner and his or her Lot into compliance with the provisions of this Declaration and the bylaws, including actual attorneys' fees and costs.

6.6 Allocation of Assessments: Limited Exemption During Construction: Each Lot, including Lots owned by Declarant, shall bear an equal share of each Regular and Extraordinary Assessment. Except, Declarant shall be exempt from the payment of any Assessment on a Lot, which does not include a completed Dwelling. This exemption shall be in effect only until a certificate of occupancy or its equivalent for the Dwelling has been issued or until one hundred eighty (180) days after the issuance of a building permit for the Dwelling, whichever first occurs.

6.7 Date of Commencement of Assessments; Due Dates: Subject to the foregoing exemption pending construction, or pursuant to Declarant subsidy, the Regular Assessments provided for herein shall commence as to all Lots in the Property one year after closing of the sale of the Lot or pursuant to Paragraph 6.6 above, whichever comes first. Due dates of Assessments shall be the first day of every calendar month. No notice of such Assessment shall be required other than an annual notice setting forth the amount of the monthly Assessment.

6.8 Payment of Taxes Assessed Against Common Area or Personal Property of Association: In the event that any taxes are assessed against the Common Area or the personal property of the Association, rather than against the Lots, said taxes shall be included in the Assessments made under the provisions of this Article, and, if necessary, an Extraordinary Assessment may be levied against the Lots in an amount equal to said taxes, (regardless of any limitation otherwise applicable to Extraordinary Assessments set forth in Paragraph 6.4 above), to be paid in two (2) semi-annual installments, thirty (30) days prior to the due date of each tax installment.

6.9 Transfer of Lot by Sale or Foreclosure: The sale or transfer of any Lot shall not affect any Assessment lien, or relieve the Lot from any liability therefore, whether the lien pertains to payments becoming due prior or subsequent to such sale or transfer. Notwithstanding the foregoing, the sale or transfer of any Lot pursuant to foreclosure, or by deed in lieu of foreclosure, of a mortgage recorded prior to the recordation of a Notice of Delinquent Assessment covering such Lot, and given in good faith and for value, shall extinguish the lien of all Assessments which become owing prior to such sale or transfer. Sale or transfer pursuant to mortgage foreclosure shall not, however, affect the personal liability of the Owner for unpaid Assessments. Any Assessments for which the liens are extinguished pursuant to this Paragraph shall be deemed to be Common Expenses collectable from all of the Lots including the Lot for which the lien was extinguished.

In the case of any other conveyance of a Lot, the grantee of the same shall be jointly and severally liable with the grantor for all unpaid Assessments by the Association against the latter up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefore. However, any such grantee shall be entitled to a statement from the Board, setting forth the amount of the unpaid Assessments due the Association, and such grantee shall not be liable for, nor shall the Lot conveyed by subject to a lien for, any unpaid Assessments made by the Association against the grantor in excess of the amount set forth in the statement. Provided, however, the grantee shall be liable for any Assessment becoming due after the date of any such statement.

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6.10 Enforcement of Assessment Obligation; Priorities; Discipline: If any part of any Assessment is not paid and received by the Association or its designated agent within thirty (30) days after the due date, such Assessment shall thereafter bear interest at twelve percent (12%) interest until paid. Additionally, automatic late processing fees of Ten Dollars ($10.00) per month shall be assessed for each month from the due date until the Assessment(s) and all late charges are paid. Each delinquent Assessment may be evidenced as a matter of public record by a Notice of Delinquent Assessment recorded by the Association or other party or parties entitled to enforce and/or receive the same, which recorded Notice of Delinquent Assessment shall provide notice to the public of the delinquency.

Real Estate Excise Tax
Exempt
Kittitas County Treasurer
2-28-02 By S. Johnson

ARTICLE 7

EASEMENTS AND UTILITIES

7.1 Access, Use and Maintenance Easements: Declarant expressly reserves for the benefit of the Owners reciprocal, nonexclusive easements for access, ingress and egress, and for use and enjoyment, over and under all of the Common Area, and including the roadway easements as shown on the Plat. Subject to the provisions of this Declaration, the easements may be used by Declarant, its successors, purchasers and all Owners, their guests, tenants and invitees, residing on or temporarily visiting the Property, for all purposes reasonably necessary for use and enjoyment of a Lot in the Property.

Declarant also expressly reserves for the benefit of the Board of Trustees and all agents, officers and employees of the Association, non-exclusive easements over the Common Areas and roadways as is necessary to maintain and repair the same, and to perform all other tasks in accordance with the provisions of this Declaration. Such easements over the Common Areas and roadways shall be appurtenant to, binding upon and shall pass with the title to, every Lot conveyed.

7.2 Encroachments and Utility Easements: Each Lot within the Property is hereby declared to have an easement over all adjoining Lots and the Common Area for the purpose of accommodating any encroachment due to engineering errors, and minor errors in original construction. There shall be valid easements for the maintenance of said encroachments as long as they shall exist, and the rights and obligations of Owners shall not be altered in any way by said encroachment. Provided, however, that in no event shall a valid easement for encroachment be created in favor of any Owner or Owners if said encroachment occurred due to the willful misconduct of said Owner or Owners.

7.3 Owners' Rights and Duties With Respect to Utilities: The rights and duties of the Owners of Lots within the Property with respect to utilities shall be as follows:

7.3.1 Whenever sanitary sewer, water, electric, gas, television receiving, or telephone lines or connections are located or installed within the Property, which connections, or any portion thereof, lie in or upon or beneath Lots owned by other than the Owner of a Lot served by said connections, the Owners of any Lots served by said connections shall have the right, and are hereby granted an easement to the full extent necessary therefore, to enter upon the lot or to have the utility companies enter upon the Lots in or upon or below which said connections, or any portion thereof lie, to repair, replace and generally maintain said connections as and when necessary.

7.3.2 Whenever sanitary sewer, water, electric, gas, television receiving, or telephone lines or connections are located or installed within the Property, which connections serve more than one Dwelling, the Owner of each Dwelling served by said connection shall be entitled to the full use and enjoyment of such portions of said connections as service his Dwelling.

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7.3.3 In the event of a dispute between the Owners with respect to the repair or rebuilding of said connections, or with respect to the sharing of the cost thereof, then, upon written request of one of such Owners addressed to the Association, the matter shall be submitted to the Board, which shall decide the dispute, and the decision of the Board shall be final and binding on the parties.

ARTICLE 8

INSURANCE

8.1 Duty to Obtain Insurance; Types: The Board at its discretion shall be authorized to obtain and maintain the following policies of insurance:

(a) Hazard Insurance: To the extent that there are improvements made to the Common Area which may be insured against casualty loss, a "master" or "blanket" type of hazard insurance policy or policies may be maintained, protecting such improvements against loss or damage by fire and all other hazards that are normally covered by the standard extended coverage endorsement, and all other perils customarily covered for similar types of projects. Additional endorsements, provisions, and exceptions may be entered into by the Board.

(b) Liability Insurance: A comprehensive general liability insurance policy covering all Common Area, common drainage and retention system, and all public ways and other areas that are under the supervision of the Association. The liability policy shall provide coverage for bodily injury and property damage for any single occurrence, covering bodily injury and property damage resulting from the operation, maintenance or use of the Common Area, common drainage and retention system, and any legal liability resulting from lawsuits related to employment contracts to which the Association may be a party, in such amounts as the Board may determine.

8.2 Waiver of Claim Against Association: As to all policies of insurance maintained by or for the benefit of the Association and the Owners, the Association and the Owners hereby waive and release all claims against one another, the Board of Directors, and Declarant, to the extent of the Insurance proceeds available, whether or not the insurable damage or injury is caused by the negligence of or breach of any agreement by any of said persons.

8.3 Insurance Premiums: Insurance premiums for any blanket insurance coverage obtained by the Association and any other insurance deemed necessary by the Board of Directors shall be a Common Expense to be included in the Regular Assessments levied by the Association and collected from the Owners. That portion of the Regular Assessments necessary for the required insurance premiums shall be separately accounted for by the Association in the reserve fund to be used solely for the payment of premiums of required insurance as such premiums become due.

8.4 Trustee for Policies: The Association, acting through its Board of Directors, is hereby appointed and shall be deemed trustee of the interests of all named insureds under policies of insurance purchased and maintained by the Association. All insurance proceeds under any such policies as provided for in this Article 8 shall be paid to the Board of Directors as Trustees. The Board shall have full power to receive and to receipt for the proceeds and to deal therewith as provided herein. Insurance proceeds shall be used by the Association for the repair or replacement of the property for which the insurance was carried or otherwise disposed of a provided in this Declaration. The Board is hereby granted the authority to negotiate loss settlement with the appropriate insurance carriers, with participation, to the extent they desire, of mortgages who have filed written requests within ten (10) days of receipt of notice of any damage or destruction as provided in this Declaration. Any two (2) Directors of the Association may sign a loss claim form and release form

in connection with the settlement of a loss claim, and such signatures shall be binding on all the named insureds.

ARTICLE 9

DESTRUCTION; CONDEMNATION

9.1 Damage to Common Area: In the event of any destruction of any portion of the Common Area, the repair or replacement of which is the responsibility of the Association, it shall be the duty of the Association to restore and repair the same to its former condition, as promptly as practical. The proceeds of any insurance maintained pursuant to Article 8 for reconstruction or repair of the Property shall be used for such purpose, unless otherwise provided herein. The Property shall be reconstructed or rebuilt substantially in accordance with the original construction plans. If the amount available from the proceeds of such insurance policies for such restoration and repair is inadequate to complete the restoration and repair, the Board shall levy an Extraordinary Assessment for the deficiency and proceed with such restoration and repair.

9.2 Damage to Dwellings: In the event of any destruction of any Dwelling or Dwellings, it shall be the duty of the Owner(s) of the Dwelling or Dwellings to restore and repair the same to its/their former condition, as promptly as practical under the supervision of the Board. The Dwelling or Dwellings shall be reconstructed or rebuilt substantially in accordance with the original construction plans, or in accordance with the rules set forth herein and administered by the ACC.

9.3 Alternate Plans for Restoration and Repair: Notwithstanding the provisions of Paragraphs 9.1 and 9.2, the Association shall have the right, by a vote of two-thirds (2/3) of the voting power of the Association, to make alternate arrangements respecting the repair, restoration or demolition of any damaged portion of the Property. The alternate plan may provide for special allocation of insurance proceeds, modification of design, or special allocation of any necessary Assessments. Any plan adopted pursuant to this subparagraph shall be adopted within sixty (60) days of the damage or destruction.

9.4 Condemnation: The taking or partial taking of any portion of the Common Area by condemnation or threat thereof shall be negotiated by the Board. Any award shall be deposited in the general funds of the Association, subject to disbursement or other use according to an agreement supported by two-thirds (2/3) of the voting power of the Association.

ARTICLE 10

DECLARANT'S RIGHTS AND RESERVATIONS

Declarant is undertaking the work of construction of the Property. Completion of that work and the sale or other disposition of the Lots is beneficial to the establishment and welfare of the Property as a residential community. In order that said work may be completed and said Property be established as a fully occupied residential community as rapidly as possible, nothing in this Declaration shall be understood or construed to:

10.1 Prevent Declarant, or any Builder, or their contractors, or subcontractors from doing on the Property, whatever is reasonably necessary or advisable in connection with the completion of the work; or

10.2 Prevent Declarant, or any Builder or their representatives from erecting, constructing and maintaining on any part or parts of the property, such structures as may be reasonable and necessary for the conduct of their business of completing said work and establishing said Property as a residential community and disposing of the same in parcels by sale or other disposition; or

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10.3 Prevent Declarant or any Builder from maintaining such sign or signs on any of the Property as may be necessary for the sale or disposition thereof.

So long as Declarant, or any Builder or their successors-in-interest and assigns, owns one or more of the Lots established and described in this Declaration and except as otherwise specifically provided herein, Declarant and all Builders, and their successors and assigns, shall be subject to the provisions of this Declaration.

In the event Declarant shall convey all of its right, title and interest in and to the Property to any partnership, individual or individuals, corporation or corporations, then and in such event, Declarant shall be relieved of the performance of any further duty or obligation hereunder, and such partnership, individual or individuals, corporation or corporations, shall be obligated to perform all such duties and obligations of the Declarant.

ARTICLE 11

DURATION AND AMENDMENT

11.1 Duration: This Declaration shall continue in full force and effect for a period of ten (10) years from the date hereof, after which time the same shall be automatically renewed for successive terms of ten (10) years each, unless a Declaration of Termination is recorded, meeting the requirements for an amendment as set forth hereafter. All properties within the Property shall continue to be subject to this Declaration during the term hereof regardless of sale, conveyance or encumbrance.

11.2 Amendments: This Declaration may only be amended after written approval of two-thirds (2/3) of the Owners. Notwithstanding the foregoing, any amendment made to this Declaration shall have no force or effect on the interest of an existing mortgagee, the beneficiary of a deed of trust, or a contract vendor, which interest is recorded prior to such amendment unless or until their written consent thereto has been obtained.

ARTICLE 12

GENERAL PROVISIONS

12.1 Enforcement: The Board, any Owner, and any governmental or quasi-governmental agency or municipality having jurisdiction over the Project shall have the right to enforce, by any proceedings at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by this Declaration, and in such action shall be entitled to recover costs and reasonable attorneys' fees as are ordered by the Court. Any such action by the Board shall be taken on behalf of two (2) or more Lot Owners, as their respective interests may appear, with respect to any cause of action relating to the Common Area or more than one Lot. Failure by any such person or entity to enforce any such provision shall in no event be deemed a waiver of the right to do so thereafter.

12.2 Invalidity of Any Provision: Should any provision of this Declaration be declared invalid or in conflict with any law of the jurisdiction where the Property is situated, the validity of all other provisions shall remain unaffected and in full force and effect.

12.3 Conflict of Property Documents: If there is any conflict among or between the Property Documents, priority shall be given to the Property Documents in the following order: Plat Map; this Declaration; Articles; Bylaws; and rules and regulations of the Association. Notwithstanding the foregoing, any provision in any of the Property Documents, which is for the protection of first mortgages shall have priority over any inconsistent provision in that document or in any other Property Document.

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EXHIBITS

Exhibit "A" –Legal Description
Exhibit "B" –Map of subject property and roads

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EXHIBIT 'A'

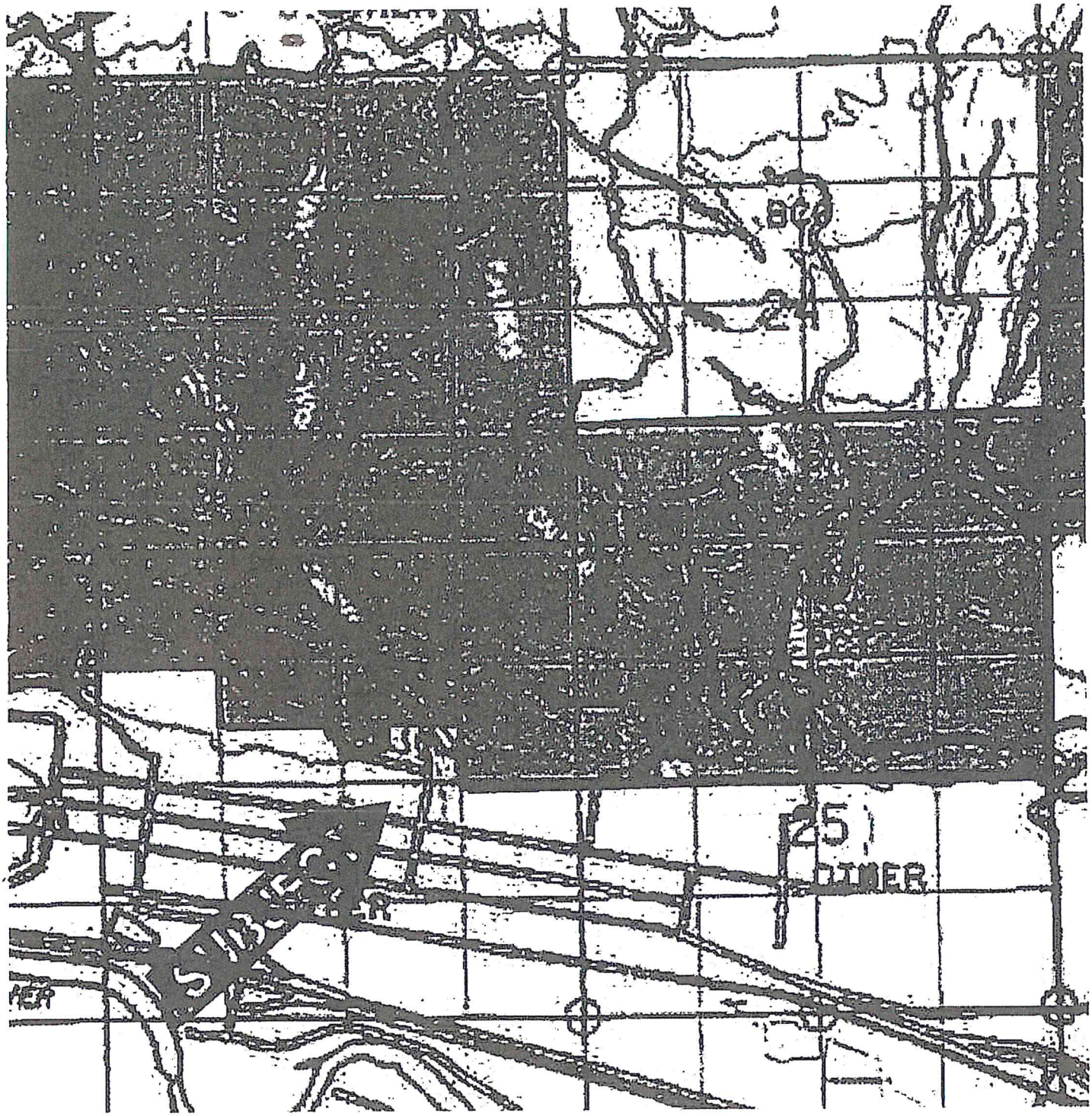
SOUTH ONE-HALF OF THE SOUTH ONE-HALF, SECTION 24, TOWNSHIP 20 NORTH, RANGE 15 EAST;

TOGETHER WITH, THE NORTH ONE-HALF OF SECTION 25, TOWNSHIP 20 NORTH, RANGE 15 EAST;

TOGETHER WITH, ALL PROPERTY LOCATED TO THE NORTH OF THE BONNEVILLE POWER ADMINISTRATION EASEMENT IN SECTION 26, TOWNSHIP 20 NORTH, RANGE 15 EAST;

ALL SITUATE IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

EXHIBIT "B"



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Declarant:

CLE ELUM'S SAPPHIRE SKIES, LLC

By: James E. Wood

JAMES WOOD, The Herbrand Company
Managing Member
Cle Elum's Sapphire Skies

SEAN NORTHROP, Member of
Cle Elum's Sapphire Skies

Development

STATE OF WASHINGTON)
) ss.
COUNTY OF King)

On this day personally appeared before me, James Wood and Sean Northrop, to me known to be Members of Cle Elum's Sapphire Skies, LLC, and on oath stated they are authorized to execute said instrument as the free and voluntary act and deed of said LLC, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed this 20 day of February 2002.

JULIANNE M. STALEY
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
7-18-04

Julianne M. Staley
NOTARY PUBLIC for Washington State
Residing at: Seattle
My Commission Expires: 07/18/04
Name Printed: Julianne Staley

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EXHIBIT 12

Kittitas County
Department of Public Works

VARIANCE REQUEST

To be completed by applicant

Name: Becky Andrus

Date of application: 05/18/07

Developer Agent for Developer

Address: 140 Bigbuck Ridge Rd
Cle Elum, WA 98922

Daytime phone: 509-304-7015

Associated Project/Development: Tax parcel 20-15-26010-0009/0010 (25 acres total)

Request (be specific): Administrative determination related to Table 12-1 of the Kittitas County Road Standards, minimum easement width of 60'. A Preliminary Plat Application is being proposed for a 14 lot Performance Based Cluster Plat.

Reason for request: The existing primary access to the subject property is via Deer Creek Road (existing private road), from the end of Montgomery Avenue. In addition, there are two alternative private access routes connecting to Deer Creek Road from separate public right-of-ways (6th Street to the west and Columbia Avenue to the east). Both physically and legally exist as alternative and/or emergency access routes to the subject property and both within 60' easements in their entirety. Please refer to the attached map identifying all three access routes and corresponding easement and/or right-of-way widths. Deer Creek Road is located on a 30' easement for approximately 320 feet from the end of Montgomery Avenue; the remainder of Deer Creek Road is located within a 60' easement. The 320 foot portion of road is in the City of Cle Elum's Urban Growth. A design is being proposed by a previous developer for those improvements within the easement necessary to bring Deer Creek Road in full compliance with the applicable road standards. The remainder of Deer Creek Road will also be improved in full compliance with the applicable road standards. Please take into account that Deer Creek Road is an existing private road, established both legally and physically and has previously been approved and acknowledged by the county to serve adjacent subdivisions, short subdivisions and/or large lot subdivisions, all prior to and since adoption of the new road standards.

List of supporting documents attached: Property Map

Attach map.

Signature of applicant

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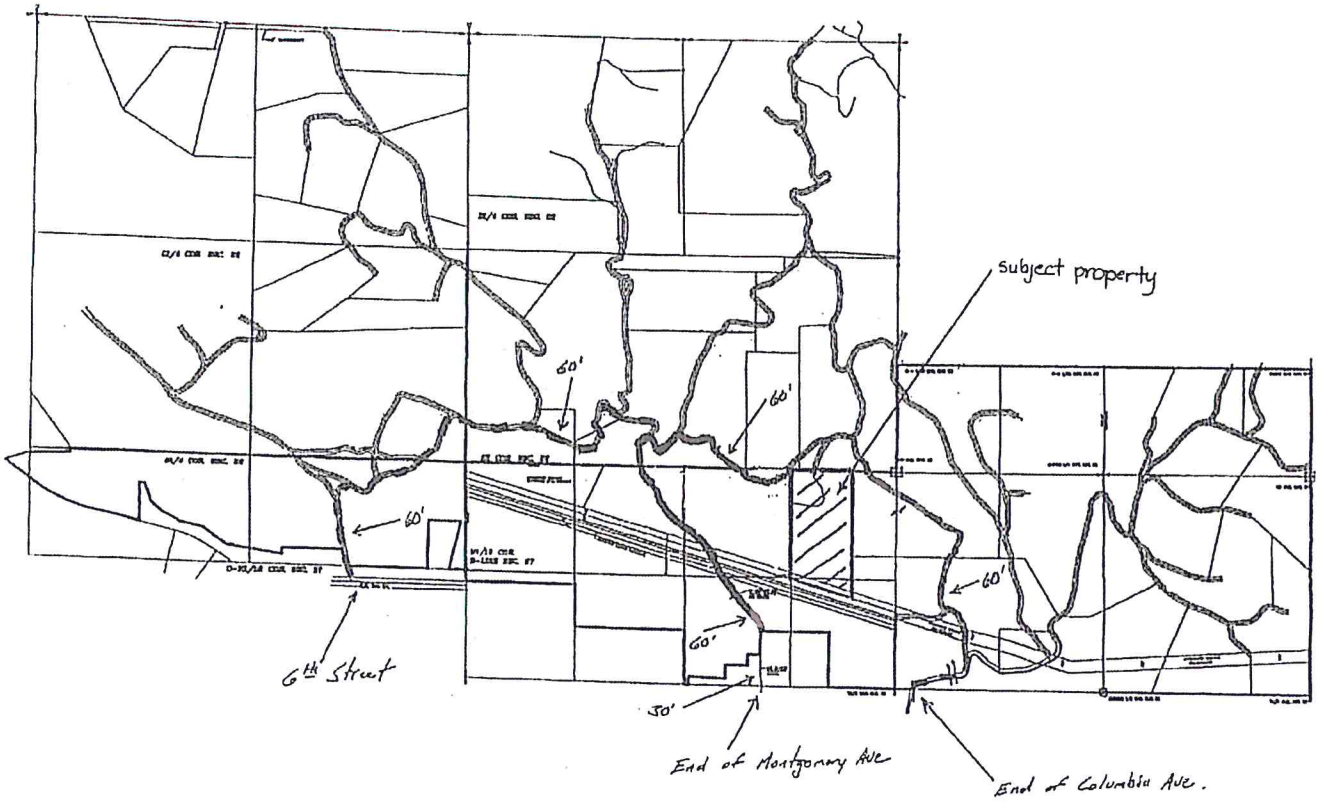
subject property
60'
60'
60'
60'
60'
30'
6th Street
End of Montgomery Ave
End of Columbia Ave.

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"

STAFF REPORT
BIG BUCK RIDGE PRELIMINARY PLAT
LP-07-00040

TO:	Kittitas County Hearing Examiner
FROM:	Kittitas County Community Development Services Staff
RE:	Big Buck Ridge Preliminary Performance Based Cluster Plat (LP-07-00040)
DATE:	April 23, 2013

I. GENERAL INFORMATION

Requested Action: Wayne Nelson authorized agent for Becky Andrus, landowner, has submitted a performance based cluster plat application to create 14 one acre single family parcels and approximately eleven acres of open space. The plat proposes a group B water system and onsite individual septic systems. The subject property's zoning is vested as Residential 3.

Location: The subject property is 2 parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road (outside city limits), Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

II. SITE INFORMATION

Total Project Size:	25 acres
Number of Lots:	14
Domestic Water:	Group B Community 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: Light Development\Vacant
South: Power Lines; Undeveloped\Vacant
East: Undeveloped \Vacant
West: Subdivided Single Family under construction

The area is primarily covered in sparse forest; topography starts relatively flat on the north end of the parcels then steadily gains in slope (up to 33%) as it progresses to the south.

Access: The proposed project will have access from Bigbuck Ridge Road, a 60-foot private access easement. A second access route is required as conditioned by Kittitas County Public Works exhibit, number 5 (index document 65).

Zoning and Development Standards: The subject property is vested within the Rural-3 zoning district. 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 R-3 zones will be to minimize adverse effects on adjacent natural resource lands. Applicable development standards set forth in KCC Chapter 17.30 include, but

are not limited to the following:

> Lot Size: The minimum residential lot size shall be three acres in the Rural-3 zone. The overall density of any residential development shall not exceed one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.
>
> Setbacks: There shall be a minimum front yard setback of twenty-five feet. Side yard and rear yard setbacks shall be 15 feet.

Preliminary Plats: The requirements of KCC Chapter 16.08.200, "Subdivision" means the division or re-division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership any one of which is less than 20 acres.

Performance Based Cluster Plats (PBCPs; KCC 16.09) : These types of subdivisions were originally integrated into County development regulations as an *"innovative"* planning technique to *"protect critical areas, water resources, and resource lands"* as well as *"... foster appropriate densities while protecting the environment and maintaining the high quality of life in Kittitas County"*. Chapter 16.09 also mandated an annual review to *"... check the effectiveness of the code in meeting the purpose and intent."* PBCPs were integrated into County Code on November 1, 2005 (Ord. 2005-35); revised on August 16, 2006 (Ord. 2006-36) and again on July 19, 2007 (2007-22; the version applicable to this proposal). The chapter was modified again in 2010 (Ord. 2010-014) and the PBCPs were eliminated from code in 2013 (Ord. 2013-001) and replaced by "Cluster Plat" language which was accepted by the Growth Management Hearings Board as being compliant with the Growth Management Act (GMA).

III. ADMINISTRATIVE REVIEW

Deem Incomplete, Request for Additional Information, and Notice of Application: The application for the Big Buck Ridge Plat was submitted to Community Development Services (CDS) on June 20, 2007. On July 18, 2007, staff issued a letter of incomplete application, requiring an address list for all landowners within 300 feet of the proposal. The file indicates that the requested address list was submitted to CDS on July 23, 2007 (see index document 10, page 1 of the record) On August 16, 2007 staff sent a letter to the applicant indicating that a prior land use action (the Andrus rezone RZ-06-00023) mandated through a SEPA Mitigated Determination of Non-Significance that a Traffic Impact Analysis (TIA) be completed (as well as a road variance) before review of the application could continue. The letter did not indicate a precise determination as to the status of the application at that time. Current Staff has taken the position that the application was complete at that time based on the following:

> **KCC Chapter 15A.03.040(3):** *"A project permit application is complete for the purposes of this title when it meets the procedural submission requirements of Kittitas County and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude Kittitas County from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur."*
>
> The Plat Application Form (see index document 5, page 1) stipulates that a *"Required Attachment"* for a preliminary plat is an *"Address list of all landowners within 300 feet of the site's tax parcel..."* This *"procedural submission requirement"* as described above, was met by the applicant July 23rd, 2007 following Staff's Deem Incomplete and Request for Additional Information on July 18th, 2007.
>
> **KCC Chapter 15A.03.040(4):** *"Within 14 days after an applicant has submitted to the permitting agency additional information identified by the permitting agency as being necessary for a complete application, the permitting agency shall notify the applicant whether the application is complete or what additional*

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information is necessary..."

The letter from Staff requesting the TIA was written and sent on August 16th, 2007; 24 days after the submission of the address list requested in the original Deem Incomplete letter. Convention dictates that a failure to respond or clarify the completeness of an application within the timeframes provisioned in chapter 15A amounts to a de facto declaration of a complete application. The request for the TIA was not a *"procedural submission requirement"*.

KCC Chapter 15A.03.045(1): *"Once an application has been deemed complete, the Director may request the applicant to submit additional corrections, studies or other information on the proposed project. The Director shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification of such requests to the applicant."*

The requirement for the TIA was determined by Current Staff to be an *"additional correction, study or other information."* as described above. No parameters for a delivery date of the study were provisioned in the letter.

In the wake of sweeping changes to the structure and make up of CDS through 2009 an inventory was done in early 2010 to determine the status of, and make appropriate notifications to, the large cache of outstanding and pending land use applications on file. On February 9th, 2010 the Interim Planning Manager notified Mrs. Andrus that a request to withdraw application or the TIA would need to be submitted within 60 days (April 10th, 2010) for the application to remain active. On February 16th, 2010, Mr. Andrus requested an extension of the timeline because of uncertainty related to water withdrawal requirements in the Upper County; an extension was granted on June 25th, 2010. The record contains a series of extension over the course of the next several years; additional 120 day extensions were granted by CDS on:

October 17, 2010
June 27, 2011
September 30, 2011
January 11, 2012
June 26, 2012
October 23, 2012

On February 20th, 2013, the Transportation Impact Analysis was submitted to Kittitas County Public works and was declared to meet concurrency requirements.

The Notice of Application for the preliminary plat application was issued on February 9th, 2015. 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 February 24th, 2015.

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 March 25th, 2015. The appeal period ended on April 9, 2015 at 5:00 p.m. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments 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:
As conditioned the proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan at the time of submission. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a community water system and individual septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas which include possible steep slopes. Also of note for consideration is the existence of Bonneville Power Administration right of way on the south end of the parcel. No wetlands, classified streams or floodplain designations were identified in the proposal area. The proposal was identified as being within the designated coal mine area, but no mitigation measures are required by code.

Consistency with the provision of KCC 17.30, Rural 3 zoning (index document 78):
This proposal is consistent with the Kittitas County Zoning Code 17.30 at the time of submission. The purpose and intent of the R-3 zone at that time was to:

> *"... provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands."*

The subject property is not at this time, nor was it at the time of application, near or adjacent to a resource land of any kind. Single family residences are permitted in both the current and the vested zones of these parcels. Cluster subdivisions were permitted outright in the R-3 zone at the time of application. Lot sizes of less than 3 acres were provisioned for under KCC 16.09 at the time of application.

Consistency with the provisions of KCC 16: Preliminary Plats and Performance Based Cluster Plats:

As conditioned, this proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats and Performance Based Cluster Plats. KCC Chapter 16.09 at the time of application (see index item 77) provided a means to increase densities beyond the maximum of what would normally be permitted for the R-3 zone based on public benefit rating system. The applicant in this case is using three public benefit categories to decrease the minimum lot size from three acres to one acre:

Designation of 11 acres of the 25 total acres as open space in perpetuity – In order to qualify for this provision found in the Public Benefit Rating System Chart (16.09.090) the applicant must dedicate a minimum of 40% of the base lot to perpetual open space. Open space, for the purposes of the chapter is defined as:

> *"...land used for outdoor active, passive and formal recreational purposes, land used for resource protection (including related structures such as barns on agriculturally productive land), land which is a common area for use by the public and/or residents of a cluster development, which is reserved for parks, walking paths or other natural uses, but not to include critical areas where development would otherwise be restricted, or dwellings or roadways surfaces, or building setbacks required by current codes, or areas otherwise encumbered by other federal, state, or local jurisdictions. In all cases, for purposes of this chapter, open space shall be of a functional nature and incorporate logical boundaries.*
>
> Germane to the utilization of this criteria will be the amount of designated open space outside of areas restricted from development by other provisions of federal, state, and local codes, regulations, and ordinances; as conditioned the proposal will be consistent with public benefits associated with this criteria.

Use of a Group B water system – Utilization of a group B water system provides a density bonus because it minimizes the need for individual wells. For the purposes of this chapter the system will need to be a:

> *".. DOH approved water system that meets the requirements of WAC 246-290 or 246-291, or any water system that meets the definition of "Municipal water supplier" under RCW 90.03.015.*
>
> This water system will fall under the close scrutiny of the Washington State Department of Health and Kittitas County Public Health. As conditioned the proposal will be consistent with the public benefits associated with this criteria.

Development of active recreational facilities – The applicant has indicated in the proposal and the SEPA checklist that there will be private trails developed in conjunction with the plat connecting two of the three detached open space tracts to the internal private road. The south open space tract will also include a 20 foot trail easement; it is unclear where or how this trail will connect to adjacent properties or tracts either inside or outside the plat. For the purposes of this chapter active recreation is defined as including but not limited to:

> *"... ball fields, tennis courts, wheeled vehicle trails, outdoor riding arenas, etc."*
>
> Consideration was given to the wide variety of *"wheeled vehicles"* which people must or choose to utilize in *"active recreation."* As conditioned the trails proposed will provide increased opportunity for recreation to the eventual residents and guests of the plat and be consistent with public benefits associated with this criteria

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

As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period:

City of Cle Elum
Washington State Department of Health
Washington State Department of Ecology
Kittitas County Public Health Department.

These comments have been included in the record and conditions of approval have been crafted to address these agency concerns.

Public Comments:

Comments were received from the following members of the public representing themselves:

Kay Mulbeier
Gary Kasowski
Allen & Lan Jones
Liz Remeto
Christine Johnson
Adam Burnett
Roiann Daly
Jan Thompson
Maren L. McDonald
Matt Clark
Kim Person
Joe Skvarla
Brian Rogers
Margaret Suman
Ken McKim
David McDuff
James Carmody
Bruce Higgs
Don Owens
Mr. James Carmody was retained by the Cle Elum Ridge Community and provided comments on their behalf.

These comments have been included in the record and consideration was integrated into the conditions of approval.

Post Comment Period Exhibits

The following individuals and agencies provided additional correspondence following the close of the comment period on February 24th, 2015 at 5:00 p.m.

Kittitas County Public Works Department
Washington State Department of Ecology
Karma Chapman

These correspondences have been included in the record and consideration was integrated into the conditions of approval.

VIII. RECOMMENDATION

As conditioned below, the application is not detrimental to the general public health, safety or welfare and meets intent and criteria associated with Title 12, Chapter 16.08, Chapter 16.09, Chapter 16.12 and Chapter 17.30 of the Kittitas County Code as well as the Kittitas County Comprehensive Plan. Staff recommends approval of the Big Buck Ridge Preliminary Plat LP-07-00040, subject to the following findings of fact and conditions outlined below.

Staff also feels compelled to recognize before the Hearings Examiner that the conditions outlined below may result in substantive changes to the plat as proposed. It is possible that the applicant may, after review of the comments, conditions, and initial testimony at the Public Hearing, wish to alter the plat to a degree which would require additional review by both staff and the public at large. At the discretion of the Hearings Examiner, a remand may be the preferred or appropriate action to take at this time.

Suggested Findings of Fact

1. Wayne Nelson authorized agent for Becky Andrus, landowner, has submitted a performance based cluster plat application to create 14 one acre single family parcels and approximately eleven acres of open space. The plat proposes a group B water system and onsite individual septic systems. The subject property's zoning is vested as Residential 3.
2. The subject property is 2 parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road (outside city limits), Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

3. Site Information

Total Project Size:	25 acres
Number of Lots:	14
Domestic Water:	Group B Community Water System
Sewage Disposal:	Individual on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District 7
Irrigation District:	None

4. Site Characteristics:
   North: Light Development\Vacant
   South: Power Lines; Undeveloped\Vacant
   East: Undeveloped \Vacant
   West: Subdivided Single Family under construction
5. The area is primarily covered in sparse forest; topography starts relatively flat on the north end of the parcels then steadily gains in slope (up to 33%) as it progresses to the south.
6. The proposed project will have access from Bigbuck Ridge Road, a 60-foot private access easement. A second access route is required as conditioned by Kittitas County Public Works exhibit, number 5.
7. The Comprehensive Plan designation is Rural.
8. The subject property is vested within the Rural-3 zoning district. The minimum lot size is one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.

9. 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 R-3 zones will be to minimize adverse effects on adjacent natural resource lands.
10. The application for the Big Buck Ridge Plat was submitted to Community Development Services (CDS) on June 20, 2007. On July 18, 2007, staff issued a letter of incomplete application, requiring an address list for all landowners within 300 feet of the proposal. The list was provided on July 23, 2007; the application was de facto deemed complete on August 16, 2007 with the request for a traffic impact analysis. The notice of application was on February 9, 2015. 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 February 24, 2015.
11. An application was submitted to Community Development Services on August 17, 2011. The Notice of Application for the preliminary plat application was issued on November 17, 2011. 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 December 2, 2011.
12. 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 March 25, 2015. The appeal period ended on April 9, 2015 at 5:00 p.m. No appeals were filed.
13. As conditioned 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 community water system and individual septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas which include steep slopes.
14. As conditioned the proposal is consistent with the Kittitas County Zoning Code Title 17
15. As conditioned the proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats.
16. As conditioned the proposal is consistent with the Kittitas County Subdivision Code for Performance Based Cluster Plats.
17. This application is subject to the Kittitas County Road Standards, dated 9/6/05. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
18. The following agencies provided comments during the comment period: Washington State Department of Health, Washington State Department of Ecology, and Kittitas County Public Health. Kittitas County Public Works submitted correspondence on March 16, 2015. These comments and correspondence have been considered 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 as conditioned.

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:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated June 20, 2007 except as amended by the conditions herein.

2. A certificate of title of the property proposed to be platted shall be submitted with the final plat.

3. A note shall be placed on the final plat stating that any construction within areas of 33% or greater slope will require geotechnical engineering per IRC R403.7.7 and/or IRC 1805.3.1 or current adopted code.

4. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

5. All current and future landowners must comply with the International Fire Code.

6. It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.

7. Computer sheets shall be submitted with the final plat showing the closure of plat boundaries, blocks, lots or any tract. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
8. Individual onsite sewage systems will need to meet Kittitas County code requirements.
9. According to the Public Health Department, final plat approval will be conditioned upon:
    a. written findings of adequacy of potable water supplies;
    b. a well site inspection performed by KCPHD staff and the well drilled;
    c. completion and submission of a Group B Public water system to the Washington State Department of Health (WSDOH);
    d. a contract with an approved Kittitas County Satellite Management Agency;
    e. the construction or bonding of all infrastructure including the well house and storage tanks;
    f. issuance of a public water system ID number from WSDOH;
10. The Final Plat shall meet all requirements as listed in Chapter 16.20 of the Subdivision Code, as follows:

    16.20.020 Final Plat General Information

    a. The final plat shall be drawn on polyester film in a neat and legible manner.
    b. The final plat shall be drawn to such a scale as to make a sheet eighteen inches by twenty-four inches. Should this size sheet unduly congest the drawing, the plat may be submitted on two or more sheets of the above dimensions. The perimeter of the subdivision shall be depicted with heavier lines than appear elsewhere on the plat. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch on the sides. The scale shall be one (1) inch equals two hundred (200) feet, or greater, unless otherwise approved by the director.
    c. All lettering shall be printed with permanent ink.
    d. Each sheet of the final plat shall contain the subdivisions name at the top of the sheet in large letters followed underneath with the section, township, range, county and state. The space for recording the receiving number is in the upper right hand corner, sheet numbers at the bottom of the sheets.
    e. It shall show all courses and distances necessary to re-stake any portion of said plat.

f. Required monuments shall be shown together with a legend of monuments on the face of each plat sheet. (Ord. 2005-31, 2005)

16.20.040 Plat Drawing

a. Section Data. All section, township, municipal and county lines lying within or adjacent to the subdivision;
b. Tie Monuments. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries;
c. Plat Monuments. The location of all permanent control monuments found or established within the subdivision;
d. Boundaries. The boundary of the subdivision, with complete bearings and lineal dimensions in heavier lines;
e. Bearing and Distances. The length and bearings of all straight lines, the radii, arcs, and central angles of all curves;
f. Lot Dimensions. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field;
g. Road Names. The location, width, centerline, and name or names or number of all streets within and adjoining the subdivision;
h. Easements. The location and width, shown with broken lines, and description of all easements. Easements may be described in the plat restrictions in lieu of being shown on the plat drawings;
i. Lot Numbers. Numbers assigned to all lots and blocks within the subdivision;
j. Adjacent Owners. Names of owners of land adjacent to the subdivision, and the names of any adjacent subdivisions;
k. Surrounding Area. All surrounding property shall be shown in dotted lines and letters with names of plats, roads, adjoining lots, canals, and etc., and if un-platted shall be so indicated;
l. Vicinity Maps. A vicinity map showing the boundary of the plat in relation to the surrounding area such as adjacent subdivisions, rivers, creeks, roads or highways, canals, etc. Minimum area shown would be the section or sections containing the platted area with a scale of approximately 4" = 1 mile;
m. Contours. Contour lines are not shown on a final plat as required on the preliminary plat;
n. Miscellaneous Items. North arrow, scale and legend of monuments to be shown on open area of sheets;
o. Grid Coordinates. A tie shall be made and shown on the plat if plat is within one mile of any such monument.
p. Well location. The drawings shall be marked with a "w" indicating location of the well and a broken line showing the one hundred foot radius around such.
q. Ditches. Location of existing ditches apparent or of record. (Ord. 2005-31, 2005)

11. 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 build ing 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.

12. 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 prior to the issuance of a building permit for any of the structures within the proposed plat.

13. Stormwater: On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater

system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit.

14. Grading Permit: A grading permit shall be required prior to beginning any site work. See KCC 14.05 for more information.

15. Second Access: A second access will be required as clarified by the Board of County Commissioners on April 2, 2007. The BOCC clarified KCRS 12.01.095(2) with the following requirements: 1) If the second access.is-restricted to emergency access only, it must meet or exceed the following requirements: 60' easement, 20' roadway width, BST/ACP surface, and a paved apron. Access restrictions such as gates or bollards must be approved by the Fire Marshal; 2) If the second access is to be used for ingress and egress, it must meet the same standards of the first access.

    Documentation of a legal easement across the route of the second access will be required prior to final approval. The second access must be constructed and certified by an engineer licensed in the State of Washington prior to issuance of a building permit.

16. Private Road Improvements: Access 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 20', with 1' shoulders, for a total width of 22'..
    b. Minimum centerline radius shall be 60'.
    c. The surface requirement is for a minimum gravel surface depth of 6".
    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.

16. 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.

17. Joint-Use Driveway: A joint-used access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.

    a. Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.

    b. The surface requirement is for a minimum gravel surface depth of 6".

    c. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

d. Any further subdivision or lots to be served by proposed access may result in further access requirements.

18. Single-Use Driveway: A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.

    a. The roadway shall be a minimum of 8' wide with gravel surface.

    b. Maintenance or driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

    c. Any further subdivision or lots to be served by proposed access may result in further access requirements.

19. Plat Notes; Plat notes shall reflect the following:

    a. Entire private road shall achieve 95% compaction and shall be inspected and certified by a licensed engineer in the State of Washington specifying that the road meets current Kittitas County Road Standards prior to the issuance of building permit for this plat.

    b. Entire private road shall be inspected and certified by a civil engineer licensed in the State of Washington specifying that the road meets Kittitas County Road Standards as adopted September 6, 2005, prior to the issuance of a building permit. Any future subdivision or land use action will be reviewed under the most current road standards.

    c. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.

    d. Maintenance of the access is the responsibility of the property owners who benefit from its use.

    e. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.

    f. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

    g. A public utility easement 10 feet in width is reserved along all lot lines. The 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation.

20. Plat Approvals: All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

    EXAMINED AND APPROVED

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

    _____

    Kittitas County Engineer

21. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

22. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.

23. 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.

24. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.

25. 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.

26. A burn permit must be obtained from Ecology if the proponent plans to burn trees or debris from the property. Only natural, unprocessed vegetation may be burned in an outdoor fire.

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

28. A plat note discussing the spread of noxious weeds shall be shown on the plat and shall read: "Per RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds, accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeding of areas disturbed by development to preclude the proliferation of noxious weeds."

29. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.

30. Both sheets shall reflect the Plat number: LP-07-00040.

31. An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required for this project. 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.

32. This NPDES Construction Stormwater General 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.
33. No water right records associated with this property were found in the Central Regional Office. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

    On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development because in combination, the withdrawal will exceed the exemption criteria.

34. An internal looped trail shall be bonded for or constructed in conjunction with the plat infrastructure. It shall run parallel with, but in addition to, the entire length of the private road servicing the plat to the 10 foot easement depicted on the west lot line of lot 8; then north across the .41 acre open space tract where it will connect with the 10 foot trail easement along the north and west lot lines of lot 1 to the 1.50 acre open space tract; then north and east back to the private road easement. This active recreation trail shall be constructed of an approved hard surface to accommodate wheeled traffic and utilize standards in conformance with the ICC

A117.1-2009 manual for accessible and usable buildings and facilities.

35. Open space tracts shall be labeled with a unique identifier.

36. The face of the plat will depict accurate calculations for open space tracts which do not include areas covered by road easement or driveway, well head protection areas, utility right of way, critical area or region encumbered by other federal, state, or local jurisdiction (as per ordinance 2007-22).

37. The open space tracts shall be:

    a. owned in a proportionate and un-severable manner as tenants in common by each lot owner; and

    b. assessed, taxed, and foreclosed upon each building lot.

38. Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on December 21, 2012. The following are the mitigation contained within the MDNS and shall be conditions of approval:

Water and Septic

1. The proposed plat is located within the upper county as defined in WAC 173-539A-090; the proposed group B water system shall be developed in complete compliance with the regulations and requirements of WAC 173-539A. The development will need to:

    a. Have well site inspections.

    b. Complete and submit a Group B water system workbook.

    c. Contract with a Satellite Management Agency.

    d. Complete or bond for infrastructure.

    e. Obtain WSDOH approval and identification number.

    f. Construct well(s) in accordance with the provisions of WAC 173-160. Wells must be located 100 feet from any known, suspected, or potential source of contamination.

    g. File a well report with the Department of Ecology within thirty (30) days after the completion of the well.

2. On-site sewage systems shall be constructed in accordance with requirements and regulations in Kittitas County Code (KCC) 13.04 at the time of application (6/20/2007).

Transportation

3. KCC 12.12.010(6) requires private roads within the plat to be maintained by a legal entity made up of all benefitted property owners under the provisions of an acceptable and recorded Private Road Maintenance Agreement.

4. All parcels located within this project shall be required to join the existing Private Road Maintenance Agreement which is made up of all the benefitted property owners served by Deer Creek Road and other roadways within Section 23, Township 20 North, Range 15 East.

Stormwater

5. Activities such as road widening, stump pulling and clearing grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.

6. On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented for review to Public Works prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit. Stormwater plans shall be submitted in accordance with KCC 12.06 and 12.08.

Cultural Resources and Historic Preservation

7. Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

Light and Aesthetics

8. A plat note shall be affixed which states: All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

Noise

9. Development and construction practices during building of this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby residential properties.

Chapter 17.30
R-3 –RURAL-3 ZONE

Sections

17.30.010 Purpose and intent.
17.30.020 Uses permitted.
17.30.030 Conditional uses.
17.30.040 Lot size required.
17.30.045 Development Standards.17.30.050 Yard requirements.
17.30.055 Yard requirements- Zones Adjacent to Commercial Forest Zone.
17.30.060 Sale or conveyance of lot portion.
17.30.070 Nonconforming uses.
17.30.080 Shoreline setbacks.
17.30.090 Administrative uses.

17.30.010 Purpose and intent.

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 R-3 zones will be to minimize adverse effects on adjacent natural resource lands. (Ord. 92-4 (part), 1992).

17.30.020 Uses permitted.

Uses permitted. The following uses are permitted:

1. Single-family homes, mobile homes, cabins;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. Home occupations which do not produce noise, such as accounting, photography, etc.;
6. Cluster subdivision, when approved as a platted subdivision;
7. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located within an established mining district;
8. All buildings and structures not listed above which legally existed prior to the adoption of the ordinance codified in this chapter;
9. Uses customarily incidental to any of the uses set forth in this section;
10. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property

owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process.

11. (Blank; Ord. O-2006-01, 2006)
12. Accessory Dwelling Unit (if in UGA or UGN)
13. Accessory Living Quarters
14. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 92-4 (part), 1992).

17.30.030 Conditional uses.
The following uses are conditional:

1. Campgrounds, guest ranches;
2. Motor trail clubs (snowmobiles, bikes, etc.);
3. Group homes, retreat centers;
4. Golf courses;
5. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located outside an established mining district;
6. Gas and oil exploration and production;
7. Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
8. Travel trailers for a limited period not to exceed one year when used for temporary occupancy related to permanent home construction;
9. Mini-warehouses subject to conditions provided in Section 17.56.030.

17.30.040 Lot size required.

1. The minimum residential lot size shall be three acres in the Rural-3 zone. The overall density of any residential development shall not exceed one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.

17.30.050 Yard requirements.
There shall be a minimum front yard setback of twenty-five feet. Side and rear yard setbacks shall be fifteen feet. (Ord. 92-4 (part), 1992).

17.30.055 Yard requirements – Zones Adjacent to Commercial Forest Zone.
Properties bordering or adjacent to the Commercial Forest zone are subject to a 200' setback from the Commercial Forest Zone. (KCC 17. 57.050(1)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2).

17.30.060 Sale or conveyance of lot portion.
No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this zoning district. (Ord. 92-4 (part), 1992).

17.30.070 Nonconforming uses.
No legal structure or land use existing at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 92-4 (part), 1992).

17.30.080 Shoreline setbacks.
The following setbacks shall be enforced for residences, accessory buildings, and on-site septic systems constructed or placed on shorelines or floodplains;

1. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting the shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act;
2. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir;
3. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for all such structures constructed or placed on other streams, including intermittent streams, which are not regulated under the Shoreline Management Act. (Ord. 92-4 (part), 1992).

17.30.090 Administrative uses.
The following uses may be permitted in any R-3 zone subject to the requirements set forth in Chapter 17.60B.

1. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. O-2006-01, 2006; Ord. 95-8, 1995).

Chapter 17.30A
R-5 - RURAL-5 ZONE

Sections
17.30A.010 Purpose and intent.
17.30A.020 Uses permitted.
17.30A.030 Conditional uses.
17.30A.040 Lot size required.
17.30A.050 Yard requirements.
17.30A.055 Yard requirements- Zones Adjacent to Commercial Forest Zone.
17.30A.060 Sale or conveyance of lot portion.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

ORDINANCE

NO. 2007- 22

KITTITAS COUNTY DEVELOPMENT CODE UPDATE

Whereas, this ordinance, adopting the Kittitas County Development Code Update, contains three different sections of findings, as follows:

Section I - Procedural Findings
Section II - Board of County Commissioners Findings
Section III - Final Decision and Signatures

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SECTION I- PROCEDURAL FINDINGS

Whereas, Kittitas County opted into the Growth Management Act, RCW 36.70A, voluntarily on December 27, 1990, through Resolution 90-138; and

Whereas, Kittitas County was required to update its Comprehensive Plan under the requirements of RCW 36.70A, by December 1, 2006; and

Whereas, The Kittitas County GMA Comprehensive Plan was originally adopted on July 26, 1996 by the Kittitas County Board of County Commissioners; and

Whereas, The Kittitas County Comprehensive Plan Polices are consistent with the policies contained within the Countywide Planning Policies adopted per Resolution 96-10 and amended as required by RCW 36.70A.210; and

Whereas, On December 11, 2006, the Kittitas County Board of County Commissioners signed Ordinance 2006-63 adopting the 2006 Amendments to the Kittitas County Comprehensive Plan and 2006 Update to the Kittitas County Comprehensive Plan. As part of the process, Kittitas County is required to review the Development Regulations in order to implement and ensure consistency with the goals, polices and objectives identified in the Kittitas County Comprehensive Plan; and

Whereas, The Development Code Update contained the review of the following four elements of the current Kittitas County Code: Chapter 14.08, Flood Damage Prevention, Title 15A, Project Permit Application Process, Title 17, Zoning Code, and Chapter 16.08, Performance Based Cluster Platting. The Development Code Update also consisted of the proposal of two new sections of code, which included a proposed Title 17B, Forest Practices and a proposed Chapter 17.99, Design Standards; and

Whereas, Kittitas County has complied with the requirements of RCW 36.70A.130 and RCW 36.70A.140, by including public participation early in the update process and continuously through discussion and consideration of public input; and

Whereas, Legal notice was issued on April 11, 2007 and published on April 13 and 20, 2007 in the Daily Record and April 19 and 26, 2007 in the Northern Kittitas County Tribune, and display ads were published on April 16, 18, 19, 21, and 26, 2007 advertising the May 1, 2, and 3rd Planning Commission Hearings. These notices were published in the official county paper of record and the Northern Kittitas County Tribune Legal notice was issued on May 15, 2007 for Hearings before the Board of County Commissioners and published on May 17 and May 24, 2007 in the Kittitas County Daily Record and May 24 and 31, 2007 in the Northern Kittitas County Tribune; and

Whereas, Community Open Houses for the Development Code were held in various locations in the county. Lower county open houses were held on April 16th and 17th, 2007 in

Ellensburg, and an Upper County Open House was held on April 26, 2007 in Cle Elum; and

Whereas, Kittitas County on June 5, 2007 issued a notice for a Determination of Nonsignificance and Adoption of Existing Environmental Document for the Development Code Update under SEPA. Legal notice was published on June 6 and June 13, 2007 in the Daily Record and June 7 and 14, 2007 in the Northern Kittitas County Tribune; and

Whereas, Kittitas County Community Development Services Department sent the Department of Community, Trade and Economic Development and CTED Review Team notice of the Development Code Update on March 16, 2007; and

Whereas, The Kittitas County Planning Commission held public hearings on May 1, 2, and 3, 2007 for the Development Code Update. Notice of said public hearing was published in the Daily Record and Northern Kittitas County Tribune as required by State Statute and County Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest; and

Whereas, The Planning Commission held continued hearings where the record was closed on May 21 and May 22, 2007 for Planning Commission deliberation and decision; and

Whereas, The Planning Commission held continued hearing where the record was closed on May 31, 2007 to consider Planning Commission Findings and voted to approve said findings and forward to the Board of County Commissioners their recommendations on the Kittitas County Development Code Update; and

Whereas, The Kittitas County Board of County Commissioners held public hearings on June 4, 11, 13, 14, and 27, 2007 to consider the Development Code Update and Planning Commission Recommendations; and

Whereas, Testimony was taken and documentary evidence received by the Board of County Commissioners from those persons wishing to be heard; and

Whereas, The Kittitas County Board of County Commissioners held continued hearings on July 9, 10, and 11, 2007 for discussion and deliberation, and on July 11, 2007 directed staff to prepare enabling documents for Board consideration on July 19, 2007; and

Whereas, The Kittitas County Board of County Commissioners held a continued public hearing to consider enabling documents for the Development Code Update on July 19, 2007; and

Whereas, On July 19, 2007 the Kittitas County Board of Commissioners reviewed and signed the prepared ordinance; and

Whereas, Due notice of the hearings has been given as required by law.

(7.7)

SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS

General Findings:

The Kittitas County Board of County Commissioners held public hearings on June 4, 11, 13, 14, and 27, 2007, and July 9, 10, and 11, 2007 to consider the Kittitas County Development Code Update. On July 19, 2007 the Kittitas County Board of County Commissioners held a continued public hearing to consider enabling documents for the Development Code Update. All members of the public who wanted to were allowed to speak or submit written correspondence.

Whereas, The Kittitas County Board of County Commissioners held public hearings on June 4, 11, 13, 14, and 27, 2007, and July 9, 10, and 11, 2007 to consider the Kittitas County Development Code Update. The Kittitas County Board of County Commissioners held a continued public hearing to consider enabling documents July 19, 2007; and

Whereas, The Board of County Commissioners entered the following findings for the Development Code Update. The findings are as follows:

I. Ordinance 2006-63 adopted the 2006 Amendments to the Kittitas County Comprehensive Plan and 2006 Update to the Kittitas County Comprehensive Plan. As part of the process, Kittitas County is required to review the Development Regulations in order to implement and ensure consistency with the goals, polices and objectives identified in the Kittitas County Comprehensive Plan; and

II. The County's plan contains all of the required statutory elements, as described in WAC 365-195; and

III. The policies contained within each element meet the requirements of RCW 36.70A and WAC 365-195; and

IV. The Board of County Commissioners make the following findings for each of the elements being considered as part of this Development Code Update as listed below:

1. ***Kittitas County Code Chapter 14.08, Flood Damage Prevention***
    i. The proposed changes reflect comments received as part of a 2006 Federal Emergency Management Agency (FEMA) and Department of Ecology (DOE) Community Assistance Visit (CAV).
    ii. Update to Section 14.08.300 complies with WAC 173-158-070.
    iii. The Board of County Commissioners adopts the July 10, 2007 draft of Chapter 14.08 as attached hereto as Attachment 1.
2. ***Kittitas County Code Title 15A, Project Permit Application Process***
    i. The updates allow for more public participation and identify other methods of public outreach for projects.

ii. Existing language in 15A.03.030 is sufficient and attainable for identifying ownership of projects.
iii. For publishing of notification in newspapers other than the official newspaper of record, a 12 month review from the date of adoption of the Development Code shall be conducted to assess costs in relation to current fee schedules recognizing that costs should be borne by the applicant.
iv. The Board of County Commissioners adopts the July 10, 2007 draft of Title 15A as attached hereto as Attachment 1.

3. ***Kittitas County Code Title 17B, Forest Practices***
   i. Substitute House Bill 1409 (Chapter 235, Laws of 2007) of the recent Legislature Session establishes a December 31, 2008 deadline for adoption of a Forest Practice Ordinance. The Board of County Commissioners in recognition of the Bill and the recent formation of the Kittitas County Forest Lands Advisory Committee defers review to the committee composed of Forestry professionals with a recommendation to come forward prior to the 2008 deadline.
   ii. The Board of County Commissioners hereby withdraws for consideration the inclusion of the proposed Kittitas County Code Title 17B, Forest Practices in the Development Code Update.
4. ***Kittitas County Code Title 17, Zoning***
   i. Per 17.04.060: Maximum Acreages, percentages as reflected shall apply to the Agriculture-3, Rural-3, Agriculture-5 and Rural-5 zones. This section of the Code may be revisited as recommendations from the recently formed Agricultural Lands Advisory Committee and Land Use Advisory Committee are brought forward. The committees are composed of members of the agriculture community, government agencies and citizens of Kittitas County. Recommendations from the committees shall be presented to the Board by March 31, 2008. At the end of 2007, a checkpoint shall occur to review work being conducted by the committees.
   ii. 17.11.030 reserves a place for Interlocal Agreements, and the Board of County Commissioners recognizes that work in establishing agreements with cities has been initiated as identified in the Community Development Services Work Plan.
   iii. 17.29.040 and 17.31.040 identify the provision known as the one-time split for the Agriculture-20 and Commercial Agriculture zones. Testimony from the Agriculture community of Kittitas County was received regarding the significance of such provision. In recognition of testimony received and contained in the record, the Board of County Commissioners authorizes the formation of the Agricultural Lands Advisory Committee a body made up of members and professionals in the Agriculture Community. The Board forwards these sections of the code containing the one time split provision for review by the committee, and recommendations

regarding such provisions shall be returned to the Board of County Commissioners for consideration.

iv. Section 17.38: Fully Contained Communities shall be struck from consideration for the current Development Code Update, and instead identified as a reserved section for future consideration. The Board recognizes that the recently formed Land Use Advisory Committee may review and make recommendations on Fully Contained Communities to the Board.

v. For 17.58.040B: Airport overlay zoning district: Easton State, Cle Elum Municipal, and DeVere Field, the Board of County Commissioners recognizes the current planning effort being undertaken by the City of Cle Elum for the Cle Elum Municipal Airport, and anticipates that at the time of completion of such efforts, such plans shall be incorporated and identified in this code.

vi. The Board of County Commissioners finds that section 17.61A.035: Pre-identified areas for siting, identifies areas where environmental review and public process has already occurred, and therefore allowing for an expedited review for siting of proposed wind farm facilities. This code allows for a separate process from the requirement for wind farm resource overlay zone as identified in section 17.61A.40. The Board also finds that lands contained in the pre-identified areas may be under federal, state and local ownership and may be subject to additional requirements per jurisdiction. The Board also recognizes and finds, per testimony received that other areas of the County may be further studied and analyzed as identified in the Community Development Services work plan for possible consideration for inclusion in the pre-identified area.

vii. The Board of County Commissioners finds that numerous amounts of testimony were received both during the 2006 Comprehensive Plan Update and Development Code Update in support of the updates proposed in Chapter 17.98: Amendments, and addresses community concern with non-project rezones. The proposed language allows for a cumulative review of non-project rezones yearly as part of the annual Comprehensive Plan Docketing Process.

viii. The adoption of the Rural-3 and Agriculture-3 zone through this formal process directly addresses and complies with the Eastern Washington Growth Hearings Board Order Case No. 06-1-001 specific to issue number 6, "failure to act."

ix. The Board of County Commissioners adopts the July 10, 2007 draft of Title 17 as attached hereto as Attachment 1.

5. ***Kittitas County Code Chapter 16.09, Performance Based Cluster Platting***

i. The Board of County Commissioners recognizes the upcoming review period for Chapter 16.09, per Kittitas County Code 16.09.010 allowing for a yearly review of the Performance Based Cluster Platting chapter. The Board further recognizes the formation of the Land Use Advisory Committee, in combination

with the future review of this Chapter allows for further review of the code to determine appropriateness of inclusion of the Agriculture-3 and Rural-3 zones. Until such time that review is completed the Agriculture-3 and Rural-3 zones shall remain eligible for Performance Based Cluster Platting.

ii. For 16.09.100(C), the Board of County Commissioners finds this language to clarify the Code as currently interpreted and enforced by Community Development Services. Such areas are not found to be conducive to public benefit and for application of bonus density

iii. Language proposed in the Public Benefit Ratings System Chart clarifies requirements for submittal and applicability of developments proposing access to public lands and connectivity of wildlife corridors.

iv. The Board of County Commissioners adopts the July 10, 2007 draft of Title 15A as attached hereto as Attachment 1.

6. ***Kittitas County Chapter 17.99, Design Standards***

i. The Board of County Commissioners recognizes the unique character and environment of each of the cities in Kittitas County, and finds that Design Standards are better addressed through the development of Interlocal Agreements with the cities allowing for recognition of each city's individuality.

ii. The Board of County Commissioners finds that the Land Use Advisory Committee provides for an avenue to explore standards for developments occurring in unincorporated Kittitas County, and as such defers Design Standards for their review with recommendations to be forwarded to the Board for consideration.

iii. The Board of County Commissioners hereby withdraws from consideration the inclusion of the proposed Kittitas County Chapter 17.99, Design Standards; and

V. Adoption of the July 10, 2007 Drafts of Chapter 14.08, Flood Damage Prevention, Title 15A, Project Permit Application Process, Title 17, Zoning Code, and Chapter 16.08, Performance Based Cluster Platting as attached hereto as Attachment 1 shall serve as Kittitas County's Development Code Update, as required by RCW 36.70A.130; and

VI. The findings and discussion to support these changes and updates are set forth in more detail in the record developed in this matter and the minutes of proceedings of the Board of County Commissioners deliberations and discussions.

SECTION III - FINAL DECISION AND SIGNATURES

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the July 10, 2007 Draft of the Kittitas County Development Code Update elements as presented; and

BE IT FURTHER ORDAINED

Whereas, on July 19, 2007, the Kittitas County Board of Commissioners reviewed and signed the prepared ordinance; and

NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, herby approves the adoption of the Kittitas County Development Code Update as attached hereto in the referenced Attachments 1 and 2, and incorporated by reference.

Adopted this 19th day of July, 2007, at Ellensburg, Washington.

SEAL

ATTEST:
CLERK OF THE BOARD

Julie A. Kjorsvik

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Alan A. Crankovich, Chairman

David B. Bowen, Vice-Chairman

Mark McClain, Commissioner

APPROVED AS TO FORM:

Greg Zempel WSBA #19125

Chapter 16.09
PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.
16.09.020 Uses Permitted.
16.09.030 Criteria.
16.09.040 Development Regulations.
16.09.060 Minimum Lot Size.
16.09.080 Process for Approval.
16.09.090 Public Benefit Rating System.
16.09.100 Definitions.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

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.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRS) elements are items that are not already required by code.

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No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. 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 and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) 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 of this chapter.

The following minimums for open space allocation and minimum acreage for application for performance based cluster plat (PBCP) application by zone shall apply:

	Rural 3 and Ag 3 Zones.	Rural 5 and Ag 5 Zones.	Agriculture 20 and Forest and Range 20.
Minimum open space acreage.	9 acres	15 acres	30 acres

(Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.040 Development Regulations.

A. Applicability. This chapter applies to all tax parcels or combination of tax parcels from the date of the ordinance codified in this chapter, located in the Residential, Residential 2, Suburban, Suburban 2, Agriculture-3, Agriculture 5, Agriculture-20, Rural-3, Rural 5 and Forest and Range 20 zoning districts. Roads. Title 12 Road Standards of this code shall apply to Performance Based Cluster Platting.
B. Phasing. Phasing shall be permitted without bonding requirements for future phases. Extension to final plat approval may be requested by the applicant in no more than three, three-year increments, pursuant to RCW 58.17.140. Final plat approval must be given within five years of the date of preliminary plat approval.
C. Notification Requirement. If appropriate, all Performance Based Cluster Platting conveyance instruments shall contain the following notice: The subject property is within or near existing agricultural or other natural resource areas on which a variety of activities may occur that are not compatible with residential development for certain periods of varying duration. Agricultural or other natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances. Kittitas County has adopted right to farm provisions contained in the Section 17.74 of the Kittitas County Zoning Code.

D. Compliance with County Development Regulations. Unless otherwise specified by this chapter, all development activities authorized through this chapter shall comply with all existing, applicable county development regulations, including but not limited to: subdivision ordinance, zoning code, shoreline master program, road standards, critical areas, and floodplain development ordinance. In addition, Performance Based Cluster Platting shall not be used prospectively in conjunction with the Kittitas County planned unit development ordinance (Chapter 17.36 of this code).
E. Applications. Applications for Performance Based Cluster Platting shall be evaluated for the possible impacts to adjacent agricultural uses. Residential parcel densities allowed in rural areas can have a significant impact on agricultural, forestry and mineral resource uses. Conditions may be placed on development proposals through the normal Kittitas County permitting authority, which protect agricultural lands from possible impacts related to incompatible land uses. All applications shall be referred to the planning commission for review.
F. Irrigation. If the land is served with irrigation water, a preliminary irrigation plan is required with application.
G. Farmstead. The farmstead, including the pre-existing residential and associated out buildings within the project boundary, will not be required to become part of a cluster of residences.
H. Location. Clustered lots shall be located within the project boundary in a manner that best recognizes the integrity of the public benefits identified in the cluster plat, including but not limited to, the location of the natural resource lands, critical areas as identified in K.C.C. 17.A, purpose of open space, etc.
I. Agriculture-20. The ability to create one lot less than twenty acres in size in the Agriculture-20 zoning district shall not be used in addition to or cumulatively with Performance Based Cluster Platting. (Ord. 2006-36, 2006; Ord. 96-6 (part), 1996)

16.09.060 Minimum Lot Size.
The size of the lots to be developed shall meet the minimum WA ST Department of Health requirements. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.080 Process for Approval.

A. Prior to submitting an application for a Performance Based Cluster Plat the applicant shall submit a request for a Pre-application Conference with the staff of Community Development Services. (CDS). CDS will schedule the pre-application conference and invite other county departments and outside agencies as appropriate to review and offer comments regarding the application and to assist the applicant in the appropriate process.
B. Submit preliminary Performance Based Cluster Plat map in conformance with requirements in K.C.C Title 16.12 Preliminary Plats and Title 12 Road Standards. Submit SEPA checklist in conformance with K.C.C. 15.04 SEPA Regulations, as required for a plat application.
C. Submit critical areas application consistent with K.C.C. Title 17A.C.

D. Performance Based Cluster Plats are to be processed as plats and are subject to a public hearing before the Planning Commission as provided for in K.C.C. Title 15A. Project Permit Application Process.
E. Final Performance Based Cluster Plat approval must be in conformance with K.C.C. Title 16.20 Final Plats.
F. Prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.
G. Documentation shall be submitted by the applicant stating how the proposed development meets the intent of Chapter 16.09, and shall also demonstrate consistency with the bonus density awarded for such development prior to final approval.
H. Final plats meeting all requirements of this chapter shall be submitted to the Board of County Commissioners for approval within five years of the date of preliminary approval as required by RCW 58.17.140. An applicant who files a written request with the County at least thirty days before the expiration of this five year period shall be granted an extension of no more than four years for a total of nine years upon a showing that the applicant has attempted in good faith to submit the final plat within the initial five year period. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.090 Public Benefit Rating System.
Points accrued from each element will be calculated in a cumulative manner and applied as a total in accordance with the public benefit rating system chart below. This total shall be converted to a percentile on a one to one basis (ex. 80 points equals 80% bonus density) and multiplied against the underlying zone minimum lot size based density. Where more than one zone exists within a cluster plat boundary, the overall percentile shall be applied against the number of whole lots calculated within the individual zone acreage and within the overall limit for the zone per 16.09.030 of this code.

Example:

- An application for an 80 acre cluster plat where 65 acres are zoned Forest and Range 20 and 15 acres are zoned Rural 3.
- Total cumulative points for entire plat earned = 150. Converted to 150%.
- Rural 3 zone density bonus limit = 100%
- Forest and Range 20 zone density bonus limit = 200%.

Calculations:

1. 15 acres divided by 3 acre min. lot size = 5 whole lots.*
   5 lots times 100% max. (within the 150% earned) for Rural 3 = 10 lots.
2. 65 acres divided by 20 acre min. lot size = 3 whole lots.
3. 3 lots times 150% earned (within the 200% max. allowed for Forest and Range) = 7 whole lots.
4. Total lots allowed for cluster plat = 17. A potential of up to 5 clusters (minimum 3 lots or building envelopes each) may be located where most appropriate within the 80 acre project boundary regardless of the zone in which each is placed.

* Whole lots are based on the minimum lot size for the zone and fractions thereof will not be rounded up to constitute a whole lot.

Public Benefit Ratings System Chart

Element	Urban Points	Rural Points	Comments
Transportation			
Roadway Right of Way width exceeding County Road Standards by >20% to Accommodate Future Growth and Multi-Modal Transportation Needs.	25	0	Urban levels of activity will need to consider future needs as growth and population increase. There will be more opportunity for Multi-modal transportation options in the urban environment.
Incorporate appropriate easements and rights of way to allow for connectivity between developments for motorized, non-motorized and pedestrian travel. Facilitates grid system transportation network.	25	25	Establishment and facilitation of connectivity between developments for all modes of transportation will allow for efficient and orderly road development.
Provide for multi-modal access to publicly owned recreational lands. Preserve Historic Access to recreation areas.	25	25	Access to public recreation lands has diminished as a result of increased development. Incentives to preserve this access are vital to the public interest. Proposed access points to public lands shall be in conformance with requirements as identified by federal, state, and local agencies having jurisdiction over said public lands. Documentation demonstrating such shall be submitted as part of the project application.
Develop Design Standards for streetscape. i.e. separated sidewalks, street lighting, landscaping.	20	0	Urban streetscapes are an important element to the character of an urban community. As density in these urban areas increases, it is important to provide elements in street design that are effective in reducing the

			effects of hardscape and that are visually pleasing.
Open Space			
Place minimum of 50% of site in open space for 25 yrs.	20	0	25 year period is sufficient to justify the development of passive uses. Allows for redevelopment in urban areas after 25 years.
Place 40% to 80% of site in open space for perpetuity.	10	40 to 80 dependent on % set aside. Points directly related to set aside percentage ie: 40% = 40 points.* See habitat connectivity for additional points associated with this category.	Significant long term benefit in rural areas. Minimizes options for redevelopment in urban areas.
Create urban redevelopment areas using open space	35	0	Allows for redevelopment in urban areas not currently served by urban services.
Wildlife Habitat			
Connectivity of Wildlife Corridors	0	15 if done in conjunction with open space in perpetuity.	Development of open space is most effective if done with adjacent open space lands in mind. Development of wildlife corridors provides maximum benefit from open space creation. Proposed wildlife corridors shall be consistent with the requirements of the Washington State Department of Fish and Wildlife. Documentation demonstrating such shall be submitted as part of the project application.
Wetland and riparian areas, setbacks, wetland, riparian areas and habitat enhancement and creation beyond requirements of CAO.	10	10	Provides for replacement of historic loss of wetlands, habitat, riparian and aquifer recharge areas.

Health and Safety			
Connection to municipal water system.	50	0	Use of urban services.
Connection to Group A water system.	50	50	Minimize need for individual wells.
Connection to Group B water system.	0	25	Minimizes need for individual wells. Not consistent with urban levels of development.
Connection to Sewage Disposal System	50	0	Use of urban services.
Community septic system.	0	10	Minimizes individual drain fields and ensures maintenance of system.
Reclaimed water system.	50	50	Reduces use of domestic water supplies for irrigation and stream flows.
Recreation – For specific uses see KCC 17.14.			
Development of passive recreational facilities: ie: bird watching, picnic areas.	5/10* higher number if available for general public use.	5/10* higher number if available for general public use.	Provides limited recreational use.
Development of active recreational facilities ie: trails, ball fields, tennis courts, outdoor riding arenas.	10/20* higher number if available for general public use.	10/20* higher number if available for general public use.	Provides for increased opportunity for recreation.
Development of formal recreation facilities. ie: pool, clubhouse, golf course, indoor riding arenas.	10/25* higher number if available for general public use.	10/25* higher number if available for general public use.	Provides for increased opportunity for recreation

(Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.100 Definitions.

A. Cluster. A "cluster" consists of three or more buildable contiguous lots or building envelopes within the cluster boundary. Individual clusters need not be contiguous but must be within the project boundary.
B. "Density bonus" is that percentage of increase over the underlying zoning in the number of residential lots based on the total acres of the proposal.
C. Open space. For purposes of this chapter, "open space" shall mean land used for outdoor active, passive and formal recreational purposes, land used for resource protection (including related structures such as barns on agriculturally productive land), land which is a common area for use by the public and/or residents of a cluster development, which is reserved for parks, walking paths or other natural uses, but not to include critical areas where development would otherwise be restricted, or dwellings or roadways surfaces, or building setbacks required by current codes, or areas otherwise encumbered by other federal, state, or local jurisdictions. In all cases, for purposes of this chapter, open space shall be of a functional nature and incorporate logical boundaries.
D. Public Water System. A DOH approved water system that meets the requirements of WAC 246-290 or 246-291, or any water system that meets the definition of "Municipal water supplier" under RCW 90.03.015.
E. Sewage Disposal System. A DOH or DOE approved sewage disposal system that meets the requirements of RCW 36.94 or RCW 90.46 or RCW 90.48.
F. Parent Parcel. That land made up of one or more contiguous tax parcels that are developed under this section.
G. Recreational passive uses shall include, but not be limited to, picnic areas, bird and wildlife viewing areas, pedestrian trails, etc.
H. Recreational active uses shall include, but not be limited to, ball fields, tennis courts, wheeled vehicle trails, outdoor riding arenas, etc.
I. Recreational formal uses shall include, but not be limited to, swimming pools, clubhouses, golf courses, indoor riding arenas, etc.
J. Reserve Development Area is all of the land within the project boundary that is within one mile of an Urban Growth Area and could reasonably be considered for inclusion within an Urban Growth Area during the 20 year planning period.
K. The "residual parcel" (also called "the open area") is that land which is remaining after the cluster subdivision lots and internal roads are deducted (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

Jeff Watson

From:	Jeff Watson
Sent:	Tuesday, April 14, 2015 1:57 PM
To:	Brenda Larsen; 'Brent Renfrow (Brent.Renfrow@dfw.wa.gov)'; Candie M. Leader; Christina Wollman; 'Cindy Preston (cindy.preston@dnr.wa.gov)'; 'CROSEPACOORDINATOR@ECY.WA.GOV'; 'Clear, Gwen (ECY)'; 'enviroreview@yakama.com'; 'Gretchen.Kaehler@DAHP.wa.gov'; Holly Duncan; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; 'linda.hazlett@dnr.wa.gov'; Lisa Iammarino; Lisa Lawrence; Mike Johnston; 'nelmsk@cwu.edu'; Patti Johnson; 'russell.mau@doh.wa.gov'; 'Teske, Mark S'; 'rivers@dnr.wa.gov'; 'Tom Justus (tom.justus@doh.wa.gov)'; Jan Ollivier; 'Richard.Benson@doh.wa.gov'; 'heather.cannon@doh.wa.gov'; Josh Hink
Cc:	Doc Hansen; 'jhallisey@fs.fed.us'; 'darren.habel@usace.army.mil'; 'Olson,Lesli D (CONTR) - TERR-BELL-1'; 'HolmstR@wsdot.wa.gov'; 'separegister@ecy.wa.gov'; Kaycee Hathaway; Jim Fossett; 'Cory Andrus (cory@pro-vac.com)'; Russ Hobbs; 'pblume@kcfd7.com'; 'flataum@cleelum.wednet.edu'; 'davisb@cleelum.wednet.edu'; 'montgomeryr@cleelum.wednet.edu'; 'north-ridge@hotmail.com'; 'mmorton@cityofcleelum.com'; 'Kay Muhlbeier (kmuhlbeier@comcast.net)'; Holly Myers; 'aspengk@gmail.com'; 'ahjones@comcast.net'; 'Liz Remeto (lremeto@radiantdelivers.com)'; 'ridgecrest6@msn.com'; 'adamrmk@hotmail.com'; 'dalyville@comcast.net'; 'jatmlg98@gmail.com'; 'MLMcDonald@drhorton.com'; 'matti.clark@gmail.com'; 'kimperson@live.com'; 'Joe.SKVARLA@redhawkus.com'; 'iam@brianr.me'; 'MSuman@cablelang.com'; 'vkmckim@juno.com'; 'davemacduff@gmail.com'; 'Girard@mftlaw.com'; 'CosmicTraveler@Comcast.Net'; 'owensmeats@gmail.com'
Subject:	RE: Notice of Public Hearing LP-07-00040 Big Buck Ridge

Notice of Public Hearing
Big Buck Ridge Plat
(LP-07-00040)

NOTICE IS HEREBY given that a hearing on the above application before the Kittitas County Hearing Examiner has been scheduled for **April 23, 2015 at 6:00** p.m. in the Kittitas County Courthouse Auditorium, Room 108, 205 W 5th Avenue, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony and written comments will be taken. The project application and related documents may be viewed at the address below prior to the hearing. Interested persons are encouraged to verify prior to attending.

Wayne Nelson, agent for property owner Becky Andrus, landowner, submitted a preliminary plat application to subdivide approximately 25 acres into 14 single-family residential lots. Final plat approval and building permits will be required. The subject property is comprised of two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum, (outside the city limits) at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map

76

numbers 20-15-26010-0010 and 20-15-26010-0009. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926 or on line at:

http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Long Plats

Staff Planner: Jeff Watson.

Publish Daily Record: April 16, 2015
Publish NKC Tribune: April 16, 2015

Jeffrey A. Watson
Planner II
Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: Jeff Watson
Sent: Wednesday, March 25, 2015 11:39 AM
To: Jeff Watson; Brenda Larsen; 'Brent Renfrow (Brent.Renfrow@dfw.wa.gov)'; Candie M. Leader; Christina Wollman; 'Cindy Preston (cindy.preston@dnr.wa.gov)'; 'CROSEPACOORDINATOR@ECY.WA.GOV'; 'Clear, Gwen (ECY)'; 'enviroreview@yakama.com'; 'Gretchen.Kaehler@DAHP.wa.gov'; Holly Duncan; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; 'linda.hazlett@dnr.wa.gov'; Lisa Iammarino; Lisa Lawrence; Mike Johnston; 'nelmsk@cwu.edu'; Patti Johnson; 'russell.mau@doh.wa.gov'; 'Teske, Mark S'; 'rivers@dnr.wa.gov'; 'Tom Justus (tom.justus@doh.wa.gov)'; Jan Ollivier; 'Richard.Benson@doh.wa.gov'; 'heather.cannon@doh.wa.gov'; Josh Hink
Cc: Doc Hansen; 'jhallisey@fs.fed.us'; 'darren.habel@usace.army.mil'; 'Olson,Lesli D (CONTR) - TERR-BELL-1'; 'HolmstR@wsdot.wa.gov'; 'separegister@ecy.wa.gov'; Kaycee Hathaway; Jim Fossett; 'Cory Andrus (cory@pro-vac.com)'; Russ Hobbs; 'pblume@kcfd7.com'; 'flataum@cleelum.wednet.edu'; 'davisb@cleelum.wednet.edu'; 'montgomeryr@cleelum.wednet.edu'; 'north-ridge@hotmail.com'; mmorton@cityofcleelum.com; Kay Muhlbeier (kmuhlbeier@comcast.net); Holly Myers; 'aspengk@gmail.com'; 'ahjones@comcast.net'; Liz Remeto (lremeto@radiantdelivers.com); 'ridgecrest6@msn.com'; 'adamrmk@hotmail.com'; 'dalyville@comcast.net'; 'jatmlg98@gmail.com'; 'MLMcDonald@drhorton.com'; 'matti.clark@gmail.com'; 'kimperson@live.com'; 'Joe.SKVARLA@redhawkus.com'; 'iam@brianr.me'; 'MSuman@cablelang.com'; 'vkmckim@juno.com'; 'davemacduff@gmail.com'; 'Girard@mftlaw.com'; 'CosmicTraveler@Comcast.Net'; 'owensmeats@gmail.com'
Subject: Notice of SEPA Action and Public Hearing LP-07-00040 Big Buck Ridge

LP-07-00040 Big Buck Ridge

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.

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) 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.

Please see the attached document for the full MDNS on this project.

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

State Environmental Policy Act
MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Big Buck Ridge (LP-07-00040) is a proposed Preliminary Plat totaling 14 one acre single-family residential lots on 25 acres to be served by a group B water system with individual onsite septic systems. The project is proposed on a site that has a vested zoning of Rural-3.

Proponent: Wayne Nelson, authorized agent for Becky Andrus, landowner

Location: Two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

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.

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) 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 include the following:

Water and Septic

1) The proposed plat is located within the upper county as defined in WAC 173-539A-090; the proposed group B water system shall be developed in complete compliance with the regulations and requirements of WAC 173-539A. The development will need to:
   a) Have well site inspections.
   b) Complete and submit a Group B water system workbook.
   c) Contract with a Satellite Management Agency.
   d) Complete or bond for infrastructure.

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, April 9, 2015. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

DAILY RECORD/KITTITAS PUB
C/O IDAHO STATE JOURNAL RECEIVABLES
PO BOX 1570
POCATELLO ID 83204
(509)925-1414

ORDER CONFIRMATION

Salesperson: LAURA FISHBURN — Printed at 04/14/15 12:38 by lfi18

Acct #: 84329 — Ad #: 1269275 — Status: N

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

Start: 04/16/2015 — Stop: 04/16/2015
Times Ord: 1 — Times Run: ***
STD6 2.00 X 4.37 — Words: 239
Total STD6 8.74
Class: 0001 LEGAL NOTICES
Rate: LEG2 — Cost: 75.16
Affidavits: 1

Contact: STEPH MIFFLIN
Phone: (509)962-7506
Fax#:
Email: steph.mifflin@co.kittitas.wa
Agency:

Ad Descrpt: NOTICE OF PUBLIC HEARING
Given by: JEFF WATSON
Created: lfi18 04/14/15 12:23
Last Changed: lfi18 04/14/15 12:38

COMMENTS:
COPIED from AD 1268294

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFS
DR	A		97 S	04/16			
IN	A		97 S	04/16			

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.

Jeff Watson — Name (print or type)

Name (signature)

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POCATELLO ID 83204
(509)925-1414

ORDER CONFIRMATION (CONTINUED)

Salesperson: LAURA FISHBURN Printed at 04/14/15 12:38 by lfi18

Acct #: 84329 Ad #: 1269275 Status: N

Notice of Public Hearing
Big Buck Ridge Plat
(LP-07-00040)

NOTICE IS HEREBY given that a hearing on the above application before the Kittitas County Hearing Examiner has been scheduled for **April 23, 2015 at 6:00 p.m.** in the Kittitas County Courthouse Auditorium, Room 108, 205 W 5th Avenue, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony and written comments will be taken. The project application and related documents may be viewed at the address below prior to the hearing. Interested persons are encouraged to verify prior to attending.

Wayne Nelson, agent for property owner Becky Andrus, landowner, submitted a preliminary plat application to subdivide approximately 25 acres into 14 single-family residential lots. Final plat approval and building permits will be required. The subject property is comprised of two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum, (outside the city limits) at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20 15 26010 0010 and 20 15 26010 0009. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926 or on line at:

http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Long Plats

Staff Planner: Jeff Watson.

Publish Daily Record: April 16, 2015
Publish NKC Tribune: April 16, 2015

Notice of Public Hearing
Big Buck Ridge Plat
(LP-07-00040)

NOTICE IS HEREBY given that a hearing on the above application before the Kittitas County Hearing Examiner has been scheduled for **April 23, 2015 at 6:00 p.m.** in the Kittitas County Courthouse Auditorium, Room 108, 205 W 5th Avenue, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony and written comments will be taken. The project application and related documents may be viewed at the address below prior to the hearing. Interested persons are encouraged to verify prior to attending.

Wayne Nelson, agent for property owner Becky Andrus, landowner, submitted a preliminary plat application to subdivide approximately 25 acres into 14 single-family residential lots. Final plat approval and building permits will be required. The subject property is comprised of two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum, (outside the city limits) at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926 or on line at:

http://www.co.kittitas.wa.us/cds/land-use/current-planning.aspx?title=Long Plats

Staff Planner: Jeff Watson.

Publish Daily Record: April 16, 2015
Publish NKC Tribune: April 16, 2015

DAILY RECORD/KITTITAS PUB
C/O IDAHO STATE JOURNAL RECEIVABLES
PO BOX 1570
POCATELLO ID 83204
(509)925-1414

ORDER CONFIRMATION

Salesperson: LAURA FISHBURN — Printed at 04/02/15 12:12 by lfi18

Acct #: 84329 — Ad #: 1264055 — Status: N

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

Start: 04/04/2015 — Stop: 04/04/2015
Times Ord: 1 — Times Run: ***
STD6 2.00 X 6.38 — Words: 405
Total STD6 12.76
Class: 0001 LEGAL NOTICES
Rate: LEG2 — Cost: 109.74
Affidavits: 1

Contact: STEPH MIFFLIN
Phone: (509)962-7506
Fax#:
Email: steph.mifflin@co.kittitas.wa
Agency:

Ad Descrpt: PUBLIC HEARING RESCHEDULE
Given by: JEFF WATSON
Created: lfi18 04/02/15 11:59
Last Changed: lfi18 04/02/15 12:12

COMMENTS:
COPIED from AD 1258286

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFS
DR	A		97 S	04/04			
IN	A		97 S	04/04			

AUTHORIZATION

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Jeff Watson
Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

DAILY RECORD/KITTITAS PUB
C/O IDAHO STATE JOURNAL RECEIVABLES
PO BOX 1570
POCATELLO ID 83204
(509)925-1414

ORDER CONFIRMATION (CONTINUED)

Salesperson: LAURA FISHBURN Printed at 04/02/15 12:12 by lfi18

Acct #: 84329 Ad #: 1264055 Status: N

NOTICE OF SEPA ACTION AND PUBLIC HEARING POSTPONMENT
Big Buck Ridge Plat
(LP-07-00040)

THE PUBLIC HEARING FOR THIS PROJECT HAS BEEN RESCHEDULED FOR APRIL 23, 2015 at 6:00 PM; KITTITAS COURTHOUSE, 205 W. 5TH ELLENSBURG WA

NOTICE IS HEREBY given that pursuant to RCW 43.21(C), Kittitas County Community Development Services did on March 25, 2015 make a Mitigated Determination of Non-Significance (MDNS) for Wayne Nelson, agent for property owner Becky Andrus for a preliminary plat application to subdivide approximately 25 acres into 14 single-family residential lots. Final plat approval and building permits will be required. The subject property is comprised of two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum, (outside the city limits) at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20 15 26010 0010 and 20 15 26010 0009. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Jeff Watson.

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 **April 8, 2015** 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 April 23, 2015 at 6:00 p.m. in the Kittitas County Courthouse Auditorium, 205 W 5th AVE STE 108, 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: April 2, 2015
Publish Daily Record: April 4th, 2015

75 74.

Jeff Watson

From:	Jeff Watson
Sent:	Tuesday, March 31, 2015 3:36 PM
To:	Brenda Larsen; 'Brent Renfrow (Brent.Renfrow@dfw.wa.gov)'; Candie M. Leader; Christina Wollman; 'Cindy Preston (cindy.preston@dnr.wa.gov)'; 'CROSEPACOORDINATOR@ECY.WA.GOV'; 'Clear, Gwen (ECY)'; 'enviroreview@yakama.com'; 'Gretchen.Kaehler@DAHP.wa.gov'; Holly Duncan; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; 'linda.hazlett@dnr.wa.gov'; Lisa Iammarino; Lisa Lawrence; Mike Johnston; 'nelmsk@cwu.edu'; Patti Johnson; 'russell.mau@doh.wa.gov'; 'Teske, Mark S'; 'rivers@dnr.wa.gov'; 'Tom Justus (tom.justus@doh.wa.gov)'; Jan Ollivier; 'Richard.Benson@doh.wa.gov'; 'heather.cannon@doh.wa.gov'; Josh Hink
Cc:	Doc Hansen; 'jhallisey@fs.fed.us'; 'darren.habel@usace.army.mil'; 'Olson,Lesli D (CONTR) - TERR-BELL-1'; 'HolmstR@wsdot.wa.gov'; 'separegister@ecy.wa.gov'; Kaycee Hathaway; Jim Fossett; 'Cory Andrus (cory@pro-vac.com)'; Russ Hobbs; 'pblume@kcfd7.com'; 'flataum@cleelum.wednet.edu'; 'davisb@cleelum.wednet.edu'; 'montgomeryr@cleelum.wednet.edu'; 'north-ridge@hotmail.com'; 'mmorton@cityofcleelum.com'; 'Kay Muhlbeier (kmuhlbeier@comcast.net)'; Holly Myers; 'aspengk@gmail.com'; 'ahjones@comcast.net'; 'Liz Remeto (lremeto@radiantdelivers.com)'; 'ridgecrest6@msn.com'; 'adamrmk@hotmail.com'; 'dalyville@comcast.net'; 'jatmlg98@gmail.com'; 'MLMcDonald@drhorton.com'; 'matti.clark@gmail.com'; 'kimperson@live.com'; 'Joe.SKVARLA@redhawkus.com'; 'iam@brianr.me'; 'MSuman@cablelang.com'; 'vkmckim@juno.com'; 'davemacduff@gmail.com'; 'Girard@mftlaw.com'; 'CosmicTraveler@Comcast.Net'; 'owensmeats@gmail.com'; waynenelsen@hotmail.com
Subject:	RE: Notice of SEPA Action and Public Hearing LP-07-00040 Big Buck Ridge

FORMAL NOTICE TO FOLLOW… PLEASE BE ADVISED THAT CDS HAS GRANTED A REQUEST BY THE APPLICANT TO POSTPONE THE PUBLIC HEARING TO APRIL 23RD. THE SEPA APPEAL PERIOD REMAINS INTACT.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: Jeff Watson
Sent: Wednesday, March 25, 2015 11:39 AM
To: Jeff Watson; Brenda Larsen; 'Brent Renfrow (Brent.Renfrow@dfw.wa.gov)'; Candie M. Leader; Christina Wollman;

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'Cindy Preston (cindy.preston@dnr.wa.gov)'; 'CROSEPACOORDINATOR@ECY.WA.GOV'; 'Clear, Gwen (ECY)'; 'enviroreview@yakama.com'; 'Gretchen.Kaehler@DAHP.wa.gov'; Holly Duncan; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; 'linda.hazlett@dnr.wa.gov'; Lisa Iammarino; Lisa Lawrence; Mike Johnston; 'nelmsk@cwu.edu'; Patti Johnson; 'russell.mau@doh.wa.gov'; 'Teske, Mark S'; 'rivers@dnr.wa.gov'; 'Tom Justus (tom.justus@doh.wa.gov)'; Jan Ollivier; 'Richard.Benson@doh.wa.gov'; 'heather.cannon@doh.wa.gov'; Josh Hink
Cc: Doc Hansen; 'jhallisey@fs.fed.us'; 'darren.habel@usace.army.mil'; 'Olson,Lesli D (CONTR) - TERR-BELL-1'; 'HolmstR@wsdot.wa.gov'; 'separegister@ecy.wa.gov'; Kaycee Hathaway; Jim Fossett; 'Cory Andrus (cory@pro-vac.com)'; Russ Hobbs; 'pblume@kcfd7.com'; 'flataum@cleelum.wednet.edu'; 'davisb@cleelum.wednet.edu'; 'montgomeryr@cleelum.wednet.edu'; 'north-ridge@hotmail.com'; mmorton@cityofcleelum.com; Kay Muhlbeier (kmuhlbeier@comcast.net); Holly Myers; 'aspengk@gmail.com'; 'ahjones@comcast.net'; Liz Remeto (lremeto@radiantdelivers.com); 'ridgecrest6@msn.com'; 'adamrmk@hotmail.com'; 'dalyville@comcast.net'; 'jatmlg98@gmail.com'; 'MLMcDonald@drhorton.com'; 'matti.clark@gmail.com'; 'kimperson@live.com'; 'Joe.SKVARLA@redhawkus.com'; 'iam@brianr.me'; 'MSuman@cablelang.com'; 'vkmckim@juno.com'; 'davemacduff@gmail.com'; 'Girard@mftlaw.com'; 'CosmicTraveler@Comcast.Net'; 'owensmeats@gmail.com'
Subject: Notice of SEPA Action and Public Hearing LP-07-00040 Big Buck Ridge

LP-07-00040 Big Buck Ridge

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.

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) 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.

Please see the attached document for the full MDNS on this project.

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

State Environmental Policy Act
MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Big Buck Ridge (LP-07-00040) is a proposed Preliminary Plat totaling 14 one acre single-family residential lots on 25 acres to be served by a group B water system with individual onsite septic systems. The project is proposed on a site that has a vested zoning of Rural-3.

Proponent: Wayne Nelson, authorized agent for Becky Andrus, landowner

Location: Two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

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.

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) 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 include the following:

Water and Septic

1) The proposed plat is located within the upper county as defined in WAC 173-539A-090; the proposed group B water system shall be developed in complete compliance with the regulations and requirements of WAC 173-539A. The development will need to:
   a) Have well site inspections.
   b) Complete and submit a Group B water system workbook.
   c) Contract with a Satellite Management Agency.
   d) Complete or bond for infrastructure.

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, April 9, 2015. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

Jeff Watson

From: Wayne Nelsen <waynenelsen@hotmail.com>
Sent: Tuesday, March 31, 2015 2:02 PM
To: Jeff Watson
Subject: Re: Notice of SEPA Action and Public Hearing LP-07-00040 Big Buck Ridge

Thanks Jeff. We'll be ready for the next available date.

Thanks,

Wayne

On Mar 31, 2015, at 2:00 PM, Jeff Watson <jeff.watson@co.kittitas.wa.us> wrote:

> No, problem; I can use this email chain as a request… do you have a date specific or do you want to let me know when you're ready?
>
> Jeffrey A. Watson
> Planner II
> Kittitas County Public Works/Community Development Services
> 411 North Ruby
> Ellensburg WA 98926
> jeff.watson@co.kittitas.wa.us
> 509-933-8274
>
> **From:** Wayne Nelsen [mailto:waynenelsen@hotmail.com]
> **Sent:** Tuesday, March 31, 2015 12:46 PM
> **To:** Jeff Watson
> **Subject:** Re: Notice of SEPA Action and Public Hearing LP-07-00040 Big Buck Ridge
>
> Jeff:
>
> It looks like we're going to need to postpone the hearing. Is this possible and what do you need from me?
>
> Thanks,
>
> Wayne Nelsen
>
> On Mar 26, 2015, at 8:59 AM, Jeff Watson <jeff.watson@co.kittitas.wa.us> wrote:
>
> > Sorry I didn't have you on the list; this went out yesterday.

73

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: Jeff Watson
Sent: Wednesday, March 25, 2015 11:39 AM
To: Jeff Watson; Brenda Larsen; 'Brent Renfrow (Brent.Renfrow@dfw.wa.gov)'; Candie M. Leader; Christina Wollman; 'Cindy Preston (cindy.preston@dnr.wa.gov)'; 'CROSEPACOORDINATOR@ECY.WA.GOV'; 'Clear, Gwen (ECY)'; 'enviroreview@yakama.com'; 'Gretchen.Kaehler@DAHP.wa.gov'; Holly Duncan; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; 'linda.hazlett@dnr.wa.gov'; Lisa Iammarino; Lisa Lawrence; Mike Johnston; 'nelmsk@cwu.edu'; Patti Johnson; 'russell.mau@doh.wa.gov'; 'Teske, Mark S'; 'rivers@dnr.wa.gov'; 'Tom Justus (tom.justus@doh.wa.gov)'; Jan Ollivier; 'Richard.Benson@doh.wa.gov'; 'heather.cannon@doh.wa.gov'; Josh Hink
Cc: Doc Hansen; 'jhallisey@fs.fed.us'; 'darren.habel@usace.army.mil'; 'Olson,Lesli D (CONTR) - TERR-BELL-1'; 'HolmstR@wsdot.wa.gov'; 'separegister@ecy.wa.gov'; Kaycee Hathaway; Jim Fossett; 'Cory Andrus (cory@pro-vac.com)'; Russ Hobbs; 'pblume@kcfd7.com'; 'flataum@cleelum.wednet.edu'; 'davisb@cleelum.wednet.edu'; 'montgomeryr@cleelum.wednet.edu'; 'north-ridge@hotmail.com'; mmorton@cityofcleelum.com; Kay Muhlbeier (kmuhlbeier@comcast.net); Holly Myers; 'aspengk@gmail.com'; 'ahjones@comcast.net'; Liz Remeto (lremeto@radiantdelivers.com); 'ridgecrest6@msn.com'; 'adamrmk@hotmail.com'; 'dalyville@comcast.net'; 'jatmlg98@gmail.com'; 'MLMcDonald@drhorton.com'; 'matti.clark@gmail.com'; 'kimperson@live.com'; 'Joe.SKVARLA@redhawkus.com'; 'jam@brianr.me'; 'MSuman@cablelang.com'; 'vkmckim@juno.com'; 'davemacduff@gmail.com'; 'Girard@mftlaw.com'; 'CosmicTraveler@Comcast.Net'; 'owensmeats@gmail.com'
Subject: Notice of SEPA Action and Public Hearing LP-07-00040 Big Buck Ridge

LP-07-00040 Big Buck Ridge

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.

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) 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.

Please see the attached document for the full MDNS on this project.

<image003.jpg>

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, April 9, 2015. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14

<LP-07-00040 Big Buck Ridge MDNS Signed.pdf>

Cle Elum residents challenge subdivision

Question is whether to use 2007 land-use rules or those in place now

By **MIKE JOHNSTON**
senior writer

A group of Cle Elum area residents is challenging a 14-lot rural subdivision claiming it should come under county land-use rules as they stand now, not those in place in 2007.

Kittitas County Community Development Services staff ruled the Big Buck Ridge plan comes under the regulations from 2007, when the plan was submitted.

Becky Andrus, the landowner seeking the plat, wants 14 one-acre lots and 11 acres kept as natural, open space, a provision allowed under the 2007 rules for performance-based cluster plats.

Property and homeowners north of Cle Elum calling themselves the Cle Elum Ridge Community say the proposed Big Buck Ridge cluster subdivision, planned on 25 acres a 1/2 mile north of Cle Elum city limits, must be reviewed using Kittitas County zoning and development rules as they were substantially changed in early 2013.

Traffic analysis

The attorney hired by the ridge property owners, James Carmody of Yakima, said the county in 2007 required the developer to submit a traffic impact analysis with the original application.

Without the analysis, which was submitted in February 2013, the entire application wasn't complete, Carmody said.

In addition, the traffic analysis must be deemed adequate or complete separately before the overall cluster subdivision preliminary plat request can be considered complete or ready for detailed staff or public review.

"The filed (traffic impact analysis) report is grossly deficient and fails to address specific elements required by (county ordinance)," Carmody wrote.

He also said rulings by the state growth management board and the state Supreme Court have indicated that zoning allowing lots of three acres in size or smaller do not comply with the state's Growth Management Act.

County government did away with three-acre zoning in agricultural or rural zones in 2013 with action on Feb. 11, 2013, but the traffic analysis was submitted Feb. 20 of that year, Carmody said, based on the previous zoning.

He concludes the Big Buck Ridge application was not complete as of the date its analysis was filed based on the county's Feb. 11, 2013, ordinance change.

County Planner Jeff Watson said county officials maintain the subdivision comes under rules as of 2007 when it was first submitted.

He said Carmody will have an opportunity to argue his case against the plat before the county's land-use hearings examiner during a public hearing on the plat set for 6 p.m. April 9 in Room 109 at the courthouse in Ellensburg.

"We believe the legal status of the application is that it is vested under the former zoning regulations," Watson said. "The hearings examiner, an experienced land-use attorney, will hear both sides in this issue and make a ruling."

The ruling will be a recommendation that goes to county commissioners who will later make a final decision on the preliminary plat.

EVENTS CALEN

Submit events tc
Daily Record throu
online calendar at
dailyrecordnews.cc
by email to newsro
kvnews.com. Event
this column are list
space-available ba:

Today, March 30

Kittitas County Fa
Market membersh
meeting, 6-8 p.m.,
Holmes Center, 20
Ruby St., Ellensbur

Al Anon Serenity Se
p.m., 306 N. Ander
Ellensburg

Tuesday, March

Weight Watchers
5:30 p.m., Ellensbu
Activity Center, 50
St., Ellensburg

Ribbon cutting ce
for the new Wineg
Jerrol's location, 1(

Development to get environmental review

Public hearing for one-acre plots coming

By **MIKE JOHNSTON**
senior editor

A rural housing development with one-acre lots has undergone an environmental review and will be the focus of a public hearing on April 9.

The Big Buck Ridge cluster subdivision is planned on a 25-acre parcel a 1/2-mile north of the city limits of Cle Elum, directly north of where Yakima Avenue ends at the city's boundary, according to Kittitas County Community Development Department staff.

The development, proposed by landowner Becky Andrus, is formally configured as a long plat that's designed to be a performance-based cluster subdivision. This means as the developer adds community amenities to the plat, like lands kept in a natural state, trails and other public-use features, the subdivision is allowed to use smaller lots.

The landowner plans to create a recreational trail system within the development, set aside 11 acres of wooded, ridge land that would stay in its natural state that also will have recreational trails, and install a group, domestic water system serving each one-acre lot.

A public hearing to receive wider comments from the community on the proposal is set for 6 p.m. April 9 before the county's land-use hearings examiner. The meeting will be in Room 109 at the courthouse in Ellensburg.

Public input

County Planner Jeff Watson said written comments from the public can be submitted before the hearing to the county CDS Department or at the hearing

Documents related to the development at 140 Big Buck Ridge Road can be viewed at the CDS office during regular work hours, or go online to: http://goo.gl/UqDx4b and click on Big Buck Ridge LP-07-00040.

County planning staff have proposed conditions on the development's construction and ongoing use as part of its analysis of environmental impacts. The county believes the development doesn't pose significant, adverse environmental impacts if the conditions are met by the developer.

Some of the conditions include community water system development, septic provisions, meet county private road requirements, provide for management of stormwater according to local and state rules, and others.

Those wanting to challenge or appeal county staff decisions on the project's environmental analysis or conditions must do so before a 5 p.m. April 9 deadline.

The subdivision comes under county zoning and development rules and requirements as they existed in August 2007, when the development's application was formally accepted as a complete application and began being evaluated, Watson said.

The landowner, at that point, delayed in moving forward on the development, until last year.

EVENTS CALENDAR

Submit events to the Daily Record through the online calendar at www.dailyrecordnews.com or by email to newsroom@kvnews.com. Events in this column are listed on a space-available basis.

Today, March 26

Teanaway Community Forest Advisory Committee meeting, 3 p.m., Putnam Centennial Center, Cle Elum

Free tax assistance, 9:30 a.m. to 3 p.m., Ellensburg Activity Center, appointment required call 962-7242

Friends of the Roslyn Library meeting, 10:30 a.m., Roslyn Library, 201 First St., Roslyn

Traditional Irish Tea, 2 p.m., Hearthstone Cottage RSVP needed

Al Anon Literature for

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Legals

Wednesday, April 8, 2015 to fix and adopt a 2014-2015 budget extension for the Capital Projects Fund. The public hearing will be held at 6:45 p.m. in the City of Ellensburg Council Chambers at 501 N Anderson Street, Ellensburg. Any person may appear at the public hearing and be heard for or against any part of the budget extension. For copies of the budget extension or ad-

continued next column

Legals

ditional information please contact Anna Charlton, Fiscal Assistant, at 925-8018.

Publish: March 25 & April 1, 2015

In the superior court of the State of Washington for the county of Kittitas

No. 14-2-00394-6

Bank of America, N.A., a nation-

continued next column

Legals

al bank, Plaintiff,

vs.

FirstPlus Bank dba FirstPlus Bank (a California Corporation) dba Citizens Thrift and Loan Association, an inactive California corporation,
Defendant.

The State of Washington to Citizens Thrift and Loan Association:

You are hereby summoned

continued next column

Legals

to appear within sixty days after the date of the first publication of this summons, to wit, within sixty days after the 11th day of March, 2015, and defend the above entitled action in the above entitled court, and answer the complaint of the plaintiff Bank of America, N.A. ("BANA"), and serve a copy of your answer upon the undersigned attorneys for plaintiff BANA, at its office below stated; and in case of your failure so to do, judgment will be rendered against you

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Notice of SEPA Action and Public Hearing
Osprey Solar Farm Conditional Use Permit (CU-14-00003)
&
Osprey Solar Farm Shoreline Substantial Development Permit
(SD-14-00002)

NOTICE IS HEREBY given that pursuant to RCW 43.21(C), Kittitas County Community Development Services did on March 25, 2015 make a Mitigated Determination of Non-Significance (MDNS) for One Energy Development LLC, agent for property owner Pat Taylor for a Conditional Use permit application and Shoreline Substantial Development permit application to construct a 13.6 acre photovoltaic solar power generation facility on approximately 112 acres. The subject property is zoned Agriculture 20. Final approval and building permits will be required. The subject property is comprised of one parcel, located approximately 3.5 miles northwest of Ellensburg on Highway 10 (US 97), in a portion of Section 20, T18N, R18E, WM in Kittitas County, bearing Assessor's map number 18 18 20030 0006. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Jeff Watson.

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 April 8, 2015 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 April 9, 2015 at 6:00 p.m. in the Kittitas County Courthouse Auditorium, 205 W 5th Ave Ste 108, 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: March 25, 2010
Publish Daily Record: March 25th and April 1st, 2015
Publish NKC Tribune: March 26th and April 2nd, 2015

Notice of SEPA Action and Public Hearing
Big Buck Ridge Plat
(LP-07-00040)

NOTICE IS HEREBY given that pursuant to RCW 43.21(C), Kittitas County Community Development Services did on March 25, 2015 make a Mitigated Determination of Non-Significance (MDNS) for Wayne Nelson, agent for property owner Becky Andrus for a preliminary plat application to subdivide approximately 25 acres into 14 single-family residential lots. Final plat approval and building permits will be required. The subject property is comprised of two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum, (outside the city limits) at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20 15 26010 0010 and 20 15 26010 0009. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Jeff Watson.

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Date: March 25, 2010
Publish Daily Record: March 25th and April 1st, 2015
Publish NKC Tribune: March 26th and April 2nd, 2015

70

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

State Environmental Policy Act
MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Big Buck Ridge (LP-07-00040) is a proposed Preliminary Plat totaling 14 one acre single-family residential lots on 25 acres to be served by a group B water system with individual onsite septic systems. The project is proposed on a site that has a vested zoning of Rural-3.

Proponent: Wayne Nelson, authorized agent for Becky Andrus, landowner

Location: Two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

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.

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) 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 include the following:

Water and Septic

1) The proposed plat is located within the upper county as defined in WAC 173-539A-090; the proposed group B water system shall be developed in complete compliance with the regulations and requirements of WAC 173-539A. The development will need to:
   a) Have well site inspections.
   b) Complete and submit a Group B water system workbook.
   c) Contract with a Satellite Management Agency.
   d) Complete or bond for infrastructure.

e) Obtain WSDOH approval and identification number.

f) Construct well(s) in accordance with the provisions of WAC 173-160. Wells must be located 100 feet from any known, suspected, or potential source of contamination.

g) File a well report with the Department of Ecology within thirty (30) days after the completion of the well.

2) On-site sewage systems shall be constructed in accordance with requirements and regulations in Kittitas County Code (KCC) 13.04 at the time of application (6/20/2007).

Transportation

3) KCC 12.12.010(6) requires private roads within the plat to be maintained by a legal entity made up of all benefitted property owners under the provisions of an acceptable and recorded Private Road Maintenance Agreement.

4) All parcels located within this project shall be required to join the existing Private Road Maintenance Agreement which is made up of all the benefitted property owners served by Deer Creek Road and other roadways within Section 23, Township 20 North, Range 15 East.

Stormwater

5) Activities such as road widening, stump pulling and clearing grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.

6) On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented for review to Public Works prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit. Stormwater plans shall be submitted in accordance with KCC 12.06 and 12.08.

Cultural Resources and Historic Preservation

7) Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

Light and Aesthetics

8) All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

Noise

9) Development and construction practices during building of this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby residential properties.

The above stated mitigation conditions listed above will be provided within conditions of the decision of the preliminary plat of approval.

Responsible Official: Robert "Doc" Hansen

Title: Planning Official

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

Date: March 25, 2015

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, April 9, 2015.

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, April 9, 2015. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

Jeff Watson

From:	Jeff Watson
Sent:	Wednesday, March 25, 2015 12:20 PM
To:	Brenda Larsen; 'Brent Renfrow (Brent.Renfrow@dfw.wa.gov)'; Candie M. Leader; Christina Wollman; 'Cindy Preston (cindy.preston@dnr.wa.gov)'; 'CROSEPACOORDINATOR@ECY.WA.GOV'; 'Clear, Gwen (ECY)'; 'enviroreview@yakama.com'; 'Gretchen.Kaehler@DAHP.wa.gov'; Holly Duncan; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; 'linda.hazlett@dnr.wa.gov'; Lisa Iammarino; Lisa Lawrence; Mike Johnston; 'nelmsk@cwu.edu'; Patti Johnson; 'russell.mau@doh.wa.gov'; 'Teske, Mark S'; 'rivers@dnr.wa.gov'; 'Tom Justus (tom.justus@doh.wa.gov)'; Jan Ollivier; 'Richard.Benson@doh.wa.gov'; 'heather.cannon@doh.wa.gov'; Josh Hink
Cc:	'jhallisey@fs.fed.us'; 'darren.habel@usace.army.mil'; 'Olson,Lesli D (CONTR) - TERR-BELL-1'; 'HolmstR@wsdot.wa.gov'; 'separegister@ecy.wa.gov'; Kaycee Hathaway; Jim Fossett; 'Cory Andrus (cory@pro-vac.com)'; Russ Hobbs; 'pblume@kcfd7.com'; 'flataum@cleelum.wednet.edu'; 'davisb@cleelum.wednet.edu'; 'montgomeryr@cleelum.wednet.edu'; 'north-ridge@hotmail.com'; 'mmorton@cityofcleelum.com'; 'Kay Muhlbeier (kmuhlbeier@comcast.net)'; Holly Myers; 'aspengk@gmail.com'; 'ahjones@comcast.net'; 'Liz Remeto (lremeto@radiantdelivers.com)'; 'ridgecrest6@msn.com'; 'adamrmk@hotmail.com'; 'dalyville@comcast.net'; 'jatmlg98@gmail.com'; 'MLMcDonald@drhorton.com'; 'matti.clark@gmail.com'; 'kimperson@live.com'; 'Joe.SKVARLA@redhawkus.com'; 'iam@brianr.me'; 'MSuman@cablelang.com'; 'vkmckim@juno.com'; 'davemacduff@gmail.com'; 'Girard@mftlaw.com'; 'CosmicTraveler@Comcast.Net'; 'owensmeats@gmail.com'
Subject:	RE: Notice of SEPA Action and Public Hearing LP-07-00040 Big Buck Ridge
Attachments:	LP-07-00040 Big Buck Ridge Notice of SEPA Action and Public Hearing Legal.pdf

My apologies, I failed to include the Public Hearing language in the previous email regarding the MDNS. Please see attached and below:

NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Hearing Examiner has been scheduled for April 9, 2015 at 6:00 p.m. in the Kittitas County Courthouse Auditorium, 205 W 5th AVE STE 108, 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.

Feel free to contact me if you have any questions.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services

68

411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

Jeff Watson

From: Jeff Watson
Sent: Wednesday, March 25, 2015 11:39 AM
To: Jeff Watson; Brenda Larsen; 'Brent Renfrow (Brent.Renfrow@dfw.wa.gov)'; Candie M. Leader; Christina Wollman; 'Cindy Preston (cindy.preston@dnr.wa.gov)'; 'CROSEPACOORDINATOR@ECY.WA.GOV'; 'Clear, Gwen (ECY)'; 'enviroreview@yakama.com'; 'Gretchen.Kaehler@DAHP.wa.gov'; Holly Duncan; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; 'linda.hazlett@dnr.wa.gov'; Lisa Iammarino; Lisa Lawrence; Mike Johnston; 'nelmsk@cwu.edu'; Patti Johnson; 'russell.mau@doh.wa.gov'; 'Teske, Mark S'; 'rivers@dnr.wa.gov'; 'Tom Justus (tom.justus@doh.wa.gov)'; Jan Ollivier; 'Richard.Benson@doh.wa.gov'; 'heather.cannon@doh.wa.gov'; Josh Hink
Cc: Doc Hansen; 'jhallisey@fs.fed.us'; 'darren.habel@usace.army.mil'; 'Olson,Lesli D (CONTR) - TERR-BELL-1'; 'HolmstR@wsdot.wa.gov'; 'separegister@ecy.wa.gov'; Kaycee Hathaway; Jim Fossett; 'Cory Andrus (cory@pro-vac.com)'; Russ Hobbs; 'pblume@kcfd7.com'; 'flataum@cleelum.wednet.edu'; 'davisb@cleelum.wednet.edu'; 'montgomeryr@cleelum.wednet.edu'; 'north-ridge@hotmail.com'; mmorton@cityofcleelum.com; Kay Muhlbeier (kmuhlbeier@comcast.net); Holly Myers; 'aspengk@gmail.com'; 'ahjones@comcast.net'; Liz Remeto (lremeto@radiantdelivers.com); 'ridgecrest6@msn.com'; 'adamrmk@hotmail.com'; 'dalyville@comcast.net'; 'jatmlg98@gmail.com'; 'MLMcDonald@drhorton.com'; 'matti.clark@gmail.com'; 'kimperson@live.com'; 'Joe.SKVARLA@redhawkus.com'; 'iam@brianr.me'; 'MSuman@cablelang.com'; 'vkmckim@juno.com'; 'davemacduff@gmail.com'; 'Girard@mftlaw.com'; 'CosmicTraveler@Comcast.Net'; 'owensmeats@gmail.com'
Subject: Notice of SEPA Action and Public Hearing LP-07-00040 Big Buck Ridge
Attachments: LP-07-00040 Big Buck Ridge MDNS Signed.pdf

LP-07-00040 Big Buck Ridge

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.

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) 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.

68

Please see the attached document for the full MDNS on this project.

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

State Environmental Policy Act
MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Big Buck Ridge (LP-07-00040) is a proposed Preliminary Plat totaling 14 one acre single-family residential lots on 25 acres to be served by a group B water system with individual onsite septic systems. The project is proposed on a site that has a vested zoning of Rural-3.

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Location: Two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

Lead Agency: Kittitas County Community Development Services

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   c) Contract with a Satellite Management Agency.
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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, April 9, 2015. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

DAILY RECORD/KITTITAS PUB
C/O IDAHO STATE JOURNAL RECEIVABLES
PO BOX 1570
POCATELLO ID 83204
(509)925-1414

ORDER CONFIRMATION

Salesperson: LAURA FISHBURN — Printed at 03/23/15 13:22 by lfi18

Acct #: 84329 — Ad #: 1258311 — Status: N

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

Start: 03/25/2015 — Stop: 04/01/2015
Times Ord: 2 — Times Run: ***
STD6 2.00 X 5.85 — Words: 387
Total STD6 11.70
Class: 0001 LEGAL NOTICES
Rate: LEG2 — Cost: 201.24
Affidavits: 1

Contact: STEPH MIFFLIN
Phone: (509)962-7506
Fax#:
Email: steph.mifflin@co.kittitas.wa
Agency:

Ad Descrpt: BIG BICK RIDGE HEARING
Given by: JEFF WATSON
Created: lfi18 03/23/15 13:13
Last Changed: lfi18 03/23/15 13:21

COMMENTS:
COPIED from AD 1258286

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFS
DR	A		97 S	03/25		04/01	
IN	A		97 S	03/25		04/01	

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.

Jeff Watson
Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

DAILY RECORD/KITTITAS PUB
C/O IDAHO STATE JOURNAL RECEIVABLES
PO BOX 1570
POCATELLO ID 83204
(509)925-1414

ORDER CONFIRMATION (CONTINUED)

Salesperson: LAURA FISHBURN Printed at 03/23/15 13:22 by lfi18

Acct #: 84329 Ad #: 1258311 Status: N

Notice of SEPA Action and Public Hearing
Big Buck Ridge Plat
(LP-07-00040)

NOTICE IS HEREBY given that pursuant to RCW 43.21(C), Kittitas County Community Development Services did on March 25, 2015 make a Mitigated Determination of Non-Significance (MDNS) for Wayne Nelson, agent for property owner Becky Andrus for a preliminary plat application to subdivide approximately 25 acres into 14 single-family residential lots. Final plat approval and building permits will be required. The subject property is comprised of two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum, (outside the city limits) at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20 15 26010 0010 and 20 15 26010 0009. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Jeff Watson.

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 April 8, 2015 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 April 9, 2015 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: March 25, 2010
Publish Daily Record: March 25th and April 1st, 2015
Publish NKC Tribune: March 26th and April 2nd, 2015

205 W 5th AVE STE 108

Notice of SEPA Action and Public Hearing
Big Buck Ridge Plat
(LP-07-00040)

NOTICE IS HEREBY given that pursuant to RCW 43.21(C), Kittitas County Community Development Services did on March 25, 2015 make a Mitigated Determination of Non-Significance (MDNS) for Wayne Nelson, agent for property owner Becky Andrus for a preliminary plat application to subdivide approximately 25 acres into 14 single-family residential lots. Final plat approval and building permits will be required. The subject property is comprised of two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum, (outside the city limits) at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Jeff Watson.

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 **April 8, 2015 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.

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Date: March 25, 2010
Publish Daily Record: March 25th and April 1st, 2015
Publish NKC Tribune: March 26th and April 2nd, 2015

KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Jeff Watson, CDS

FROM: Christina Wollman, Planner III CW

DATE: March 20, 2015

SUBJECT: Road Maintenance Agreement
Big Buck Ridge Plat LP-07-00040

Kittitas County Road Standards state that private roads shall be: "Maintained by the developer or legally responsible owner or homeowners' association or other legal entity made up of all benefitted property owners, under the provisions of an acceptable and recorded "Private Road Maintenance Agreement." (KCC 12.12.010(6))

The original Road Maintenance Agreement for the "benefitted property owners" served by Deer Creek and Big Tail Road is recoded under AFN 200308260035. The Big Buck Ridge property is shown on Exhibit B to the immediate east of Lot 11-B, which was subdivided as the Plat of Meadow Ridge.

411 N. Ruby St. Suite 1
Ellensburg, WA 98926

TEL (509) 962-7523
FAX (509) 962-7663

G:\Eng\Development\Plats\Big Buck Ridge\Road Maintenance Agreement.doc

67

200308260035
Page: 1 of 10
08/26/2003 03:59P
Kittitas Co Auditor STEWART TITLE AGR 20.00

When recorded return to:

Stewart Title of Kittitas County, L.L.C.
208 West 9th Avenue, Suite 6
Ellensburg, WA 98926

REVIEWED BY
KITTITAS COUNTY TREASURER
DEPUTY
DATE 8-26-03

Document Title(s) (or transactions contained therein)
Road Maintenance Agreement

Reference Number(s) of Documents assigned or released: 200307290055

Grantor(s) (Last name first, then first name and initials)
1. Cle Elum's Sapphire Skies LLC
2.
3.
4.
5. Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)
1. DJ Cattle and Land, LP
2. Cle Elum Homestead LLC
3. David G. Berry
4.
5. Additional names on page _____ of document.

Abbreviated legal description

Additional legal description on page _____ of document.

Assessor's Property Tax Parcel/Account Number

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

200307290039
Page: 1 of 7
07/29/2003 04:08P
Kittitas Co Auditor WAYNE NELSEN AGR 28.00

Return Original To:
Cle Elum's Sapphire Skies
315 - 39th Ave SW, Suite 8
Puyallup, WA 98373

REVIEWED BY
KITTITAS COUNTY TREASURER
DEPUTY K. Hiel
DATE 07-29-03

ROAD MAINTENANCE AGREEMENT

*RERECORDING TO ADD EXHIBITS A + B

THIS ROAD MAINTENANCE AGREEMENT ("Agreement") is made as of this 16 day of June, 2003, by and among Cle Elum's Sapphire Skies, LLC, a Washington limited liability company ("CESS"), and DJ Cattle and Land, L.P., a Washington limited partnership, Cle Elum Homestead, LLC, a Washington limited liability company and David G. Berry (collectively "Berry").

RECITALS

A. The parties desire to set forth a method for the maintenance of certain roads used by the owners of certain property located in Kittitas County, Washington, which are described on attached Exhibit "A" and Exhibit "B" (the "Properties").

B. The Properties are also depicted on the map attached as Exhibit "A" and Exhibit "B" are separately referred to as the "CESS Lots," the "Berry Lots". Each lot comprising the Properties and each additional lot created from a segregation, short plat or subdivision of the existing lots (the "Lots" or separately a "Lot") will be assigned certain maintenance shares for certain roads pursuant to this Agreement. Lots created from CESS Lots shall also be CESS Lots; Lots created from Berry Lots shall also be Berry Lots for purposes of this Agreement and the allocation of costs.

C. The roads are depicted on the map attached hereto as Exhibit "A" and Exhibit "B" and shall be referred to, respectively, as the "Outlet Road," the "South Road" and the "Upper Roads," and collectively as the "Roads."

D. The parties are willing to maintain the Outlet Road, the South Road and the Upper Roads on the terms and conditions set forth in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and commitments set forth herein, the parties agree as follows:

1. Easements. This Agreement shall not govern the easements held by the parties and their successors over the Roads; provided, however, that no party or successor shall be obligated for maintenance over a road on which such party or successor has no easement rights. Furthermore, this Agreement shall not govern or restrict the ability of any Lot owner in granting road easements over such owner's property subject to this Agreement.

200308260035
Page: 2 of 10
08/26/2003 03:59P
Kittitas Co Auditor STEWART TITLE AGR 28.00

200307290059
Page: 2 of 7
07/29/2003 04:08P
Kittitas Co Auditor WAYNE NELSEN AGR 25.00

2. Maintenance. The cost of road maintenance, snowplowing and resurfacing shall be allocated as follows:

Outlet Road	One equal maintenance share for each CESS Lot, each Berry Lot.
South Road	One equal maintenance share for each CESS Lot and each Berry Lot, *provided*, however, that the owner of any CESS Lot which relinquishes its easement over the South Road and acquires other access to its Lot shall no longer be obligated for maintenance under this Agreement
Upper Roads	One equal maintenance share for each Berry Lot.

The parties hereto shall meet and establish necessary maintenance provisions. Such provisions shall include, but shall not be limited to:

(a) The appointment of a maintainer, which may be one of the parties hereto or any third party, who will perform or cause to be performed, at a reasonable and agreed upon rate, the maintenance and resurfacing of the road or the portion thereof being used, and snowplowing; and

(b) The Roads shall be snowplowed, at a minimum, 16 feet wide. Upon 6 inches of snowfall, the Roads shall be snowplowed. The Roads shall be snowplowed a maximum of one time per day. It is the intent of these standards to maintain the Roads passable by four-wheel drive vehicles. It shall be the responsibility of Lot owners to plow their own driveways; and

(c) A method of payment by which each party using said road or a portion thereof shall pay its share of the cost incurred by said maintainer in maintaining or resurfacing said road or portion thereof.

For the purposes of this easement, maintenance is defined as the work normally necessary to preserve and keep the roadway, road structure and road facilities as nearly as possible in their present condition or as hereafter improved.

3. Road Damage. Each party using any portion of said road shall repair or cause to be repaired at its sole cost and expense that damage to said road occasioned by it that is in excess of that which it would cause through normal and prudent usage of said road. Should inordinate damage to said road occur which is not caused by an authorized user of said road, the parties hereto shall meet to agree on the cost of replacement, and the shares of replacement cost to be borne by each user of said road.

4. Construction and Improvement. Unless a majority of the Lot owners responsible for maintaining a particular Road (under Section 2 above) approve in advance any road improvements (other than the routine maintenance provided for in Section 2 above), the costs of said improvements shall be solely for the account of the improver. When a majority of responsible Lot owners approve said improvements, however, the cost of said improvements shall be shared by all responsible Lot owners in accordance with Section 2, above, and said costs

200308260035
Page: 3 of 10
08/26/2003 03:59P
Kittitas Co Auditor STEWART TITLE AGR 28.00

shall constitute a lien on the property of each responsible Lot owner until paid. All work performed or caused to be performed to install or maintain utilities shall be completed in a careful and workmanlike manner to CESS'S reasonable satisfaction, free and clear of all claims or liens and in accordance with applicable law. All areas disturbed by the improver in installing or maintaining utilities shall be promptly restored to their prior condition.

5. Default; Remedies. In the event of a breach of this Agreement by any party, the damages suffered by the other parties are difficult if not impossible to ascertain, and therefore the non-breaching parties shall have the right to obtain specific performance of the obligations of the breaching party in addition to damages for all loss and expense (including, without limitation, attorneys' fees and costs) arising from such breach.

6. Notices. All notices or other communications shall be in writing and shall be sent by personal delivery, telephone facsimile transmission, first-class mail, postage prepaid, or express courier or delivery service, addressed as follows:

If to CESS, to:

James E. Wood
Cle Elum's Sapphire Skies, LLC
315 39th Avenue SW #8
Puyallup, WA 98373

with a copy to:

Michael J. Murphy
Groff Murphy Trachtenberg
& Everard PLLC
300 E. Pine
Seattle, WA 98122

If to Berry, to:

David G. Berry
P.O. Box 654
Port Orchard, WA 98366

with a copy to:

7. Successors and Assigns. This Agreement shall be a covenant running with the land and shall benefit and burden the Property. This Agreement shall inure to the benefit of and shall be binding upon the parties and their respective successors and assigns. CESS, at its option, may record a copy of this Agreement, or a memorandum of same in the real property records of Kittitas County, Washington.

8. Severability. If any provision of this Agreement shall be determined to be unenforceable, that shall not affect any other provision of this Agreement.

9. Amendments; Waivers. This Agreement may be amended only by a written instrument signed by all parties. No breach of any agreement, warranty or representation shall be deemed waived unless expressly waived in writing and signed by the party who might assert such breach. No failure or delay by either party in exercising any right under this Agreement shall operate as a waiver of such right, nor shall any single or partial exercise of any right preclude any other or further exercise of such right or the exercise of any other right. The remedies provided in this Agreement are cumulative and not exclusive of remedies provided by law.

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Page: 4 of 7
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Kittitas Co Auditor WAYNE NELSEN
AGR 28.00

10. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

11. Entire Agreement. This Agreement constitutes the entire agreement and supersedes all prior agreements and understandings, written or oral, between the parties, with respect to its subject matter.

12. Counterparts. This Agreement may be signed in several counterparts, each of which shall be an original, but all of which together shall constitute the same instrument.

13. Legal Fees. In the event of legal action or proceeding to enforce any of the provisions of this Agreement, costs and reasonable attorneys' fees (including reasonable charges allocated for internal counsel) shall be awarded to the prevailing party.

14. Termination. This Agreement shall terminate in part or in whole, as the case may be, with respect to any portion of the Roads, which become public roads.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the year and date first written above.

Cle Elum's Sapphire Skies, LLC

By: The Herbrand Company, Managing Member

By: James E. Wood
James E. Wood, Vice President

By: David D. Berry
David G. Berry

By: DJ Cattle and Land, L.P.

By: David D. Berry
David G. Berry

Title: MANAGER
CLE ELUM

By: Homestead, LLC

By: David D. Berry
David G. Berry

Title MANAGER

DORILEE SHOBERT
NOTARY
DEC. 10, 2005
PUBLIC
STATE OF WASHINGTON

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07/29/2003 04:08P
Kittitas Co Auditor WAYNE NELSEN AGR 20.00

STATE OF WASHINGTON)
) ss.
COUNTY OF Pierce)

On this day personally appeared before me the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, James E. Wood to me known or proved to me on the basis of satisfactory evidence to be the Vice President of THE HERBRAND COMPANY, a Washington corporation, to me known or proved to me on the basis of satisfactory evidence to be the Managing Member of CLE ELUM'S SAPPHIRE SKIES, LLC, the Washington limited liability company that executed the foregoing instrument, and acknowledged the same instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

Given under my hand and official seal this 21 day of ~~June~~ July 2003.

NOTARY PUBLIC
STATE OF WASHINGTON
BECKY J. NARAYAN
My Appointment Expires March 15, 2005

Becky J. Narayan
Print Name: Becky J. Narayan
NOTARY PUBLIC in and for the State of Washington, residing at Puyallup
My Appointment Expires: 3-15-05

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

On this day personally appeared before me the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, DAVID C BERRY to me known or proved to me on the basis of satisfactory evidence to be the MANAGER of D.J CATTLE + LAND, L.P, a Washington LIMITED PARTNSHP that executed the foregoing instrument, and acknowledged the same instrument to be the free and voluntary act and deed of said L.P. for the uses and purposes therein mentioned, and on oath stated that HE is authorized to execute the said instrument.

Given under my hand and official seal this 18th day of ~~June~~ July 2003.

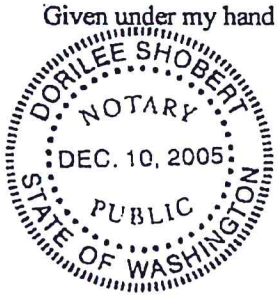


Dorilee Shobert
Print Name: DORILEE SHOBERT
NOTARY PUBLIC in and for the State of Washington, residing at PORT ORCHARD.
My Appointment Expires: 12-10-2005

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

On this day personally appeared before me DAVID G. BERRY and _____, to me known or proved to me on the basis of satisfactory evidence to be the individuals described in and who executed the within and foregoing instrument, and I acknowledge that HE and _____ signed the same as a free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 18th day of ~~June~~ July 2003.

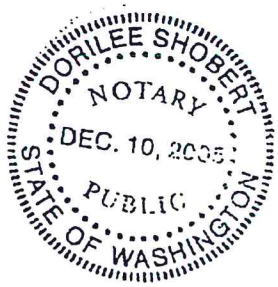


Dorilee Shobert
Print Name: DORILEE SHOBERT
NOTARY PUBLIC in and for the State of Washington, residing at PORT ORCHARD
My Appointment Expires: 12-10-2005

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

On this day personally appeared before me the undersigned, a notary public in and for the State of Washington, duly commissioned and sworn, DAVID G. BERRY to me known or proved to me on the basis of satisfactory evidence to be the MANAGER of CLEELUM HOMESTEAD, LLC, a Washington LMTD LIAB. Co, that executed the foregoing instrument, and acknowledged the same instrument to be the free and voluntary act and deed of said LLC for the uses and purposes therein mentioned, and on oath stated that HE is authorized to execute the said instrument.

Given under my hand and official seal this 18th day of ~~June~~ July 2003.



Print Name: DORILEE SHOBERT
NOTARY PUBLIC in and for the State of Washington, residing at ELLENSBURG
My Appointment Expires: 12-10-2005

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Kittitas Co Auditor WAYNE NELSEN AGR 26.00



KITTITAS COUNTY, State of Washington
I, David B. Bowen, Kittitas County Auditor, do hereby certify that the enclosed instrument is a true and correct copy of the imaged original record preserved in my office. Witness my hand and official seal.
Date: 8.26.03 By Deputy: S Newkirk

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Kittitas Co Auditor STEWART TITLE AGR 28.00

7 – ROAD MAINTENANCE AGREEMENT

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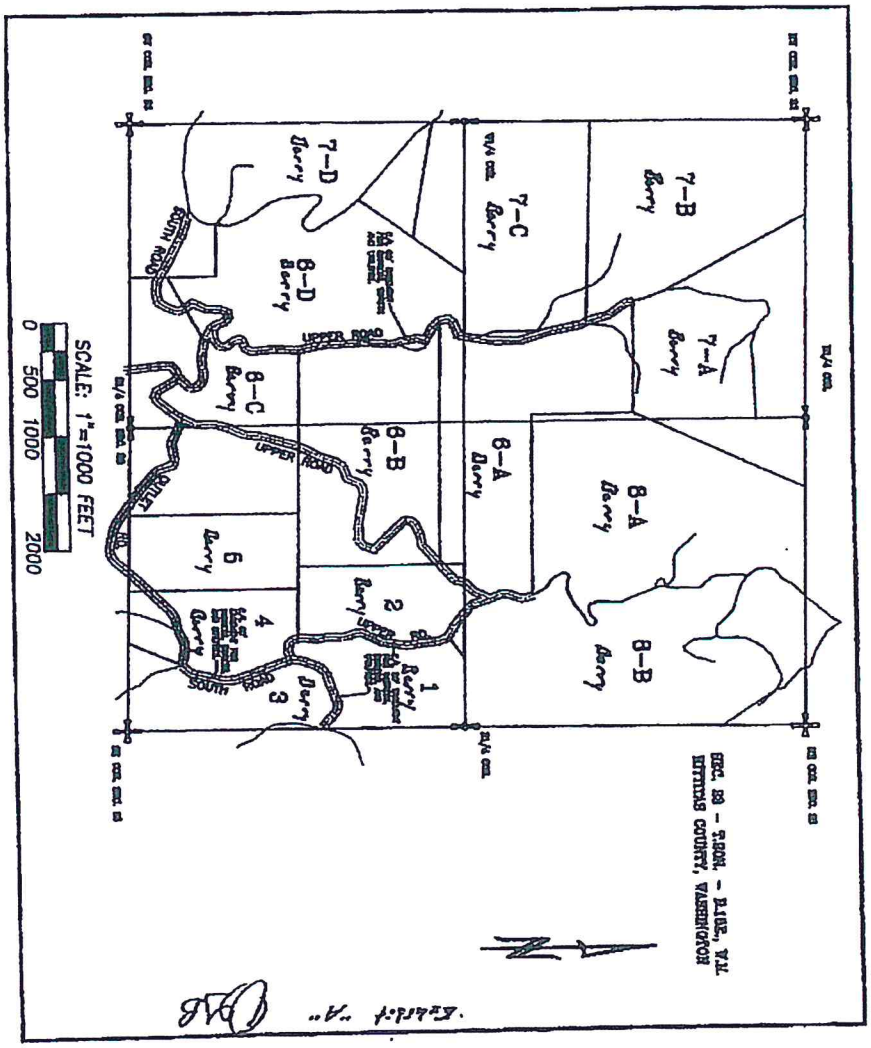

Exhibit "A"

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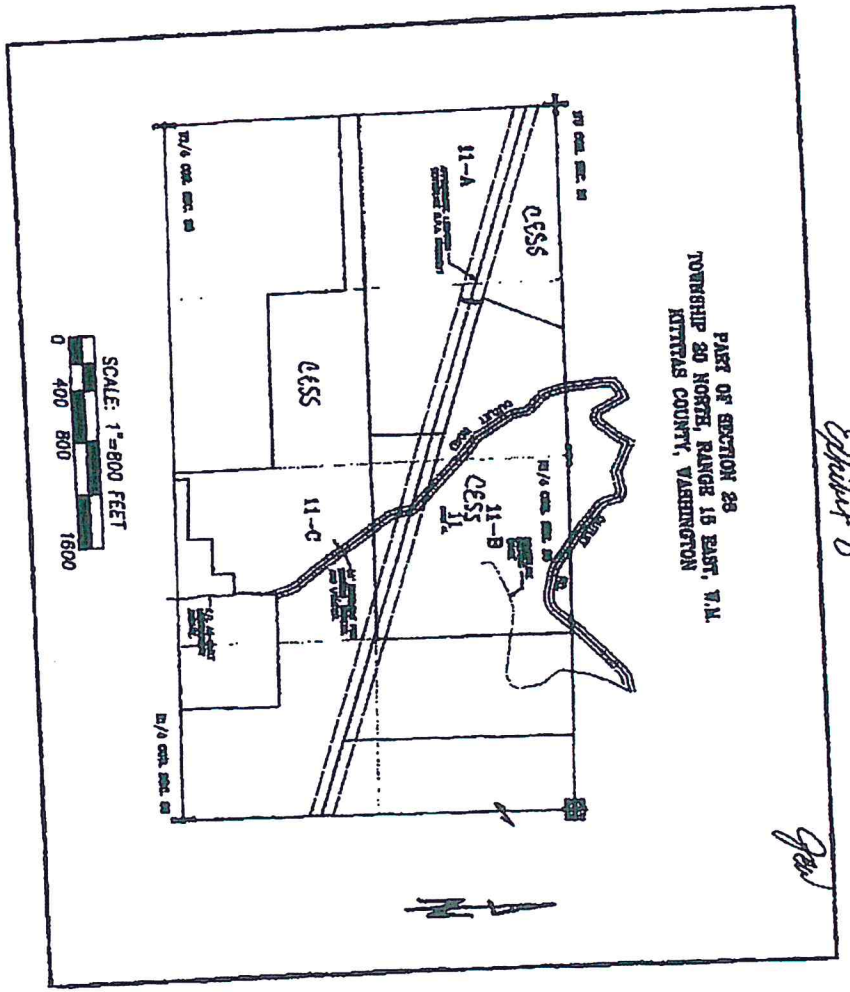
"Exhibit B"

PART OF SECTION 28
TOWNSHIP 20 NORTH, RANGE 15 EAST, W.M.
KITTITAS COUNTY, WASHINGTON



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Jeff Watson

From: Mau, Russell E (DOH) <Russell.Mau@DOH.WA.GOV>
Sent: Wednesday, March 25, 2015 12:09 PM
To: Jeff Watson
Cc: Serr, Ben A (DOH); Holly Duncan; Holly Myers
Subject: RE: Notice of SEPA Action and Public Hearing LP-07-00040 Big Buck Ridge

Mr. Watson:

This submittal has stated that they will be a "Group B" water system, based on having 14 homes/connections. The submittal needs to know that they may be a "Group A" system because of the resident population – if the population is 25 or more, then they would meet a requirement for being a Group A water system.

They may also need to provide "mitigation" for their water usage – they did not indicate this in their submittal – and would need to work with Kittitas County and Ecology.

Thanks,

Russell E. Mau, PhD, PE
Regional Engineer
Department of Health, Office of Drinking Water
16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216
Desk: 509-329-2116
Fax: 509-329-2104
Russell.Mau@DOH.WA.GOV

Public Health - Always Working for a Safer and Healthier Washington
Visit our web site at *www.doh.wa.gov/ehp/dw*

From: Jeff Watson [mailto:jeff.watson@co.kittitas.wa.us]
Sent: Wednesday, March 25, 2015 11:39 AM
To: Jeff Watson; Brenda Larsen; Renfrow, Brent D (DFW); Candie M. Leader; Christina Wollman; PRESTON, CINDY (DNR); ECY RE CRO SEPA COORDINATOR; Clear, Gwen (ECY); 'enviroreview@yakama.com'; Kaehler, Gretchen (DAHP); Holly Duncan; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; HAZLETT, LINDA (DNR); Lisa Iammarino; Lisa Lawrence; Johnston, Mike (DOHi); 'nelmsk@cwu.edu'; Patti Johnson; Mau, Russell E (DOH); Teske, Mark S (DFW); DNR RE AQ LEASING RIVERS; 'Tom Justus (tom.justus@doh.wa.gov)'; Jan Ollivier; Benson, Richard (DOH); 'heather.cannon@doh.wa.gov'; Josh Hink
Cc: Doc Hansen; 'jhallisey@fs.fed.us'; 'darren.habel@usace.army.mil'; 'Olson,Lesli D (CONTR) - TERR-BELL-1'; 'HolmstR@wsdot.wa.gov'; ECY RE SEPA REGISTER; Kaycee Hathaway; Northern Kittitas County Tribune, (DOHi); 'Cory Andrus (cory@pro-vac.com)'; Russ Hobbs; 'pblume@kcfd7.com'; 'flataum@cleelum.wednet.edu'; 'davisb@cleelum.wednet.edu'; 'montgomeryr@cleelum.wednet.edu'; 'north-ridge@hotmail.com'; Matthew Morton; Kay Muhlbeier (kmuhlbeier@comcast.net); Holly Myers; 'aspengk@gmail.com'; 'ahjones@comcast.net'; Liz Remeto (lremeto@radiantdelivers.com); 'ridgecrest6@msn.com'; 'adamrmk@hotmail.com'; 'dalyville@comcast.net'; 'jatmlg98@gmail.com'; 'MLMcDonald@drhorton.com'; 'matti.clark@gmail.com'; 'kimperson@live.com'; 'Joe.SKVARLA@redhawkus.com'; 'iam@brianr.me'; 'MSuman@cablelang.com'; 'vkmckim@juno.com'; 'davemacduff@gmail.com'; 'Girard@mftlaw.com'; 'CosmicTraveler@Comcast.Net'; 'owensmeats@gmail.com'
Subject: Notice of SEPA Action and Public Hearing LP-07-00040 Big Buck Ridge

LP-07-00040 Big Buck Ridge

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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.

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) 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.

Please see the attached document for the full MDNS on this project.

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

State Environmental Policy Act
MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Big Buck Ridge (LP-07-00040) is a proposed Preliminary Plat totaling 14 one acre single-family residential lots on 25 acres to be served by a group B water system with individual onsite septic systems. The project is proposed on a site that has a vested zoning of Rural-3.

Proponent: Wayne Nelson, authorized agent for Becky Andrus, landowner

Location: Two tax parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

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.

The lead agency has determined that certain mitigation measures are necessary in order to issue a Mitigated Determination of Non-Significance (MDNS) 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 include the following:

Water and Septic

1) The proposed plat is located within the upper county as defined in WAC 173-539A-090; the proposed group B water system shall be developed in complete compliance with the regulations and requirements of WAC 173-539A. The development will need to:

   a) Have well site inspections.

   b) Complete and submit a Group B water system workbook.

   c) Contract with a Satellite Management Agency.

   d) Complete or bond for infrastructure.

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, April 9, 2015. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14

KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Jeff Watson, Community Development Services

FROM: Christina Wollman, Planner III CW

DATE: March 16, 2015

SUBJECT: Big Buck Ridge Cluster Plat LP-07-00040

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 prior to the issuance of a building permit for any of the structures within the proposed plat.

3. Stormwater: On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit.

4. Grading Permit: A grading permit shall be required prior to beginning any site work. See KCC 14.05 for more information.

411 N. Ruby St. Suite 1
Ellensburg, WA 98926
TEL (509) 962-7523
FAX (509) 962-7663

5. Second Access: A second access will be required as clarified by the Board of County Commissioners on April 2, 2007. The BOCC clarified KCRS 12.01.095(2) with the following requirements: 1) If the second access is restricted to emergency access only, it must meet or exceed the following requirements: 60' easement, 20' roadway width, BST/ACP surface, and a paved apron. Access restrictions such as gates or bollards must be approved by the Fire Marshal; 2) If the second access is to be used for ingress and egress, it must meet the same standards of the first access.

   Documentation of a legal easement across the route of the second access will be required prior to final approval. The second access must be constructed and certified by an engineer licensed in the State of Washington prior to issuance of a building permit.

6. Road Maintenance Agreement: KCC 12.12.010(6) requires private roads to be maintained by a legal entity made up of all benefited property owners, under the provisions of an acceptable and recorded Private Road Maintenance Agreement.

   This project shall be required to join the existing Road Maintenance Association which is made up of all benefited property owners served by Deer Creek Road and other roadways within S23 T20N R15E and surrounding area.

7. TIA & Transportation Concurrency: The applicant submitted the required Traffic Impact Analysis. Based on the results of the study, the project complies with the currency requirements.

8. Road Variance: Road Variance 07-07 was approved allowing this project to use a section of road within a 30' easement.

9. Internal Access: All lots must have direct access or easement access to Big Buck Ridge Road. All open space tracts must be provided access.

10. Private Road Improvements: Access shall be constructed as a Low-Density Private Road. 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 20', with 1' shoulders, for a total width of 22'.
    b. Minimum centerline radius will be 60'.
    c. The surface requirement is for a minimum gravel surface depth of 6".
    d. Maximum grade is 12%.
    e. Stopping site distance, reference AASHTO.
    f. Entering site distance, reference AASHTO.

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Ellensburg, WA 98926
TEL (509) 962-7523
FAX (509) 962-7663

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 of county road.

k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right of way.

11. 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.

12. Joint-Use Driveway: A joint-use access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.

    a. Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.

    b. The surface requirement is for a minimum gravel surface depth of 6".

    c. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

    d. Any further subdivision or lots to be served by proposed access may result in further access requirements.

    Single-Use Driveway: A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.

    a. The roadway shall be a minimum of 8' wide with gravel surface.

    b. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

    c. Any further subdivision or lots to be served by proposed access may result in further access requirements.

411 N. Ruby St. Suite 1
Ellensburg, WA 98926
TEL (509) 962-7523
FAX (509) 962-7663

13. Plat Notes: Plat notes shall reflect the following:

    a. Entire private road shall achieve 95% compaction and shall be inspected and certified by a licensed engineer in the State of Washington specifying that the road meets current Kittitas County Road Standards prior to the issuance of building permit for this plat.

    b. Entire private road shall be inspected and certified by a civil engineer licensed in the State of Washington specifying that the road meets Kittitas County Road Standards as adopted September 6, 2005, prior to the issuance of a building permit. Any future subdivision or land use action will be reviewed under the most current road standards.

    c. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.

    d. Maintenance of the access is the responsibility of the property owners who benefit from its use.

    e. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.

    f. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

    g. A public utility easement 10 feet in width is reserved along all lot lines. The 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation.

14. Plat Approvals: All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

    EXAMINED AND APPROVED
    This _____day of _____, A.D., 20___.

    _____
    Kittitas County Engineer

15. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

411 N. Ruby St. Suite 1
Ellensburg, WA 98926
TEL (509) 962-7523
FAX (509) 962-7663

16. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.

17. 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.

18. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.

19. 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.

411 N. Ruby St. Suite 1
Ellensburg, WA 98926

TEL (509) 962-7523
FAX (509) 962-7663

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

March 3, 2015

Jeff Watson
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Re: LP-07-00040

Dear Mr. Watson:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Big Buck Ridge, a performance based cluster plat application to create 14 one acre parcels and approximately 11 acres of open space on approximately 25 acres, proposed by Becky Andrus. These are revised comments to Ecology's letter dated February 20, 2015.

WATER RESOURCES

No water right records associated with this property were found in the Central Regional Office.

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development because in combination, the withdrawal will exceed the exemption criteria.

All water wells constructed shall be in accordance with the provisions of Chapter 173-160 WAC by a driller licensed in the State of Washington. All wells must be located a minimum of 100 feet from any known, suspected, or potential source of contamination and shall not be located within 1,000 feet of the property boundary of solid waste landfills. A well report must be submitted to the Department of Ecology within thirty days after the completion of a well.

If you have any questions or would like to respond to these Water Resources comments, please contact **Jacquelyn Metcalfe** at (509) 457-7148 or email at jacquelyn.metcalfe@ecy.wa.gov .

WATER QUALITY

1) There are no water bodies immediately adjacent to the proposed development, but runoff into nearby critical areas during major rain-on-snow events should be addressed. The developer should have a plan to address occasional large runoff events.

2) The project site is steep, and these one-acre lots may produce significant sediment during home building. Care should be taken to prevent uphill properties from discharging polluted stormwater onto the downhill properties. A comprehensive stormwater management plan should be established at this site.

The NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required for this project. 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.

3) This hillside is directly north of Cle Elum, and the proposed development is likely within the area of old mines and mine tailings. Be advised that soils in those areas can retain pollutants associated with coal mining (e.g., PAHs). This can be ascertained by soil testing.

4) Again, since this is likely an old mining area, wells in the new development to be used for domestic use (whether individual wells or a community well) should be tested for pollutants from coal mining.

If you have any questions or would like to respond to these Water Quality comments, please contact **Jane Creech** at (509) 454-7860 or jane.creech@ecy.wa.gov .

Sincerely,

Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012
crosepacoordinator@ecy.wa.gov

3925b

(4)

Jeff Watson

From: Karma Chapman <karmakc@hotmail.com>
Sent: Tuesday, February 24, 2015 9:43 PM
To: Jeff Watson
Subject: FW: Comments on Big Buck Ridge L07-00040
Attachments: Big Buck Ridge LP07-00040 February 20, 2015 comments.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jeff,

Karma and Greg Chapman of 1571 Big Tail Rd. Cle Elum, WA 98922 share the same concerns that Kay Muhlbeier and many of our neighbors share.

We feel our concerns are extremely validated and need to be heard. Please review this information and consider all our concerns as high priority.

Thank you for all your attention put towards the following information.

Please feel free to contact us with any questions or concerns,

Best regards,

Karma & Greg Chapman
425-985-4588
karmakc@hotmail.com

From: Kay Muhlbeier [mailto:kmuhlbeier@comcast.net]
Sent: Tuesday, February 24, 2015 3:29 PM
To: Chapman, Karma
Subject: Fwd: Comments on Big Buck Ridge L07-00040

From: "Kay Muhlbeier" <kmuhlbeier@comcast.net>
To: "Jeff Watson" <jeff.watson@co.kittitas.wa.us>
Cc: "Don Owens" <owensmeats@gmail.com>, "Joe Skvarla" <joe.skvarla@redhawkus.com>, "Ken McKim" <vkmckim@juno.com>, "Dave MacDuff" <dmacduff@oakpointe.com>, "Margaret Suman" <mksuman@aol.com>, "Kevin & Roiann Daly" <Dalyville@comcast.net>, "Jon Newton" <jonnewton@windermere.com>, "Karma Chapman" <karmakc@hotmail.com>, "Kim & Shirley Person" <ShirleyPerson@Live.com>, "Kim Person & Shirley" <shirleyperson@live.com>, "Dave Berry" <westerntimber@earthlink.net>, "Sara MacDuff" <saramacduff@gmail.com>
Sent: Sunday, February 22, 2015 9:43:47 AM
Subject: Comments on Big Buck Ridge L07-00040

63

Hi Jeff,

Please find my additional comments regarding the subject long plat on the attached document.

Please ask the review board to consider the impact Big Buck Ridge will have to our entire community in Section 23 and Meadow Ridge.

It is not just a long plat just off a city road, it is a plat that would reside inside an existing community and has a road easement for one home owner on a private road that runs through my property. An additional 13 home owners should not have the same easement and therefore this is not a viable development.

I oppose this long plat.

There are 29 lots in Section 23 for a total of 600 acres.
The owners I have copied on this email represent 20 lots in Section 23, Cle Elum Ridge.
If at a minimum, all of them provide their own comments to oppose this long plat, that is 70% of the lots in Section 23 who oppose this plat.
There are probably more, and I cannot speak to the 14 property owners in Meadow Ridge.

Thank you for your consideration.

Kay Muhlbeier
691 Big Tail Road
Cle Elum, WA 98922

Mailing Address:
21403 SE 16th place
Sammamish, WA 98075

Comments on Big Buck Ridge LP-07-00040

Prepared by: Kay Muhlbeier

Relationship to Andrus: Muhlbeier's 22 acres is adjacent to the Andrus property in Cle Elum Ridge, Section 23, the road access cuts through my property.

Please reject the proposed plat, Big Buck Ridge, LP-07-00040.

- Please review this plat under the zoning requirements that apply today, not from 8 years ago when this was originally submitted. The intent of the zoning is to protect our environment and properties. Please look at it with the knowledge and zoning we have today, and not through the zoning that was in place 8 years ago. The zoning was changed for good reason.

- Consider the affects it will have on those of us with deep water wells. Water is a precious commodity in Eastern Washington. Additional 13 lots drawing from a Group B water system may impact my ability to get water from my 700 ft, 2 gallons a minute well, but will impact the county in general.

- The Traffic Impact to our small, private community would increase by 24%, since there will be 24% more lots accessing our private road. The Traffic Impact study should be re-evaluated. It is not complete and assumes variances. With the change in zoning, no variances should be allowed for this plat. The increased noise would be heard by all of us, but especially by Meadow Ridge and myself. Heavy equipment for the infrastructure and ultimately the building of homes would be increased, traffic noises increased and so on. By my estimates, 13 lots means at least 26 drivers, not to mention the additional family members and guests this would bring. The traffic would be traveling on a private road that was paid for by Section 23 and Meadow Ridge and was not funded by the Andrus, with no plans to help with the maintenance.

- The stars at night seen from Cle Elum Ridge are phenomenal. Adding 13 more homes in our area brings more lights and ultimately affects the Dark Sky.

- Section 23, Cle Elum Ridge, was designed to be kept in a rural state. The CCR's in Section 23 have a minimum lot size of 20 acres in order to preserve this for a total of 600 acres. A private road that provides access to Section 23 also provides access to a 25 acre development, Meadow Ridge, and to the Andrus' 25 acres. Part of the private road, Big Tail Road, cuts through my property, and my property is adjacent to both Meadow Ridge and the Andrus land. When we purchased the property in 2004, it was in part due to the large lots, private road and rural atmosphere. Most of us in Section 23 share these values.

- If the county approves Big Buck Ridge, not only are you approving the degradation of the land into an additional 13 lots (Andrus house being the 14th), you are also approving the 13 lots to use the PRIVATE road. Although the use of a private road may not be under your jurisdiction, the approval of the additional lots directly impacts the road use for all their neighbors and hopefully, is a part of your decision process. It is not just about the width of the road, or the number of access points, the traffic would be greatly increased in our community.

There are 28 or 29 lots in Section 23 , Cle Elum Ridge, for a total of 600 acres and 14 lots in Meadow Ridge on 25 acres, all of whom have legal access to the private road up Montgomery, who are required to participate in the Road Maintenance Agreement. The Andrus property is neither part of Meadow Ridge or Section 23 CCRs.
The additional 14 lots for Big Buck Ridge means 24% of the total lot owners *may not be required* to pay for maintenance, electricity to the gate, lighting at the gate, snow removal etc. The burden is shouldered by the rest of the community. Even if they were to join the Road Maintenance Agreement, I oppose the long plat for all the reasons stated herein.

This property is not a part of Meadow Ridge or Cle Elum Ridge (section 23) yet does have an easement to use our road. Sapphire Skies sold the 25 acres to Andrus in 2002. The Andrus have legal access to the private road up Montgomery, but they purchased the property without signing the Road Maintenance Agreement which was put in place with Sapphire Skies and Section 23. Since 2002, the Andrus have been asked to join the Road Agreement, but never followed through.

In 2007 or 2008, Cle Elum Ridge property owners & Sapphire improved the road from 3rd street, up Montgomery, Deer Creek Road and Big Tail road by paving it and building a nice monument entrance gate. The costs for this was shared by Section 23 lot owners (Cle Elum Ridge) and Sapphire Skies (before any Meadow Ridge Lots were sold). This has certainly improved land values and provided some security to all of us by having a gate.

The Andrus' were asked to participate in this project but refused to pay for their share of the road and gate as well as the annual road maintenance fees, including snow removal.

Since the BBR plat was initially submitted in 2007, Kittitas County has changed the zoning, and if submitted today, it would be rejected. Performance based clusters plats have been removed.

However, since the time of the submittal in 2007, the County asked for additional information, and it was considered open and still viable, until the response was receive. This was a technicality. One of the items requested was a Traffic Impact Analysis, that was submitted just last year. This was technically deemed 'complete' since this was submitted. However, it is subject to interpretation. Please review this in detail and its impacts to all of the properties in Section 23 and Meadow Ridge.

Kittitas County is committed to protecting our rural areas. BBR does not meet that intent.

Section 23 has a minimum 20 acre lot requirement to maintain and protect the rural area, and wild life. There are numerous elk, deer, bear, cougar, wild turkeys and others that roam our hills. As an owner, that is important to me and my family.

Please review the impact Big Buck Ridge will have to our entire community in Section 23 and Meadow Ridge. It is not just a long plat that is off a city road, it is a plat that resides inside an existing community and has a road easement for one home owner on a private road that runs through my property. An additional 13 home owners should not have the same easement and therefore this is not a viable development.

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"

March 19, 2015

Becky Andrus
P.O.Box 785
Cle Elum WA 98922

RE: Transmittal of Comments – Big Buck Ridge Plat (LP-07-00040)

Dear Applicant:

Enclosed are the comments received regarding the Big Buck Ridge Plat (LP-07-00040) during the comment period:

January 13, 2012*	City of Cle Elum
February 09, 2015	Washington State Department of Health
February 12, 2015**	Kay Mulbeier
February 12, 2015	Kittitas County Public Health Department
February 16, 2015	Gary Kasowski
February 16, 2015	Allen & Lan Jones
February 16, 2015	Liz Remeto
February 16, 2015	Christine Johnson
February 16, 2015	Adam Burnett
February 18, 2015	Roiann Daly
February 20, 2015***	Washington State Department of Ecology
February 21, 2015	Jan Thompson
February 21, 2015	Maren L. McDonald
February 22, 2015	Matt Clark
February 22, 2015	Kim Person
February 23, 2015	Joe Skvarla
February 23, 2015	Brian Rogers
February 23, 2015	Margaret Suman
February 23, 2015	Ken McKim
February 24, 2015	David McDuff\
February 24, 2015	James Carmody
February 24, 2015	Bruce Higgs
February 24, 2015	Don Owens

*Letter submitted prior to notice of application.
** Multiple submissions the first being February 12th.
*** Letter dated February 20; received at CDS February 24th.

Also enclosed are the following submissions which were received after the close of the 5:00 p.m. February 24th closing date:

February 24, 2015	Karma Chapman
March 3, 2015*	Washington State Department of Ecology
March 16, 2015	Kittitas County Public Works

*Documentation was emailed March 3, a hard copy was received March 5 via USPS; date stamped accordingly.

The post comment period letters will be submitted during the Hearings Examiner Public Hearing as exhibits.

Please review all comments and notify me of any questions. I will be issuing a SEPA threshold determination and recommendation to the Hearings Examiner based in part on the comments received.

Sincerely,



Jeff Watson
Staff Planner

City of Cle Elum
119 West First Street
Cle Elum, WA 98922

Telephone: (509) 674-2262
Fax: (509) 674-4097
www.cityofcleelum.com

January 13, 2012

Kittitas County Department of Public Works
Attention: Christina Wollman
411 N. Ruby Street, Suite 1
Ellensburg, WA 98926

Re: Big Buck Ridge (P-07-40)

Dear Ms. Wollman:

Thank you for the opportunity for the City of Cle Elum to provide comments on the above referenced cluster subdivision. As we understand the project, access to the property is via Montgomery Avenue, an existing city street. This area was fully evaluated as part of the EIS prepared for City Heights and the City will not require any additional studies or improvements specific to the proposed development of Big Buck Ridge. However we believe the proportionate share of Road Impacts Mitigation to be $475 per lot, payable to the City of Cle Elum at time of Short Plat Approval. This mitigation figure is derived from total mitigation (proportional impact based on traffic study and concurrency analysis) prepared for the CESS Environmental Impact Statement.

Please do not hesitate to contact me if you should require any additional information.

Sincerely,

Matt Morton
City Administrator

Jeff Watson

From: Jeff Watson
Sent: Monday, February 09, 2015 9:02 AM
To: 'Mau, Russell E (DOH)'
Subject: RE: Notice of Application LP-07-00040 Big Buck Ridge

The parcels are located ½ mile north of Yakima Avenue in the city of Cle Elum… meaning that the road is in the city; admittedly a bit muddy, but it wouldn't be county jurisdiction if it was in the city. The maps available on line should clarify any confusion as to the location. Page 2 of the plat application indicates in the narrative that the plat is to be served by a group B water system and on site septic.

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: Mau, Russell E (DOH) [mailto:Russell.Mau@DOH.WA.GOV]
Sent: Monday, February 09, 2015 8:52 AM
To: Jeff Watson
Cc: Serr, Ben A (DOH); Holly Duncan; Holly Myers
Subject: RE: Notice of Application LP-07-00040 Big Buck Ridge

Mr. Watson:

DOH is asking for clarification on this notice – regarding the following:

1. The SEPA checklist, on Page 9, says "water" is available at the site.
2. The Notice of Application says the parcels are located "in the City of Cle Elum".

So, DOH requests that they explicitly specify that "water" is "City of Cle Elum" or specify other. If it is City of Cle Elum water, then DOH requires that the City confirms their distribution system is available in this area.

Thanks,

Russell E. Mau, Ph.D., P.E.
Regional Engineer
Department of Health, Office of Drinking Water
16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216
Desk: 509-329-2116
Fax: 509-329-2104
Russell.Mau@DOH.WA.GOV

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Public Health - Always Working for a Safer and Healthier Washington
Visit our web site at www.doh.wa.gov/ehp/dw

From: Jeff Watson [mailto:jeff.watson@co.kittitas.wa.us]
Sent: Monday, February 09, 2015 8:09 AM
To: Brenda Larsen; Renfrow, Brent D (DFW); Candie M. Leader; Christina Wollman; PRESTON, CINDY (DNR); ECY RE CRO SEPA COORDINATOR; Clear, Gwen (ECY); 'enviroreview@yakama.com'; Moore, Erin (DOHi); Kaehler, Gretchen (DAHP); Holly Duncan; 'Jan Jorgenson (jorgenja@cwu.edu)'; 'Jessica Lally (jessica@yakama.com)'; 'jmarvin@yakama.com'; 'Johnson Meninick (johnson@yakama.com)'; Julie Kjorsvik; Kim Dawson; HAZLETT, LINDA (DNR); Lisa Iammarino; Lisa Lawrence; Johnston, Mike (DOHi); 'nelmsk@cwu.edu'; Patti Johnson; Mau, Russell E (DOH); Teske, Mark S (DFW); DNR RE AQ LEASING RIVERS; 'Thalia Sachtleben (enviroreview@yakama.com)'; 'Tom Justus (tom.justus@doh.wa.gov)'; Moore, Erin (DOHi); Jan Ollivier; Benson, Richard (DOH); 'heather.cannon@doh.wa.gov'; Josh Hink
Cc: Doc Hansen; 'cruseandassoc@kvalley.com'; Dave Nelson (dnelson@encompasses.net); Allison Kimball (brooksideconsulting@gmail.com); Chad Bala; 'jhallisey@fs.fed.us'; 'darren.habel@usace.army.mil'; 'Olson,Lesli D (CONTR) - TERR-BELL-1'; 'HolmstR@wsdot.wa.gov'; 'roslyn@inlandnet.com'; Matthew Morton; Jim Leonhard; ECY RE SEPA REGISTER; Kaycee Hathaway; Northern Kittitas County Tribune, (DOHi); Cory Andrus (cory@pro-vac.com); Russ Hobbs; 'pblume@kcfd7.com'; 'flataum@cleelum.wednet.edu'; 'davisb@cleelum.wednet.edu'; 'montgomeryr@cleelum.wednet.edu'; north-ridge@hotmail.com
Subject: Notice of Application LP-07-00040 Big Buck Ridge

LP-07-00040 Big Buck Ridge Internal Link to Master File (For County Staff on Network)
LP-07-00040 Big Buck Ridge External Link to On-Line File

NOTICE OF APPLICATION:

Kittitas County Community Development Services will accept comments through 5:00 pm Tuesday February 24, 2015.

Kittitas County has received the above referenced Proposed Plat and SEPA Checklist for a project application; see attached. Agencies within the county network may review the application master file via the above internal link or through EDEN. Agencies and individuals outside of the county network can use the above external link to view individual documentation. Comments within the body of an email are encouraged, but may be submitted as attachments or hardcopy to:

Jeffrey A. Watson
Planner II
Community Development Services
411 North Ruby Ste 2
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

60

Big Buck Ridge

Hi Jeff

Cory & Becky Andrus have elected to move forward with their long plat, Big Buck Ridge.
Some of us who neighbor this property, received a Notice of Application this week, a copy is attached.
Project: LP-07-00040

Can the CDS require Big Buck Ridge to enter into a Road Maintenance Agreement for both the road and the gate as part of the plat approval?

Additional traffic and heavy equipment will further degrade the road, and anyone who benefits from the road and gate, should be required to pay for the use and maintenance.

There are 29 lots in Cle Elum Ridge and 14 lots in Meadow Ridge, all of whom will participate in the Road Maintenance Agreement. The additional 14 lots for Big Buck Ridge means 24% of the total lot owners may not be required to pay for maintenance.

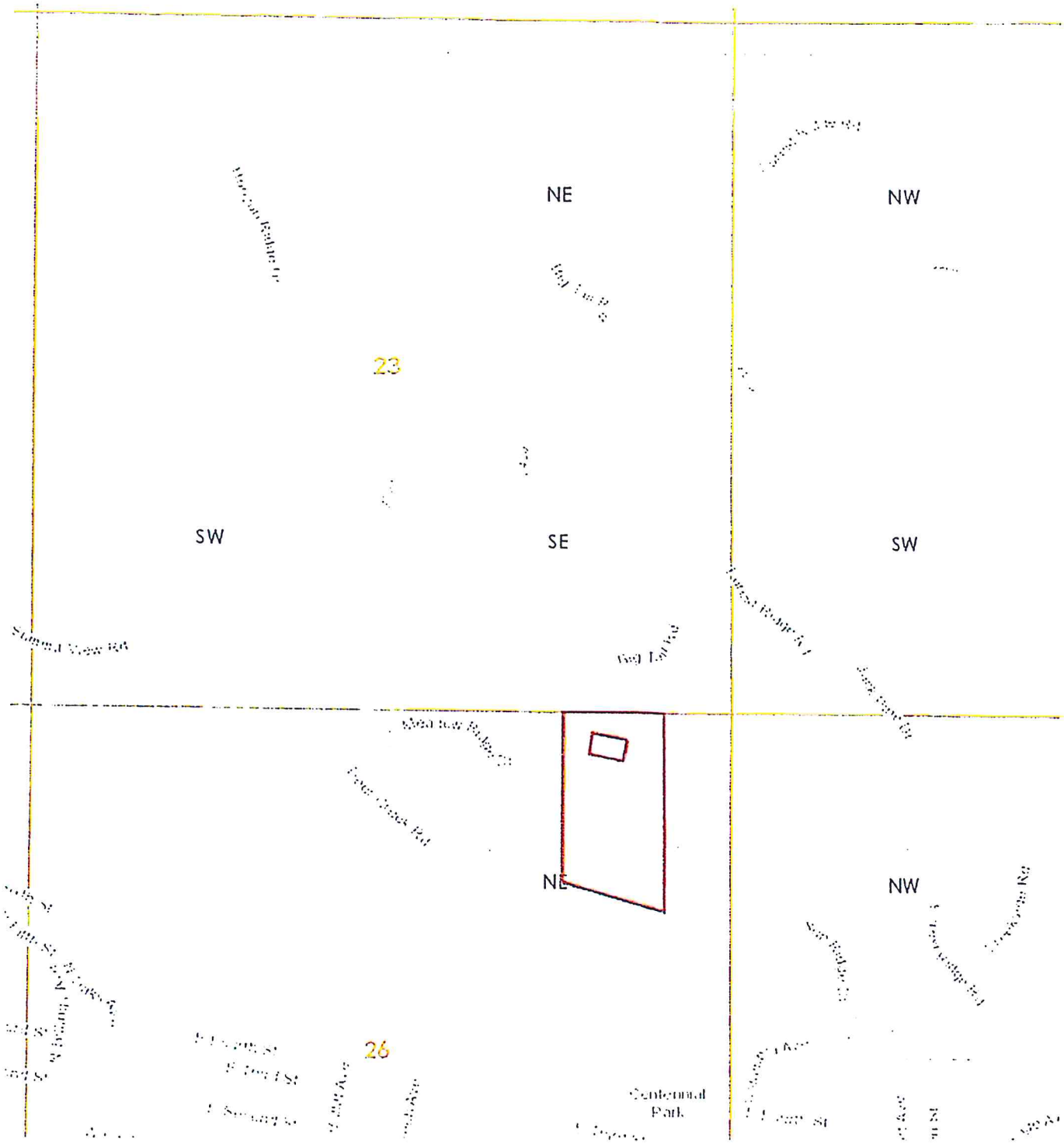
Background:
This property is not a part of Meadow Ridge or Cle Elum Ridge (section 23). Sapphire Skies sold the 25 acres to the Andrus in 2002 (?). The Andrus have legal access to the private road up Montgomery, but they purchased the property before the Road Maintenance Agreement was put in place with Sapphire Skies and Section 23 with Dave Berry.
Cle Elum Ridge property owners & Sapphire improved the road from 3rd street, up Montgomery, Deer Creek Road and Big Tail road in 2006 or 2007 by paving it and building a nice monument entrance gate. The costs for this was shared by Section 23 lot owners (Cle Elum Ridge) and Sapphire Skies (before any Meadow Ridge Lots were sold). This has certainly improved our land values and provided some security having a gate.
The Andrus' were asked to participate in this endeavor but refused the initial cost as well as the annual road maintenance fees, including snow removal. The Andrus offered to participate in 2007 if we would not oppose their long plat that included 14 – 1 acre lots. We countered that they subdivide to 5 acre lots in keeping with the rural atmosphere. In exchange, we would not oppose the plat. Nothing was resolved, and the Andrus have not paid for road and gate maintenance. I will mention that when the gate has been damaged or broken, Cory has attempted to service the gate himself.
I sent an email to the Andrus' 2/12/15 and also left a voice mail & text for Wayne Nelson, who now represents the Andrus' to find out what their intent is, in regards to the Road Maintenance. I have had no response from either.

As a side note, the Big Buck Ridge (BBR) plat has a road variance in the submittals. This plat can actually access thru Columbia or 6th and not access through Montgomery. The plat entrance is right next to where Columbia/ Sun Ridge pops out. I'm not an expert at these types of items, but in reading the

variance, it assumes that eventually, the easement over Deer Creek will be widened to meet code. It isn't widened right now so the plat should be refused, in my opinion.
Here is the map of Section 23 (Cle Elum Ridge owners) and Meadow Ridge, who have PAID for the pavin g and maintenance of the road, and the location of Big Buck Ridge, who have NEVER paid for any part of the paving OR the gate.

What recourse do we have to impose at least a road maintenance agreement with us as part of a good neighbor effort, or, to make them use Columbia and cut them off from using Montgomery?

I don't know if the Andrus rights to the road is tranferable.....who do I talk to about that?


NE
NW
23
SW
SE
SW
NE
NW
26
Centennial Park

Jeff Watson

From:	Kay Muhlbeier <kmuhlbeier@comcast.net>
Sent:	Friday, February 13, 2015 12:43 PM
To:	Jeff Watson
Subject:	Re: Project: LP07-00040 Big Buck RIdge
Attachments:	Big Buck Ridge LP07-00040.docx

Hi Jeff,
Wayne no longer works for Encompasses so I don't know if he is the rep for the Andrus anymore.

I think you are the person I need to talk to. I am here in Redmond, but my cabin is next door to Andrus in Cle Elum and I have a vested interest in this plat.

Since we are having trouble connecting, I will provide some more details regarding my question.
If you look at the map, you can see where all the pieces come together. We have paid for the paving of the road all the way from 3rd street up to the top of Big Tail.
See where their entrance to their plat is, it should be required they do NOT use Big Tail road.
The Andrus refused to pay for any part of the paving or the gate and have not participated in the maintenance fees for either.

Background:
This property is not a part of Meadow Ridge or Cle Elum Ridge (section 23). Sapphire Skies sold the 25 acres to the Andrus in 2002 (?). The Andrus have legal access to the private road up Montgomery, but they purchased the property before the Road Maintenance Agreement was put in place with Sapphire Skies and Section 23 with Dave Berry.
Cle Elum Ridge property owners & Sapphire improved the road from 3rd street, up Montgomery, Deer Creek Road and Big Tail road in 2006 or 2007 by paving it and building a nice monument entrance gate. The costs for this was shared by Section 23 lot owners (Cle Elum Ridge) and Sapphire Skies (before any Meadow Ridge Lots were sold). This has certainly improved our land values and provided some security having a gate.
The Andrus' were asked to participate in this endeavor but refused the initial cost as well as the annual road maintenance fees, including snow removal. The Andrus offered to participate in 2007 if we would not oppose their long plat that included 14 – 1 acre lots. We countered that they subdivide to 5 acre lots in keeping with the rural atmosphere. In exchange, we would not oppose the plat. Nothing was resolved, and the Andrus have not paid for road and gate maintenance. I will mention that when the gate has been damaged or broken, Cory has attempted to service the gate himself.
I sent an email to the Andrus' 2/12/15 and also left a voice mail for Wayne Nelson, who now represents the Andrus' to find out what their intent is, in regards to the Road Maintenance. I have had no response from either.

As a side note, the Big Buck Ridge (BBR) plat has a road variance in the submittals. This plat can actually access thru Columbia or 6th and not access through Montgomery.
The plat entrance is right next to where Sun Ridge pops out. I'm not an expert at these types of items, but in reading the variance, it assumes that eventually, the easement over Deer Creek will be widened to meet code.
It isn't widened right now so the plat should be refused, in my opinion.

I have attached a word document with some of the facts with the map so you can see how unfair this is to all of us who have paid hard earned money for a road that the Andrus has not shared in.

I will come to Cle Elum to meet with you , if we can pin a time.

Kay
206-9546434

From: "Jeff Watson" <jeff.watson@co.kittitas.wa.us>
To: "Kay Muhlbeier" <kmuhlbeier@comcast.net>
Sent: Friday, February 13, 2015 11:56:39 AM
Subject: RE: Project: LP07-00040 Big Buck RIdge

Wayne's Contact info

http://www.encompasses.net/images/resumes/wayne.pdf

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

From: Kay Muhlbeier [mailto:kmuhlbeier@comcast.net]
Sent: Thursday, February 12, 2015 3:02 PM
To: Jeff Watson
Subject: Re: Project: LP07-00040 Big Buck RIdge

Hi Jeff,
I left another voice mail for you.
I really would like some of your time to review this proposed plat.

Mr. Andrus has legal access to OUR private road off Montgomery onto Big Tail Road, but I believe the 14 lots in the proposed Big Buck Ridge plat should *not* be granted access to the private road off Montgomery.
There are two private roads that do have a 60ft easement off of Columbia that spits out at Big Buck Road, as stated in their variance. This plat should be required to use it and not Montgomery.

The Big Tail Road runs through my property and my property is adjacent to Mr. Andrus. I do not want to see the increased traffic due to these 14 lots.
Big Buck Road is a spur off of Big Tail.
Mr. Andrus has refused to pay maintenance on the road for improvements, snow removal, and all other maintenance pertaining to this, including the asphalt and gate.

The owners in Cle Elum Ridge purchased in our community to keep the lands in a rural state, therefore we have minimum 20 acre lots. One acre lots are not acceptable for our community.

My husband, Jim Muhlbeier, and several of our neighbors objected to this plat in 2007, and nothing has changed in our view.

The value of the said property has been increased due to our hard work and expense of putting in this road, and I object to the plat, but I especially object to the non participation with the road maintenance.

I propose the County/City require at a minimum, that Big Buck Ridge be required to participate in our Road Maintenance agreement.
Both the Cle Elum Ridge and MEadow Ridge shared the costs to improve the road from 3rd street all the way up to the top of Big Tail Road with asphalt and a gate.
This would be the neighborly thing to do.

I further propose that Big Buck Ridge road access should be through 6th and Columbia and not Montgomery.
The road variance that was submitted should be challenged. It states that Deer Creek that has a 30ft easement will eventually have a 60ft when other developments go in.
As far as I know, it is still a 30 ft easement and just saying that it will happen one day, doesn't make it true.
There are two other private road accesses off 6th and Columbia which are primitive roads, and this new plat will never use them.

I beg of you to help me find a way to protect our private road off of Montgomery.
I don't know all the ins and outs of this process, and could use some guidance.

Thank you
Kay Muhlbeier
206-954-6434

From: "Kay Muhlbeier" <kmuhlbeier@comcast.net>
To: "jeff watson" <jeff.watson@co.kittitas.wa.us>
Cc: kmuhlbeier@comcast.net
Sent: Thursday, February 12, 2015 8:58:48 AM
Subject: Project: LP07-00040 Big Buck RIdge

Good Morning Jeff:
Could I set up a time to have a call with you tomorrow, Friday?
It is regarding the subject plat.

Please let me know what time works for you.
how about 8:00 am?

Can you provide the contact info for Wayne Nelson?

thank you

Kay Muhlbeier
206-954-6434

Jeff Watson

From:	Kay Muhlbeier <kmuhlbeier@comcast.net>
Sent:	Sunday, February 22, 2015 9:44 AM
To:	Jeff Watson
Cc:	Don Owens; Skvarla, Joe; McKim, Ken; MacDuff, Dave; Suman, Margaret; Kevin & Roiann Daly; Newton, Jon; Chapman, Karma; Kim & Shirley Person; Person, Kim & Shirley; Dave Berry; MacDuff, Sara
Subject:	Comments on Big Buck Ridge L07-00040
Attachments:	Big Buck Ridge LP07-00040 February 20, 2015 comments.docx
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hi Jeff,

Please find my additional comments regarding the subject long plat on the attached document.

Please ask the review board to consider the impact Big Buck Ridge will have to our entire community in Section 23 and Meadow Ridge.

It is not just a long plat just off a city road, it is a plat that would reside inside an existing community and has a road easement for one home owner on a private road that runs through my property. An additional 13 home owners should not have the same easement and therefore this is not a viable development.

I oppose this long plat.

There are 29 lots in Section 23 for a total of 600 acres.
The owners I have copied on this email represent 20 lots in Section 23, Cle Elum Ridge.
If at a minimum, all of them provide their own comments to oppose this long plat, that is 70% of the lots in Section 23 who oppose this plat.
There are probably more, and I cannot speak to the 14 property owners in Meadow Ridge.

Thank you for your consideration.

Kay Muhlbeier
691 Big Tail Road
Cle Elum, WA 98922

Mailing Address:
21403 SE 16th place
Sammamish, WA 98075

59

Comments on Big Buck Ridge LP-07-00040

Prepared by: Kay Muhlbeier
Relationship to Andrus: Muhlbeier's 22 acres is adjacent to the Andrus property in Cle Elum Ridge, Section 23, the road access cuts through my property.

Please reject the proposed plat, Big Buck Ridge, LP-07-00040.

- Please review this plat under the zoning requirements that apply today, not from 8 years ago when this was originally submitted. The intent of the zoning is to protect our environment and properties. Please look at it with the knowledge and zoning we have today, and not through the zoning that was in place 8 years ago. The zoning was changed for good reason.

- Consider the affects it will have on those of us with deep water wells. Water is a precious commodity in Eastern Washington. Additional 13 lots drawing from a Group B water system may impact my ability to get water from my 700 ft, 2 gallons a minute well, but will impact the county in general.

- The Traffic Impact to our small, private community would increase by 24%, since there will be 24% more lots accessing our private road. The Traffic Impact study should be re-evaluated. It is not complete and assumes variances. With the change in zoning, no variances should be allowed for this plat. The increased noise would be heard by all of us, but especially by Meadow Ridge and myself. Heavy equipment for the infrastructure and ultimately the building of homes would be increased, traffic noises increased and so on. By my estimates, 13 lots means at least 26 drivers, not to mention the additional family members and guests this would bring. The traffic would be traveling on a private road that was paid for by Section 23 and Meadow Ridge and was not funded by the Andrus, with no plans to help with the maintenance.

- The stars at night seen from Cle Elum Ridge are phenomenal. Adding 13 more homes in our area brings more lights and ultimately affects the Dark Sky.

- Section 23, Cle Elum Ridge, was designed to be kept in a rural state. The CCR's in Section 23 have a minimum lot size of 20 acres in order to preserve this for a total of 600 acres. A private road that provides access to Section 23 also provides access to a 25 acre development, Meadow Ridge, and to the Andrus' 25 acres. Part of the private road, Big Tail Road, cuts through my property, and my property is adjacent to both Meadow Ridge and the Andrus land. When we purchased the property in 2004, it was in part due to the large lots, private road and rural atmosphere. Most of us in Section 23 share these values.

- If the county approves Big Buck Ridge, not only are you approving the degradation of the land into an additional 13 lots (Andrus house being the 14th), you are also approving the 13 lots to use the PRIVATE road. Although the use of a private road may not be under your jurisdiction, the approval of the additional lots directly impacts the road use for all their neighbors and hopefully, is a part of your decision process. It is not just about the width of the road, or the number of access points, the traffic would be greatly increased in our community.

There are 28 or 29 lots in Section 23 , Cle Elum Ridge, for a total of 600 acres and 14 lots in Meadow Ridge on 25 acres, all of whom have legal access to the private road up Montgomery, who are required to participate in the Road Maintenance Agreement. The Andrus property is neither part of Meadow Ridge or Section 23 CCRs.
The additional 14 lots for Big Buck Ridge means 24% of the total lot owners *may not be required* to pay for maintenance, electricity to the gate, lighting at the gate, snow removal etc. The burden is shouldered by the rest of the community. Even if they were to join the Road Maintenance Agreement, I oppose the long plat for all the reasons stated herein.

This property is not a part of Meadow Ridge or Cle Elum Ridge (section 23) yet does have an easement to use our road. Sapphire Skies sold the 25 acres to Andrus in 2002. The Andrus have legal access to the private road up Montgomery, but they purchased the property without signing the Road Maintenance Agreement which was put in place with Sapphire Skies and Section 23. Since 2002, the Andrus have been asked to join the Road Agreement, but never followed through.
In 2007 or 2008, Cle Elum Ridge property owners & Sapphire improved the road from 3rd street, up Montgomery, Deer Creek Road and Big Tail road by paving it and building a nice monument entrance gate. The costs for this was shared by Section 23 lot owners (Cle Elum Ridge) and Sapphire Skies (before any Meadow Ridge Lots were sold). This has certainly improved land values and provided some security to all of us by having a gate.
The Andrus' were asked to participate in this project but refused to pay for their share of the road and gate as well as the annual road maintenance fees, including snow removal.

Since the BBR plat was initially submitted in 2007, Kittitas County has changed the zoning, and if submitted today, it would be rejected. Performance based clusters plats have been removed.
However, since the time of the submittal in 2007, the County asked for additional information, and it was considered open and still viable, until the response was receive. This was a technicality. One of the items requested was a Traffic Impact Analysis, that was submitted just last year. This was technically deemed 'complete' since this was submitted. However, it is subject to interpretation. Please review this in detail and its impacts to all of the properties in Section 23 and Meadow Ridge.

Kittitas County is committed to protecting our rural areas. BBR does not meet that intent.
Section 23 has a minimum 20 acre lot requirement to maintain and protect the rural area, and wild life. There are numerous elk, deer, bear, cougar, wild turkeys and others that roam our hills. As an owner, that is important to me and my family.

Please review the impact Big Buck Ridge will have to our entire community in Section 23 and Meadow Ridge. It is not just a long plat that is off a city road, it is a plat that resides inside an existing community and has a road easement for one home owner on a private road that runs through my property. An additional 13 home owners should not have the same easement and therefore this is not a viable development.

Jeff Watson

From: Kaycee Hathaway
Sent: Thursday, February 12, 2015 4:38 PM
To: Jeff Watson
Subject: FW: LP-07-00040 Big Buck Ridge comments PH
Attachments: LP-07-00040 Big Buck Ridge comments PH.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Kaycee K Hathaway
Kittitas County
Community Development Services/ Planner I
Phone: (509) 962-7079
Email: kaycee.hathaway@co.kittitas.wa.us

From: Holly Myers
Sent: Thursday, February 12, 2015 4:33 PM
To: Kaycee Hathaway
Subject: LP-07-00040 Big Buck Ridge comments PH

Saved in T drive.

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Kittitas County
Public Health
Department

Memo

To: Kaycee Hathaway, CDS

From: Holly Myers, Environmental Health Supervisor

Date: 2/10/2015

RE: LP-07-00040 Big Buck Ridge

Thank you for the opportunity to comment on the abovementioned long plat.

The submittal indicates~~shows~~ the applicant intends to set up a Ggroup B water system to serve 14 lots. Individual onsite sewage systems will need to meet Kittitas CCounty code requirements. ~~set back requirements and site plans must include measurements and locations for water and sewer services.~~

Prior to receiving **final approval** for long plats in Kittitas County, applicants shall be required to show written findings of the adequacy of potable water supplies. Kittitas County Public Health Department (KCPHD) requires the ~~one of the~~ following ~~options~~ as evidence of written findings of a potable water supply:

1. **GROUP B PUBLIC WATER SYSTEM**: Applicants shall provide the following for Group B Public Water Systems:
   a. ~~have a~~A well site inspection performed by KCPHD staff and the well(s) drilled~~;~~
   ~~–~~b. ~~complete~~ 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;
   c. Ccontract with an approved Kittitas County Satellite Management Agency.

~~1.~~ All infrastructure for the Group B w~~W~~ater sSystem including the well house and storage tanks must be completed or the developer/owner can bond for completion. Final approval of

507 N. Nanum Street, St. 102 · Ellensburg, WA 98926
T: 509 962.7515 · F: 509.962.7581
www.co.kittitas.wa.us/health/

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 plat approval.

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T: 509.962.7515 · F: 509.962.7581
www.co.kittitas.wa.us/health/

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

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

Jeff Watson

From: Gary Kasowski <aspengk@gmail.com>
Sent: Monday, February 16, 2015 9:35 AM
To: Jeff Watson; Gary Kasowski
Subject: Big Buck Ridge

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff,

I have several concerns regarding the proposed Big Buck Ridge development.

1. Access to the development from Yakima Avenue, Who pays for the street improvements needed to facilitate this access? Will the County require curb, gutter, and sidewalks as well as parking stalls to support the city park and the community gardens that lays just east of Yakima Avenue? The park gets a lot of use by young students who practice for different sports as well as town folks use the gardens. Parking for these activities will need to be addressed.

2. Fire protection, how will fire trucks and tankers be able to get to those houses up on the ridge in the winter time? Where is the water coming from to fight those fires, what about medical response in winter conditions?

3. Water access, is the development getting it's water from a well or the City of Cle Elum? Either way, would not a storage tank, well pump, and related equipment be required, are fire hydrants that meet flow requirements going to be included? Does the owner have water rights to draw that much water from a well?

4. Sewers, is each home going to have it's own septic system and drain field? after years of use, will effluent from these drain fields work there way into the water supply?

5. Traffic impacts, with the possibility of fourteen homes being built, there could be more then a 100 vehicles a day going up and down Yakima Avenue, combine that with the traffic that is created by the Senior Center located at Yakima and Third street, what street improvements will be required and who has to pay for them?

6. What about water run off, with the development of streets, driveways, buildings, and such, runoff is going to need to be addressed. Will storm water retention be required, where will the over flow go besides down hill?

7. The Daily Record stated the county staff is saying "the project will not have a probable significant impact on the environment". How can that be with all of these issues at hand?

Please include my concerns into the public comment and please keep me notified of any additional opportunity of public input.

Thank you,

Gary Kasowski

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Jeff Watson

From:	Allen & Lan Jones <ahjones@comcast.net>
Sent:	Monday, February 16, 2015 12:41 PM
To:	Jeff Watson
Cc:	Adam Burnett; Danny Clifton; Max Firl; Christine Johnson; Diana Kamla; Thomas Kamla; Allison Kimball; John Remeto; Liz Remeto; Bryce Harem; Shannon Jordan; Jon Newton; Kay Muhlbeier
Subject:	Big Buck Ridge Development
Follow Up Flag:	Follow up
Flag Status:	Flagged

Jeff Watson
Designated Permit Coordinator
Kittitas County
Community Development

Dear Mr. Watson,

We own lot #6 in the Meadow Ridge development which is accessed by Montgomery, Deer Creek, and Big Tail Road above the city of Cle Elum.

We have learned that Cory and Becky Andrus have applied for a long plat of 25 acres called Big Buck Ridge. This land is also accessed by Big Tail Road.

Meadow Ridge and Section 23 land owners currently pay to maintain the access from Montgomery/Deer Creek and Big Tail Road. We also maintain a gate which controls access to Big Tail Road.

We are writing to ask that if the County approves the Big Buck Ridge development you require the owners to enter into a Road Maintenance Agreement with Meadow Ridge and Section 23 property owners for maintenance of the private roadway and gate that provide access to Big Buck Ridge.

Thanks for considering our request.

Allen and Lan Jones
Meadow Ridge Lot Owners
1445 Ridgeview Loop SW
Tumwater, WA 98512
360 357-7684

Jeff Watson

From:	Liz Remeto <lremeto@radiantdelivers.com>
Sent:	Monday, February 16, 2015 2:43 PM
To:	Jeff Watson
Cc:	Adam Burnett; Danny Clifton; Max Firl; Christine Johnson; Diana Kamla; Thomas Kamla; Allison Kimball; John Remeto; Bryce Harem; Shannon Jordan; Jon Newton; Kay Muhlbeier; ahjones@comcast.net
Subject:	RE: Big Buck Ridge Development
Follow Up Flag:	Follow up
Flag Status:	Flagged

Jeff Watson
Designated Permit Coordinator
Kittitas County
Community Development

Dear Mr. Watson,

John and I purchased lot #13 in the Meadow Ridge development just this last summer and part of our decision to purchase this particular land was because of the road and gate accessing it as well as the minimal amount of traffic using the road. We understood that as owners of property in Meadow Ridge, we would be required to pay monies to maintain the road which is our access point from Montgomery/Deer Creek and Big Tail Road. We also understood that as owners of the property, we would be required to help keep the gate maintained and working. Along with the Meadow Ridge property owners, the Section 23 land owners also pay to maintain this access road and gate.

In an email we received this morning, we are being told that a notice went out to some of the property owners (we were not included in this mailing) regarding the application for a long plat of 25 acres called Big Buck Ridge by the Andrus family. This property is accessed off of Big Tail Road just after Meadow Ridge and the Muhlbeier driveway. Because the Andrus family purchased their land before a road maintenance agreement was created, we are told they are not obligated to join in the cost of maintaining the road. We have also been told that they have been approached when funds were needed, and they chose not to participate. Now they want to divide their land into 14 parcels, which could mean 14 more families using the road for free that has to be maintained by other private parties (meadow ridge and Section 23), not to mention the wear and tear on the road as these parcels are developed. It doesn't seem right that this would be allowed. This is why we are asking that you do further investigation into the access point for this land and who is maintaining it.

We are hoping to break ground ourselves with our new home this spring. I don't believe that joining the road maintenance group (which is what we would suggest) would be a hindrance to the permit process for the Andrus family. All parties using the road should help in keeping it maintained.

Please let me know if you have received my email, as I know there is a deadline on receiving viewpoints on this long plat application and I want to make sure my voice was heard.

Thank you so much for your consideration.

John and Elizabeth Remeto
16604 Sylvester Road SW
Burien, Washington 98166
206-384-8419
206-384-8420

Thank You !

LIZ REMETO
Director of Financial Reporting and Analysis

MAIN: 800.843.4784
DIRECT: 425.943.4510
FAX: 425.462.0768
EMAIL: lremeto@radiantdelivers.com

RADIANT.

405 114th Avenue SE
Third Floor
Bellevue, WA 98004
www.radiantdelivers.com

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Smar
Transport P

55

Jeff Watson

From:	Christine Johnson <ridgecrest6@msn.com>
Sent:	Monday, February 16, 2015 5:21 PM
To:	Jeff Watson
Cc:	Rick
Subject:	RE: Big Buck Ridge and Meadow Ridge
Follow Up Flag:	Follow up
Flag Status:	Flagged

Dear Mr. Watson,

Rick and I purchased lot #10 in the Meadow Ridge development in the spring of 2014 and believed that all of the people that used the road would be taking part in the maintenance of it.

We received notice that there is a new development being talked about that would use our road and our gate but not be required to pay any maintenance.

That is wrong.

How would you feel if someone used what you paid for and was not required to participate in the cost of maintenance?

Please review the subdivision of Big Buck Ridge and consider the consequences of going forward without further investigation and dialogue between the existing properties called Meadow Ridge.

Thank you.

Rick and Christine Johnson
1014 Silver Springs Way
Stanwood WA 98292
360-629-3195

Sent from Windows Mail

54

Jeff Watson

From: adam burnett <adamrmk@hotmail.com>
Sent: Monday, February 16, 2015 5:51 PM
To: Jeff Watson
Subject: Meadow Ridge

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff Watson
Designated Permit Coordinator
Kittitas County
Community Development

Dear Mr. Watson, I am sure you have been inundated with emailed from property owners in the meadow ride development about the family trying to split there 25 acres in the lots and there refusal to help pay for the road maintenance and up keep of the private entrance gates, it appears they have 2 easements to there land and of cores they want to use the one that someone ells has paid for, for free as well as disturbance to the other land owners, please take this in to consideration while trying to help them with there plans,

Thanks
Adam Burnett
420 meadow ridge
drive.
253-740-3832.

53

Jeff Watson

From: Roiann Daly <dalyville@comcast.net>
Sent: Wednesday, February 18, 2015 1:35 PM
To: Jeff Watson
Subject: Comment on Project: LP-07-00040

To: Jeff Watson, Permit Coordinator/Kittitas County
From: Roiann and Kevin Daly
Date: 2/18/15

Dear Jeff or whom it may concern -

We own a home located at 1640 Big Tail Road, which is within a few hundred yards of the proposed development noted above. We purchased our property in 05/06 and build our home in 06/07. The family that is proposing the development cited above is well known to all of us within the community. I personally sat in on several meetings with the family and other representatives of the community during the initially proposal of the development of their property. There has been tremendous friction and disagreement between the Andrus family and surrounding members of the community. The Andrus family was apparently opposed to road improvements that were completed around 2007 on Montgomery/Deer Creek/Big Tail and refused to contribute to any of the costs. One of the meetings that I recall attending around 2007 was a discussion of their proposed project and potential opposition from neighbors. The issues of road access rights and road improvement costs were discussed. It was noted that the Andrus family had chosen not to contribute for any of the road improvements and had not paid any yearly road maintenance fees (snow plowing, etc). It was pointed out that they were using the services on a daily basis but letting their neighbors pay their share. In response to those concerns, the Andrus' looked at the group and indicated that they would start paying, if everyone signed a statement and agreed to support the development of their property. We all became quite upset at such a heavy handed response and basically the meeting was over. It has been several years since that time, and the Andrus family has not paid a dime toward road costs or maintenance - yet they continue to let neighbors pay for road upkeep, snow plowing, etc. There are many reasons why I strongly oppose the Andrus development, but the "bad neighbor" issue is one I can't ignore. Here is a family that was aware of the money spent to help everyone have better access to their property, yet has never contributed. What is so ironic is the fact that their proposal seeks to use Montgomery/Deer Creek/Big Tails Roads as primary access - the very roads that they have chosen not to support. Hopefully, their project will not be approved for a variety of reasons, but if it is, the Andrus family should have to seek access another way, perhaps via Columbia, and find out what it costs to build and maintain decent roads.
I also question how a proposal that was initiated in 8/2007 remains "current" in 2/2015? Many things have changed in almost a decade and I would think that a project such as this would require a whole new application/review. Families in this area are not well served by an application that was proposed such a long time ago.

A primary issue I have regarding this project is water usage. We are all on wells in this area and our wells produce little water. During the last few summers, I have run my well dry with just normal type usage and worry greatly about the future. There is a multiple lot development just adjacent to the Andrus property and we are seeing new homes going up. I question how these type of developments will impact the water supply and how long before existing homes experience a serious shortage. Hopefully, Kittitas County officials are taking these water concerns seriously and are mindful of such a limited resource when considering such developments.

We purchased land in this area in order to enjoy the natural resources, such as forests, wildlife and solitude. If the Andrus development is approved, there will be a huge impact to these benefits which can never be restored.

As I have tried to express, there are many issues that are unresolved regarding the Andrus development. These issues will have a serious impact to the families living in this small community and for generations to come. I am asking county official to deny approval of this project until basic issues such as road access/easements, maintenance agreements, and water issues are resolved.

Sincerely,

Kevin and Roiann Daly
1640 Big Tail Road
Cle Elum

52

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

February 20, 2015

February 24, 2015
Original in File

Jeff Watson
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Re: LP-07-00040

Dear Mr. Watson:

Thank you for the opportunity to comment during the optional determination of nonsignificance process for the Big Buck Ridge, a performance based cluster plat application to create 14 one acre parcels and approximately 11 acres of open space on approximately 25 acres, proposed by Becky Andrus. We have reviewed the documents and have the following comments.

WATER RESOURCES

No water right records associated with this property were found in the Central Regional Office.

In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development because in combination, the withdrawal will exceed the exemption criteria.

All water wells constructed shall be in accordance with the provisions of Chapter 173-160 WAC by a driller licensed in the State of Washington. All wells must be located a minimum of 100 feet from any known, suspected, or potential source of contamination and shall not be located

within 1,000 feet of the property boundary of solid waste landfills. A well report must be submitted to the Department of Ecology within thirty days after the completion of a well.

If you have any questions or would like to respond to these Water Resources comments, please contact **Jacquelyn Metcalfe** at (509) 457-7148 or email at jacquelyn.metcalfe@ecy.wa.gov .

WATER QUALITY

Project 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 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 **Ray Latham** at the Department of Ecology, (509) 575-2807, with questions about this permit.

Sincerely,

Gwen Clear

Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012
crosepacoordinator@ecy.wa.gov

3925

Jeff Watson

From: Jan Thompson <jatmlg98@gmail.com>
Sent: Saturday, February 21, 2015 7:31 PM
To: Jeff Watson
Subject: Comment on Project LP-07-00040, Big Buck Ridge

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Watson,

I have property within the Cle Elum Ridge Dev., Section 23 and am opposed to the plat application submitted by Ms. Andrus for the following reasons:

1) Most of the lots in the area are minimum 20 acre for the purpose of maintaining a rural environment. 14 cluster platted 1 acre lots does not meet the original intent. Even Ms. Andrus original 25 acre lot was established to maintain that rural environment.

2) 14 more lots means more water taken out of the already thin aquifer. Cle Elum Ridge is all clay Because of the clay many well are poor performing. 14 more households will impact existing wells.

3) The Andrus long plat proposes to use the Big Tail Rd. to access the Big Buck Ridge projects. Other owners in the area use this road. The Andrus' have refused to help the other neighbors with road maintenance since 2002. They refused to help pay for the asphalt in 2006-7. They have refused to help pay for the maintenance and snow removal even though they have been living and using that road since 2003. Andrus project does not address cost sharing of Big Tail Rd. for the new 14 clustered 1 acre plots. This will end in neighborhood disputes and ill will.

Thank you for your time and please consider the impact to existing home and landowners when considering the Andrus project.

Mike Glain
701 Horizon Ridge Dr.
Cle Elum, Wa
--
Jan N Mike

50

Jeff Watson

From:	Maren L McDonald <MLMcDonald@drhorton.com>
Sent:	Saturday, February 21, 2015 8:32 PM
To:	Jeff Watson
Cc:	'Brad Deaver (braddeaver@comcast.net)'
Subject:	Cle Elum LP-07-00040
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hello Jeff,

I own parcel C-5 in Meadow Ridge. I wanted you to know that I support the subdivision of the Andrus property on Big Buck Road, but want to make sure everyone pays their fair share for the road we all help maintain and use. In fact, it is disturbing to find out that they are currently not paying their share of the road now.

Thank you!

Maren L. McDonald
Community Sales Manager
Cell: 206.940.1269
Fax: 866.846.2839
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Jeff Watson

From: Matt Clark <matti.clark@gmail.com>
Sent: Sunday, February 22, 2015 5:24 PM
To: Jeff Watson
Subject: LP-07-00040 Big Buck Ridge Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff Watson

Designated Permit Coordinator

Kittitas County

Mr Watson:

These comments and request are in reference to application "LP-07-00040 Big Buck Ridge." Please decide in favor of the neighbors of Big Buck Ridge to now allow development to continue without their participation in the Road Maintenance Agreement with Meadow Ridge and Section 23 property owners. So long as the Montgomery road route is the primary access to the Big Buck Ridge development, owners invested within that development should be expected to pay for the wear and tear they represent to that shared infrastructure, as well as security and status it adds to their development.

There is an obvious and well-established precedent in taxation and usage fees (e.g. tolls) where the government expects the citizenry to pay for shared infrastructure. If the infrastructure above Montgomery road were a County asset it would be funded from a common pool of income generated from all the residents, regardless of their use or personal desire to support it. We are simply asking for the County to apply their well-established pattern to this issue.

If Big Buck Ridge were to develop and use alternate access routes outside the Road Maintenance Agreement (RMA), such as Columbia or 6th as stated in other documents, and if the roadway in dispute is limited to emergency access only, it may then be reasonable to consider their exclusion from the RMA.

Big Buck Ridge's commitment to the Road Maintenance Agreement is not an unreasonable request. If the roads governed by the RMA did not exists then Big Buck Ridge would by default have to create and maintain access to their development. According to the SEPA submission Big Buck Ridge will likely contain "middle to high-income" families. The cost of the RMA "dues" is a minor expense compared to the income levels expected.

The impact to the Meadow Ridge /Section 23 RMA is not trivial. Current traffic levels are low due to the fewer participants, many of which are occasional use only. An estimated 24% increase in occupants that are more full-time, producing maybe 140 trips per day plus additional demand for public services, such as school buses, represents a significant increase. Without Big Buck's

participation the existing Meadow Ridge /Section 23 owners will have to absorb a proportionally large impact. This would also seem to open the Meadow Ridge /Section 23 owners to liability for road-related issues when the existing owners may not have been the cause of any contributing factor.

Meanwhile, the HOA's continued investment in the road, security gate and other associated features only serve to enhance the brand, property values, curb appeal and reputation that Big Buck Ridge will benefit from.

We are asking county officials to deny approval of this project until this potential injustice has been rectified.

Thank you for your attention to this matter.

Marcee and Matt Clark

(48)

Jeff Watson

From:	Kim Person <kimperson@live.com>
Sent:	Sunday, February 22, 2015 7:46 PM
To:	Jeff Watson
Cc:	Kim Person; shirleyperson@live.com
Subject:	neighbor opposed to LP-07-0040
Attachments:	Scan_Doc0821.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Jeff,
My name is Kim Person, My wife Shirley and I are neighbors to the Proposed Big Buck Ridge Cluster.
Please include attached letter in file of those opposed to above Plat.
Thank you,
Kim Person
425-577-3082

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To: Kittitas County Community Development Services

Attn: Mr. Jeff Watson, Staff Planner

RE: Project File Number LP-07-0040

Project Name: Big Buck Ridge

Dear Mr. Watson:

My Wife and I purchased Lot #4 Section 23 Cle Elum Ridge in 2005.

Our Parcel is directly across Big Tail Rd from the Andrus property, since Feb 2006 we have hand cleared the entire property of slash and debris, re forested, extended power to property developed plans to build.

We needed to prove there was water availability to build so we obtained paperwork to construct a well from Dept. of Ecology (BIG ONE) and drilled a well, Then years later paid an additional 10 K for a water right so we could use our well. Will this plat have to pay 14x 10,000.00 to obtain water? They should, we did. Designed a septic system, participated in improving the road to Montgomery, Participated in installing a gated entry.

Since 2008 our parcel has set dormant as I lost my job, and now in 2015 only thru perseverance hard work and selling other assets can I get caught up with my obligation Home Owner's dues and road maintenance.

We are opposed to the cluster plat that has been applied for by the Andrus's .

14 additional parcels will add to the already limited water supply.

14 parcels will add undue hardship on existing property owners that maintain private road.

14 parcels will add more surface water issues, where mud slides have already occurred.

14 parcels will compound the already congestion at S curve at Deer Creek.

Please Note: Surface water is already making its mark on drainages along access road.

Needless to say we are opposed to any more freeloaders driving(undue hardship) on an improved road Privately maintained (Not County Maintained) especially when the developer and the county know there was a mistake made in regards to maintenance of an easement road. I am not afraid to say that the Andrus's are looking for a free ride and have been consistent about it for years!

Sincerely,

Kim and Shirley Person

Jeff Watson

From:	Skvarla, Joe <Joe.SKVARLA@redhawkus.com>
Sent:	Monday, February 23, 2015 12:27 PM
To:	Jeff Watson
Cc:	Christina Wollman
Subject:	Comments on Big Buck Ridge L07-00040
Follow Up Flag:	Follow up
Flag Status:	Flagged

Hi Jeff,

This email is in regards to the proposed Andrus Big Buck Ridge plat L07-00040.

I am writing as the (co)owner of the following parcel in Section 23: Parcel 7A (20-15-23052-0001).
Owners: Lisa and Joe Skvarla, 5026 42nd Ave SW, Seattle, WA 98136

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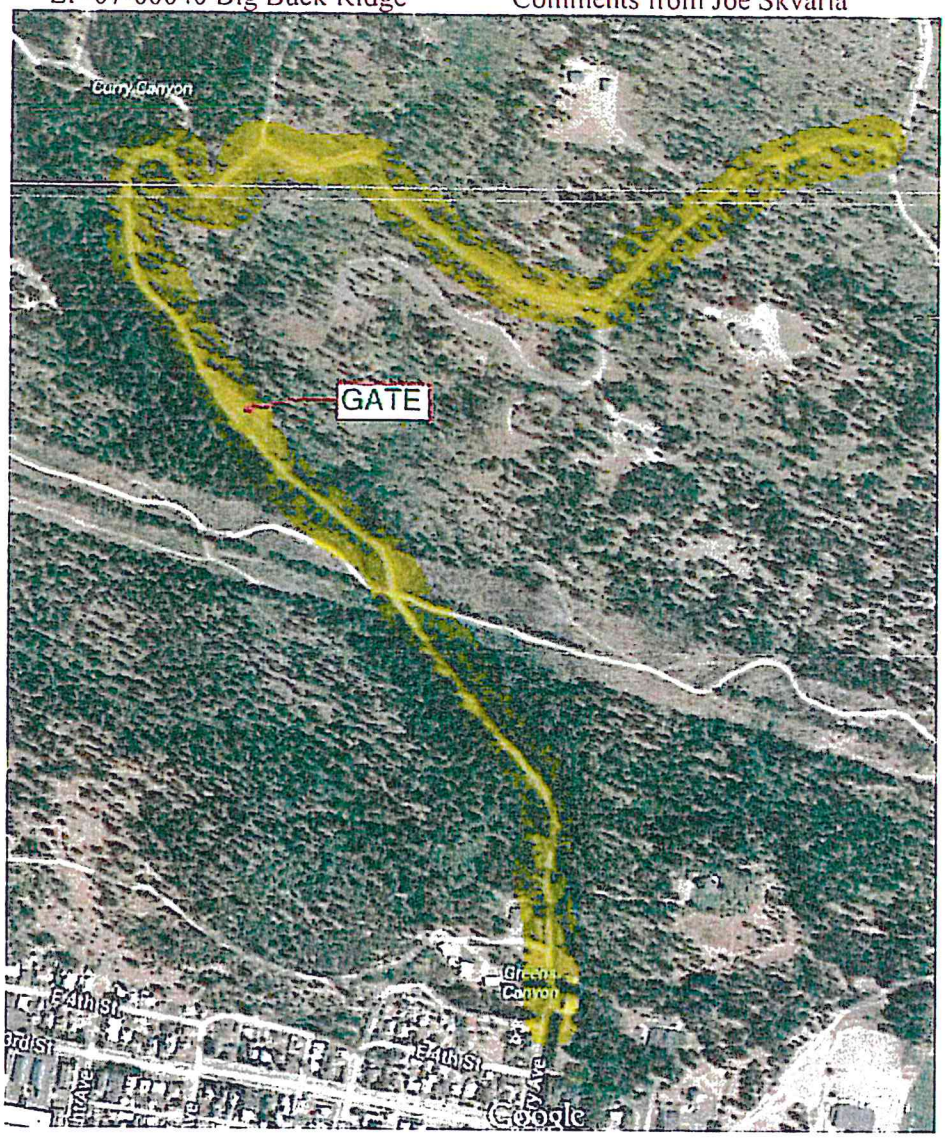

While we oppose the entire plat due to its bringing an urban environment into a rural setting, this email is specifically as respects maintenance of the road from 3rd in Cle Elum, up Montgomery, Big Buck, and to their entry. This includes passing through an electric gate on Montgomery. This entire paved road as you know is a private road. It was built to Kittitas County standards as respects width and other points in the Kittitas road standards documentation back in 2007-20008 timeframe.

Being a private road, it is not maintained by the county nor the City of Cle Elum. It is maintained, along with the entry gate, jointly between the owners of Cle Elum Ridge (Section 23), and Meadow Ridge (a Sapphire Skies community). We have an existing road maintenance agreement in place and have shared road and gate expenses over the past several years per this agreement.

It is my understanding that the current Andrus property as it stands was exempt (through error) from the road maintenance agreement. Over the years we've paved the road (>$75k), installed the electric gates ($50k), and paid for snow removal. The Andrus property has not paid into any of these expenses.

Going forward the additional properties they wish to sell (14 more) will add significant traffic to the road, probably increasing it by 30% or more. This increase in traffic, including potential construction equipment, will have a huge impact on the road surface. Maintenance costs will be accrued on the road itself, and possibly with the gate due to

additional use. Without requiring these additional lots to be signatory on the road maintenance agreement, all this added cost will be put onto the owners of Cle Elum Ridge and Meadow Ridge. That obviously will not lead to anything good happening between neighbors ☹!

The roads were built to County Standards to allow for emergency services (fire, police, medical). They need to be MAINTAINED to county standards as well. That maintenance should fall on all of those who use the road.

Please ***require*** (if this plat is allowed to more forward) that these additional lots MUST sign onto the (revised) road maintenance agreement for both the roads and the gate. Otherwise there will be decreased accessibility for emergency services. As an option – please deny egress from Montgomery to these properties. They can develop their own egress from Columbia.

Regards,

Lisa and Joe Skvarla
5026 42nd Ave SW
Seattle, WA 98136
(206) 552-3615

Jeff Watson

From: Brian Rogers <iam@brianr.me>
Sent: Monday, February 23, 2015 3:56 PM
To: Jeff Watson
Subject: Project: LP-07-00040 - 25 acres, Big Buck Ridge, access is off Big Tail Road

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Jeff,

I wanted to reach out to you about project number LP-07-00040 and make sure that some items get covered in the requirements of this project. I am currently a land owner at 0 Lot 3 Big Tail Rd, Cle Elum Ridge. What I want to make sure of, among many things, is that the new project takes into account road maintenance. This has been quite a big issue in many ways for the HOA and myself. The cost is always higher with more traffic if these other properties do not contribute to the upkeep. In addition we are still having problems with adjacent roads not securing their gates. This has created quite a bit of trespassing on my property in particular. In some cases people are, incorrectly, lead to believe that the upper and lower parts of my property are easements.

My concern would be to ensure these types of issues are correctly addressed early as the cost to current owners would be a lot more after the work has completed.

Please let me know if there is any additional information I can provide.

Sincerely,
Brian Rogers
Cell: 908-625-4589

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Jeff Watson

From: Margaret Suman <MSuman@cablelang.com>
Sent: Monday, February 23, 2015 6:10 PM
To: Jeff Watson
Cc: Walt Suman; dmacduff@oakpointe.com
Subject: Project Name: Big Buck Ridge, Project File No. LP-07-00040

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff Watson
Staff Planner
Kittitas County Community Development Services
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Re: Project Name : Big Buck Ridge
Project File No. : LP-07-00040

Dear Mr. Watson:

You are, or will be today, in receipt of a letter from James C. Carmody, of Meyer, Fluegge, & Tenney, P.S., written on behalf of the Section 23 Property Owners on Cle Elum Ridge, In Kittitas County, in regards to the above noted Project.

My husband, Walter Suman, and I are co-owners of 66 acres on Cle Elum Ridge. With our friends and partners we have created three 22 acre parcels, and intend to keep the bulk of the property in forest land in order to facilitate the rural nature of the property, enhance the continued presence of wildlife there, and help preserve the natural beauty of the area.

We are, through this email, joining in the position and analysis set forth in Mr. Carmody's letter on behalf of the Section 23 property owners. In addition, we want to point out the inequities of the position taken by the Andruses in utilizing the roads on the Ridge while refusing to join in the expense of improving and maintaining the roads.

Thank you for your consideration of our comments.

Very Truly Yours,

Margaret and Walter Suman

Margaret Suman
Cable, Langenbach, Kinerk & Bauer, LLP
1000 Second Avenue, Suite 3500
Seattle, Washington 98104
206-292-8800

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Jeff Watson

From: Ken McKim <vkmckim@juno.com>
Sent: Monday, February 23, 2015 10:33 PM
To: Jeff Watson
Subject: Fw: Big Buck Ridge LP-07-00040

Follow Up Flag: Follow up
Flag Status: Flagged

---------- Forwarded Message ----------
From: "Ken McKim" <vkmckim@juno.com>
To: Jeff.Watson@com.kittitas.wa.us
Subject: Big Buck Ridge LP-07-00040
Date: Tue, 24 Feb 2015 05:40:55 GMT

I am a parcel owner in the Cle Elum Ridge development (section 23)and am writing this letter to formally oppose the proposed Big Buck Ridge cluster plat just south of our development. This project will produce much more traffic on Deer Creek and Big Buck roads than they were ever designed for nor certified up to the new county road standards. Increased road traffic, noise, light and maintenance issues will definitely reduce the quality of life that we all sought when we invested in our adjoining, large acreage (20 ac min) properties. This project will also have a detrimental effect on the native wildlife that currently abound in the quiet environment that we all work hard to maintain with minimal wildlife disturbance. That climate will surely deteriorate with the increased development density of BBR. The recent appearance of wolves on our parcels is prime evidence of the type of wildland-urban interface environment that the state is trying to maintain. It seems implausible that an endangered specie would continue to inhabit a noisy and disruptive environment that would result if the BBR project is allowed to proceed.

There are also the issues of road and gate maintenance and easements that need to be a requirement for any project, especially this one.

Kittitas County needs to step up and enforce its development and road requirements as currently mandated. This project is long past its submission expiration date and if not completely rejected, at least require compliance with current standards, road maintenance agreements and access through Columbia Ave only.

Sincerely.

Kenneth D McKim, DVM
Cle Elum Ridge lot 7-B, parcel no. 19166

Man, 63, Avoids Wrinkles

63 Yr Old Man Shares Simple DIY Skin Tightening Method He Uses At Home
http://thirdpartyoffers.juno.com/TGL3141/54ec1b251baa91b25599cst03duc

Jeff Watson

From: David MacDuff <davemacduff@gmail.com>
Sent: Tuesday, February 24, 2015 11:55 AM
To: Jeff Watson
Subject: Big Buck Ridge Plat Application LP-07-00040

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff Watson

Staff Planner

Kittitas County Community Development Services

411 N. Ruby St., Suite 2

Ellensburg, WA 98926

Re: Project Name : Big Buck Ridge

Project File No. : LP-07-00040

Dear Mr. Watson:

You are, or will be today, in receipt of a letter from James C. Carmody, of Meyer, Fluegge, & Tenney, P.S., written on behalf of the Section 23 Property Owners on Cle Elum Ridge, In Kittitas County, in regards to the above noted Project.

My wife and I are co-owners of 66 acres on Cle Elum Ridge. With our friends and partners we have created three 22 acre parcels, and intend to keep the bulk of the property in forest land in order to facilitate the rural nature of the property, enhance the continued presence of wildlife there, and help preserve the natural beauty of the area.

We are, through this email, joining in the position and analysis set forth in Mr. Carmody's letter on behalf of the Section 23 property owners. In addition, we want to point out the inequities of the position taken by the Andruses in utilizing the roads on the Ridge while refusing to join in the expense of improving and maintaining the roads.

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Furthermore, I would be surprised at any action by the county might take that would allow this inequitable position be exacerbated many-fold by allowing the creation of new lots that are similarly exempted from their fair-share maintenance and improvement costs. For your information, the property owners who fall under the road maintenance agreements within Cle Elum Ridge HOA have all spent ten's of thousands of dollars to improve the roads to their current condition. We face thousand more in repair and upgrade costs as the roads age, and fail, as Kittitas road will do. We even figured out an equitable roads solution with Sapphire Skies. Please don't allow a single property owner to enrich themselves at our expense.

So while we oppose the plat per Mr. Carmody's letters, we look to the county to protect the equitable interests of current property owners against inequitable future subdivisions.

Thank you for your consideration of our comments.

Very Truly Yours,

David MacDuff

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Jeff Watson

From: Deborah Girard <Girard@mftlaw.com>
Sent: Tuesday, February 24, 2015 1:43 PM
To: Jeff Watson
Subject: Big Buck Ridge
Attachments: Watson letter 022415.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Watson, please see attached letter from James C. Carmody regarding the above-referenced matter.

Debbie Girard
Paralegal to James C. Carmody
Meyer, Fluegge & Tenney, PS
230 S. 2nd Street
Yakima, WA 98901
Phone: 509/575-8500
Fax: 509/575-4676

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(41)

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ROBERT C. TENNEY
MARK D. WATSON*
JEROME R. AIKEN*
JOHN A. MAXWELL, JR.
* *Also admitted in Oregon*

**PETER M. RITCHIE
ERIN E. MOORE
E. TYLER HOWELL
JAMES C. CARMODY
***GARY E. LOFLAND
** *Also admitted in Virginia*
*** *Of Counsel*

carmody@mftlaw.com

February 24, 2015

Via email only
Jeff Watson
Staff Planner
Kittitas County Community Development Services
411 N. Ruby St., Suite 2
Ellensburg, WA 98926
Jeff.watson@co.kittitas.wa.us

Re: Project Name : Big Buck Ridge
Project File No. : LP-07-00040

Dear Mr. Watson:

We represent the property owners of The Cle Elum Ridge Community and provide these comments with respect to the Notice of Application for performance based cluster plat submitted by Becky Andrus requesting authorization to create 14 one-acre parcels and approximately 11 acres of open space. These comments will supplement comments provided by both clients and adjacent property owners.

A. Application is Not Vested to Rural 3 Zoning District.

The Notice of Application contains a statement that "...[t]he subject properties' zoning is vested as Residential 3." We disagree with this legal positon and interpretation.

Becky Andrus submitted a long-plat application (File No. P-07-40) on June 19, 2007. The application was incomplete in two respects: (1) the application failed to include a list of adjacent property owners (CDS letter of 7/18/2007); and (2) application failed to include Transportation Impact Analysis (TIA) mandated by the Andrus Rezone (File No. Z-06-23). The rezone ordinance - Ordinance No. 2006-57 (11/21/2006) – established specific rules and requirements for further action regarding the Andrus property. Ordinance No. 2006-57-Andrus Rezone (Z-06-23) required the following:

> At the time of a project action, the applicant shall submit a stamped traffic analysis from a licensed engineer in the State of Washington considering among other factors, intersection spacing, site distances, traffic volumes, load bearing capacities of soils, pavement thickness design, etc. Reference Current Kittitas County Road Standards.

The application requirement was imposed by Ordinance and a binding component for a complete application with respect to development of the Andrus Rezone Property. Kittitas County CDS advised the applicant of this requirement on August 16, 2007. Applicant did not submit required TIA until February 20, 2013. An additional two (2) years have passed with no activity on the file. More than six and one-half years have passed since the filing

of the initial application. The application should be processed according to current zoning, environmental and development regulations.
The rezone made the TIA a mandatory component of the preliminary plat application.

Vesting rules applicable to a proposed division of land are set forth in RCW 58.17.033, which provides as follows:

> (1) A proposed division of land, as defined in RCW 57.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land control ordinances, in effect on the land at the time *a fully completed application for preliminary plat approval of the subdivision*, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.
>
> (2) The requirements for a fully completed application shall be defined by local ordinance.
>
> (3) The limitations imposed by this section shall not restrict conditions imposed under Chapter 43.21C RCW.

Andrus did not submit the required Traffic Impact Analysis (TIA) until February 20, 2013. The filed report is grossly deficient and fails to address specific elements required by Ordinance No. 2006-57.

A second critical factor with respect to the issue of vesting relates to determinations made by the Growth Management Hearings Board and State Supreme Court with respect to rural densities and three acre zoning under the Kittitas County Zoning Ordinance. Both bodies determined that the Rural-3 and Agriculture-3 zoning districts were noncompliant with the goals and policies of the Growth Management Act (GMA). See GMAHB Decision Case No. 07-1-0004c and *Kittitas County v. Eastern Washington Growth Management Hearings Board*, 172 Wn.2d 144 (2011). Kittitas County responded to the administrative and judicial determinations and adopted Ordinance 2013-001 which eliminated the three acre zones and rezoned the subject property. Ordinance 2013-001 was adopted on February 11, 2013. The supplemental required TIA information was not received until February 20, 2013. The application was not complete as of the date on which the zoning ordinance was adopted by the Board of County Commissioners.

Kittitas County Ordinance procedures further provide that "...an incomplete application shall expire after 180 calendar days unless the requested supplemental information is submitted in complete form." KCC 15A.03.040 (1). Kittitas County made the request for additional information on August 11, 2007. Andrus failed to provide the supplemental information within the mandated 180 calendar days. In fact, more than five (5) years passed before the information was submitted on the application.

B. Traffic Impact Analysis (TIA) Fails to Comply with Ordinance No. 2006-57.

Board of County Commissioners established specific requirements with respect to preparation of a Traffic Impact Analysis (TIA) for the Andrus rezone. Ordinance No. 2006-57 specifically required analysis which considered "...among other factors, intersection spacing, site distances, traffic volumes, load bearing capacities of soils, pavement thickness design, etc...." The rezone recognized that access to any development on the rezoned property would pass over and on a series of private easements and roadways. The access system was to evaluated in a

detailed engineering analysis that assured road design and construction (both public and private) in accordance with applicable Kittitas County Road Standards. The TIA submitted in this case fails to contain the information required by the ordinance provision.

The TIA is specifically lacking any analysis of load bearing capacities of soils and pavement thickness design with respect to the private road segments. Further study and analysis is required as a prerequisite to processing of this application.

C. Application Fails to Make Appropriate Provision for Access and Road Maintenance.

Applicant proposes to utilize private road easements to access the proposed subdivision. The proposal seeks authorization to utilize Montgomery/Deer Creek/Big Tail Roads for primary access.[1] A significant portion of the access is over private roads and easements.

Applicant has not established a legal right to utilize the private roads for purposes of access to the expanded 14 lot subdivision. The added traffic will significantly increase noise, congestion, and wear and tear on the private roadway. The following are required with respect to use of the private roadway:

1. An applicant must provide confirmation and establishment of a legal right to use the private road and easement for purposes of the proposed subdivision. KCC 12.12.010(4). The record contains no evidentiary support for proposed use rights related to the private roads.

2. Confirmation and engineered plans for the entire length of the private road confirming that the road access meets minimum access requirements of Section 902-FIRE DEPARTMENT ACCESS-of the *International Fire Code* and are designed and constructed in conformance with *AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads* (AVT-400). KCC 12.010(1) and (2). Private roads are also required to meet design requirements of Table 12-1. KCC 12.12.020.

3. KCC 12.12.010(6) requires that all lots within the proposed subdivision participate in road maintenance agreement. The specific ordinance requirements include:

> Maintained by the developer or legally responsible owner or homeowners association or other legal entity *made up of all benefited property owners* under the provisions of an acceptable and recorded "Private Road Maintenance Agreement", ...

Applicant has refused, in the past, to participate or share in road maintenance responsibilities for the private roadways. Subdivision review should also consider requirement for reimbursement of proportionate share of road development and maintenance with such funds to be held by owners association for application to future road maintenance and improvement responsibilities.

[1] This property is not part of Meadow Ridge or Cle Elum Ridge (Section 23) plats. A Variance Request (RV-07-07) was approved by Road Variance Committee on October 17, 2007. It was with "...the condition that Montgomery Avenue be built to Kittitas County Road Standards and be certified."

4. The impact of added traffic upon private road access should be included in the Traffic Impact Analysis (TIA). The submitted TIA contains no specific information with respect to impacts upon the private road easements. In particular, the analysis should conclude both current and projected ADT traffic and volume impacts upon applicable road standards and requirements.

5. Kittitas County (CDS) specifically noted that Deer Creek Road currently serves more than 40 lots and that KCC 12.01.095(2) requires two interconnected ingress-egress routes that independently connect to and on-system county road. KCC 12.01.095(2). Site plan does not show or establish secondary access.

6. Applicant is required to obtain specific authorization from private land owners subject to road easement requirements. KCC 12.01.05(7) provides:

> All parcel creations that access property over private lands, public lands, or road easements managed by other agencies must submit an approved easement from the land owners or road/easement managers that specifically address access, maintenance, seasonal restrictions and other restrictions and/or limitations. These easements and permits shall be presented or recorded prior to final approval.

Applicant has not requested nor been provided the necessary agreement for private road use.

7. SEPA environmental review has failed to consider alternative access to the subject property. Big Buck Ridge subdivision can be accessed through 6th and Columbia and not from Montgomery Avenue. The alternative access should be constructed to applicable county standards.

8. Applicant should be required to improve all private roadway access to applicable standards. KCC 12.01.090(B) specifically provides:

> Any parcel creation abutting and impacting existing road shall improve the frontage of those roads in accordance with the standards. The extent of improvements shall be based on the assessment by the impacts of the proposed land development stated in Section A above. Short plats within the UGA creating only one additional lot to a tax lot with an existing dwelling unit are exempt from providing urban type street improvements but are subject to shoulder improvements providing these improvements are consistent with surrounding roads and do not present a safety problem.

See also KCC 12.01.090(A).

CONCLUSION

We request the following:

1. That the application be processed in accordance with currently applicable zoning and development requirements and regulations;

2. That the TIA be supplemented with specific analysis of private road impact and improvement standards;

3. Submission of proposed Private Road Maintenance Agreement applicable to all properties utilizing private roads; and

4. Legal confirmation of easement rights with respect to the proposed expansion of use under easements. These comments will supplement other comments from adjoining property owners.

Very truly yours,
MEYER, FLUEGGE & TENNEY, P.S.

James C. Carmody

JCC:dg

cc: Clients (via email only)

U:\DebbieG\Cle Elum Ridge Properties - Don Owens\Planning Letter 022315.docx

Jeff Watson

From: Bruce <CosmicTraveler@Comcast.Net>
Sent: Tuesday, February 24, 2015 2:49 PM
To: Jeff Watson
Subject: Notice of Application, Big Buck Ridge, LP-07-00040

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Watson,

I am writing to express concerns about several aspects of this proposed long plat.

1. Item 8 of the long plat application states that a Group B water system is proposed to serve 14 single family residences. Item B.3.b.1) of the SEPA Environmental Checklist states that the supply from this system will not exceed 5,000 gallons per day. However, Paragraph 1.3 Item 7 from the Group B Water System Design Guidelines states that source capacity must be proven for 14 x 1,250 = 17,500 gallons per day. This is a significant discrepancy that should be resolved before the application is approved.

2. Using the Department of Health's factor of 2.5 Equivalent Residential Units per single family residence, it seems that the proposed water system would serve an estimated 14 x 2.5 = 35 people, or more than the limit of 25 for a Group B system. In this case, it seems that a Group A system is required. This is another significant discrepancy that should be resolved before the application is approved.

3. Since the date of this application in 2007 there have been notable changes related to legal withdraw groundwater water in Kittitas County. The application and supporting materials do not yet appear to demonstrate a right to withdraw the quantity of water required to support this cluster plat. Has the SEPA review process conducted thus far considered all current requirements for developing a water supply? Has the applicant submitted all documents necessary at this point in the process?

4. Does the applicant propose to connect to existing electrical and telephone utilities that were installed for use in Section 23? If so, have they confirmed with the respective utility providers that excess capacity exists to properly serve 14 new residences without impairing capacity allocated for downstream property owners? Is this documentation available for review? If not, and if it is subsequently determined that utility upgrades are required, then the applicant should be required to bear 100% of the cost of all upgrades necessary to support this cluster plat.

5. Mining activities are known to have occurred in the vicinity of this cluster plat. Has the applicant obtained maps that document the locations of such prior activities. Without review of these maps, it is not possible to claim that there are no known critical areas on the proposed site, as stated in Note 13 on Sheet 2 of the drawings. Mitigation should require disclosure of all potential hazards revealed by these maps.

6. The applicant should be advised that recreational opportunities do not include the use of Big Tail Road north of the access points for the cluster plat.

7. The applicant notes that "existing and proposed private roads will be improved in accordance with Kittitas County Standards". It is my understanding that the applicant has not yet shared in the financial cost of improvements already undertaken on private roads they plan to use, including portions of both Deer Creek Road and Big Tail Road. It does not seem right to me that that the applicant should derive financial gain from creating this cluster plat, without also sharing in the cost that helps to make this development possible. Mitigation should require the applicant to contribute their share of the cost for road improvements already undertaken. Mitigation also should require the applicant to bear 100% of all costs required for road improvements that benefit this cluster plat.

8. It is also my understanding that the applicant has continually refused to participate in the costs for maintaining access roads and gates they propose to use for this cluster plat. Mitigation should require all 14 lots created by this development

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to share in all future costs for road and gate maintenance, the same as prescribed by the agreement that governs all other current users of these facilities.

Please provide a copy of the decision made for the referenced application.

Respectfully,
Bruce Higgs

Jeff Watson

From:	Don Owens <owensmeats@gmail.com>
Sent:	Tuesday, February 24, 2015 3:50 PM
To:	Jeff Watson
Subject:	Big Buck Ridge long plat, Project File No: LP-07-00040
Attachments:	Letter to the planning department.docx
Follow Up Flag:	Follow up
Flag Status:	Flagged

Dear Jeff, please find our letter as an attachment regarding the Andrus's Big Buck Ridge application.

Thank you, The Owens family

Cle Elum, WA 98922

Don's cell 509-470-4679
Doug's cell 509-470-4691

Page 1

Don R Owens
Kristina L Owens
Doug M Owens
Dana Owens
502 E 1st Street
Cle Elum, Wa 98922

February 25, 2015

Jeff Watson
Staff Planner
Kittitas County Community Development Services
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Re: Project Name : Big Buck Ridge
Project File No. : LP-07-00040

Dear Mr. Watson:

We are writing this letter in regards to a proposed Long Plat application for the creation of 14 one acre parcels under the application name Big Buck Ridge.

We oppose the application's approval if the application is approved without Becky and Cory Andrus and the Big Buck Ridge lots cluster being part of the RMA of Section 23 and The Cle Elum Ridge Community. We are ourselves advocates of personal and private property rights. With that being said we would never want to tell someone what they can and can not do with their property, unless their plan negatively affects the surrounding neighbors. In the case of this particular plat we believe there are reasons that it would.

1.One of the reasons we purchased property on Big Tail Rd was because of the large acreage lot sizes that ensured the desirable beauty and serenity that the area offers. Breaking this up further would negatively affect the experience that the land owners currently enjoy. We currently walk, jog and use this road almost daily to access our property and the Cle Elum ridge. 14 more residents would definitely reduce the tranquility of the area.

2. The road is a huge issue with being a property owner of The Cle Elum Ridge Community. It is a paved road which has been put in at the expense of members of the RMA. The number of members are relatively few. Not only was the road and the gate a large initial expense but the continued maintenance and upkeep of the road and security gate is an ongoing expense. The road currently is in need of repairs which the RMA has recently received a bid of $60,000.00 to repair. The damage that has occurred is from a very low number of property

owners and users. To consider the fact that the Andrus's have been using this road and security gate freely at the expense of others is very unfair in itself, but to consider allowing a long plat to go through with another 13 users to free load off the expense of the RMA members is unthinkable. The expense of maintenance goes down dramatically when divided between all users. It is my understanding that the Andrus's had been approached multiple times throughout the years to join the RMA and help in the expense of the road they enjoy but have declined to follow through. This is not a fair or neighborly way conduct one self.

3. We feel that if the plat were to move forward that it should be more in line with todays zoning of larger lot sizes which would create less of an impact on neighbors, water availability, traffic and the road.

4. It was mentioned in some of the correspondence letters between Cory, Becky Andrus and the county that if this plat went through that the maximum number of users on this road would be reached and that if any more plats were to be approved in the future that road upgrades would have to be met. This is very unfair to think that the folks that have been paying their RMA dues and helped build and maintain the road might not even be able to benefit in the future by dividing a 40 acre parcel into two 20 acre parcels without going through the huge expense of road upgrades. If there are to be any plat applications approved for the division of land parcels it should be recognized and approved to those land owners who have contributed to the building and the maintenance of the roads.

In Closing we would like to feel assured that our local government is taking into account the feelings and fairness of all the property owners affected by proposed plat application's. We would hope that if the application does move forward that it would be based upon the acceptance of the Andrus's and the Big Buck Ridge into the Cle Elum Ridge Community's RMA.

Sincerely, Don & Kristina Owens
Doug & Dana Owens

Rural subdivision planned near Cle Elum

Would have 14 one-acre lots under old zoning

By **MIKE JOHNSTON**
senior writer

A property owner has revived a rural subdivision proposal called Big Buck Ridge north of Cle Elum city limits.

Landowner Becky Andrus has restarted the permit review process with the county Community Development Services Department for preliminary long-plat approval for the development that was first filed in June 2007, according to a county notice.

The rural subdivision comes under the jurisdiction of county zoning and development rules as they existed in 2007, according to county planner Jeff Watson. The subdivision would have 14 one-acre lots, with 11 acres preserved as natural open space.

Major changes in the county's rural land-use regulations were adopted last year.

The subdivision application was deemed complete as of Aug. 16, 2007, and county officials then called on the landowner to undertake a traffic impact analysis.

The analysis was submitted later, in February 2014, Watson said.

The site is a 1/2 mile north of the city limits of Cle Elum, directly north of where Yakima Avenue ends at the city's boundary.

The former zoning of the site, in 2007, was residential-3, allowing minimum lot sizes of three acres. Changes in county land-use rules and zoning last year made the minimum lot size 5 acres in rural-residential zones.

Use former rules

The cluster platting rules at that time gave rural housing developers "bonus densities" for added features.

In this case, the owner plans to create a recreational trail system, set aside 11 acres of wooded ridge land that would stay in its natural state and also have recreational trails, and have a group domestic water system serving each one-acre lot.

These features allowed the developer to go from eight lots under the zoning to 14 one-acre lots.

The public can submit comments on the proposal and its possible impacts on the environment before a 5 p.m. Feb. 24 deadline.

Comments can be emailed to jeff.watson@co.kittitas.wa.us, or mailed or dropped off to county CDS offices, 411 N. Ruby St., Ellensburg. This may be the only time the public can submit comments on the project's possible environmental impacts, the county notice said.

CDS staff will review public comments, then make a decision on the project's probable level of environmental impact, and call for any measures to lessen impacts.

County staff, at this time, is considering issuing a declaration that the project will not have a probable significant impact on the environment.

After the project's level of impact is declared, a public hearing will be set with the county's land-use hearings examiner who will review the project and take public testimony.

The hearings examiner will make a recommendation to county commissioners who will, in turn, make the final decision.

More information about the project is available on the county's website.

CORRECTION

Recipe correction

An incorrect recipe for soft caramels appeared o Page B8 of Wednesday's Daily Record. A corrected recipe appears in full on Page A6 today.

EVENTS CALENDAR

Today, Feb. 12

Free tax assistance, 9:30 a.m. to 3 p.m., Ellensburg Activity Center, appointment required call 962-7242

KITTCOM Administrative Board meeting, noon, 700 Elmview Road Ellensburg

Mardi Gras party, 6 p.m., Michaelson Hall Room 126, CWU

Al Anon Literature for Progress meeting, 6:30 p.m., 1st Presbyterian, 1307 E. Third Ave., Ellensburg

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: Big Buck Ridge Plat LP-07-00040

NOTIFICATION OF: Notice of Application

NOTIFICATION MAIL DATE: February 9, 2015

I certify that the following documentation:

- Notice of application for the Big Buck Ridge Plat LP-07-00040

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

Jeffrey A. Watson
Community Development Services Planner
County of Kittitas
State of Washington

Subscribed and sworn to before me this 9th day of February, 2015

ALLISON ROSE SHRINER NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JANUARY 09, 2018

Allison Rose Shriner
Notary Public for the State of Washington residing
In Ellensburg.

My appointment expires January 9, 2018.

Signature

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES
411 N. Ruby St. Suite 2 Ellensburg WA 98926
cds@co.kittitas.wa.us
Office 509-962-7506
Building Partnerships - Building Communities Fax 509-962-7682

NOTICE OF APPLICATION

Notice of Application: Monday, February 9, 2015
Application Received: Thursday, June 21, 2007
Application Complete: Thursday, August 16, 2007

Project File Number: LP-07-00040
Project Name: Big Buck Ridge

Applicant: Wayne Nelson authorized agent for Becky Andrus, landowner

Location: 2 parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road, Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

Proposal: Wayne Nelson authorized agent for Becky Andrus, landowner, has submitted a performance based cluster plat application to create 14 one acre parcels and approximately eleven acres of open space. The subject property's zoning is vested as Residential 3.

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/land-use/current-planning.aspx?title=Long Plats Phone: (509) 962-7506

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on Tuesday, February 24, 2015. Any person has the right to comment on the application and request a copy of the decision once made.

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 17A Critical Areas, 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 Hearings 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.

Designated Permit Coordinator (staff contact): Jeff Watson, Staff Planner: (509) 933-8274; email at jeff.watson@co.kittitas.wa.us

Signature Planner of Record

Feb 9, 2015
Date

ROGERS, BRIAN
3710 172ND AVE NE
REDMOND WA 98052-5713

PERSON, ALAN K ETUX
680 LAMBERT RD
CLE ELUM WA 98922

MUHLBEIER, JAMES A ETUX
21403 SE 16TH PLACE
SAMMAMISH WA 98075

ANDRUS, CORY W & REBECCA L
PO BOX 785
CLE ELUM WA 98922-0785

COOPER PASS LLC
206 W 1ST ST
CLE ELUM WA 98922

NORTHLAND INVESTMENTS INC
PO BOX 923
CLE ELUM WA 98922

FIRL, MAXWELL C & CINDY F
PO BOX 866
CLE ELUM WA 98922-0866

JONES, ALLEN H & LAN PHAN
1445 RIDGEVIEW LOOP SW
TUMWATER WA 98512-1437

HOMEOWNERS ASSOC FOR
MEADOW RIDGE
206 W 1ST ST
CLE ELUM WA 98922-1108

KAMLA, THOMAS J ETUX
7533 120TH PL SE
NEWCASTLE WA 98056

CLIFTON, DANNY L
501 W 5TH ST
CLE ELUM WA 98922

DEAVER, BRAD A
MCDONALD, MAREN
23514 SE 137TH ST
ISSAQUAH WA 98027-8324

FLANAGAN, THOMAS F
PO BOX 1024
CLE ELUM WA 98922

HIGHMARK RESOURCES LLC
PO BOX 923
CLE ELUM WA 98922

CLE ELUM HOMESTEAD LLC
PO BOX 654
PORT ORCHARD WA 98366

DAILY RECORD/KITTITAS PUB
C/O IDAHO STATE JOURNAL RECEIVABLES
PO BOX 1570
POCATELLO ID 83204
(509)925-1414

ORDER CONFIRMATION

Salesperson: LAURA FISHBURN — Printed at 02/04/15 15:55 by lfi18

Acct #: 84329 — Ad #: 1236046 — Status: N

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

Start: 02/09/2015 — Stop: 02/09/2015
Times Ord: 1 — Times Run: ***
STD6 2.00 X 7.42 — Words: 407
Total STD6 14.84
Class: 0001 LEGAL NOTICES
Rate: LEG2 — Cost: 127.62
Affidavits: 1

Contact: STEPH MIFFLIN
Phone: (509)962-7506
Fax#:
Email: steph.mifflin@co.kittitas.wa
Agency:

Ad Descrpt: NOTICE OF APPLICATION
Given by: JEFF WATSON
Created: lfi18 02/04/15 15:50
Last Changed: lfi18 02/04/15 15:55

COMMENTS:
COPIED from AD 1226274

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFS
DR	A		97	S 02/09			
IN	A		97	S 02/09			

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.

Jeff Watson
Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

DAILY RECORD/KITTITAS PUB
C/O IDAHO STATE JOURNAL RECEIVABLES
PO BOX 1570
POCATELLO ID 83204
(509)925-1414

ORDER CONFIRMATION (CONTINUED)

Salesperson: LAURA FISHBURN Printed at 02/04/15 15:55 by lfi18

Acct #: 84329 Ad #: 1236046 Status: N

NOTICE OF APPLICATION

Project Name (File Number): Big Buck Ridge Long Plat (LP 07 00040)
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Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on Tuesday, February 24, 2015. Any person has the right to comment on the application 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 governmental agencies and 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.

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Thursday, February 12, 2015; Kittitas County Tribune

Jeff Watson

From:	Jeff Watson
Sent:	Wednesday, February 04, 2015 2:53 PM
To:	legals@kvnews.com; 'jana@nkctribune.com'
Subject:	LP-07-00040 Notice of Application Legal
Attachments:	LP-07-00040 Big Buck Ridge Notice of Application Legal.docx

Please publish the attached as prescribed below:

Monday, February 9, 2015; Ellensburg Daily Record
Thursday, February 12, 2015; Kittitas County Tribune

Jeffrey A. Watson
Planner II
Kittitas County Public Works/Community Development Services
411 North Ruby
Ellensburg WA 98926
jeff.watson@co.kittitas.wa.us
509-933-8274

37

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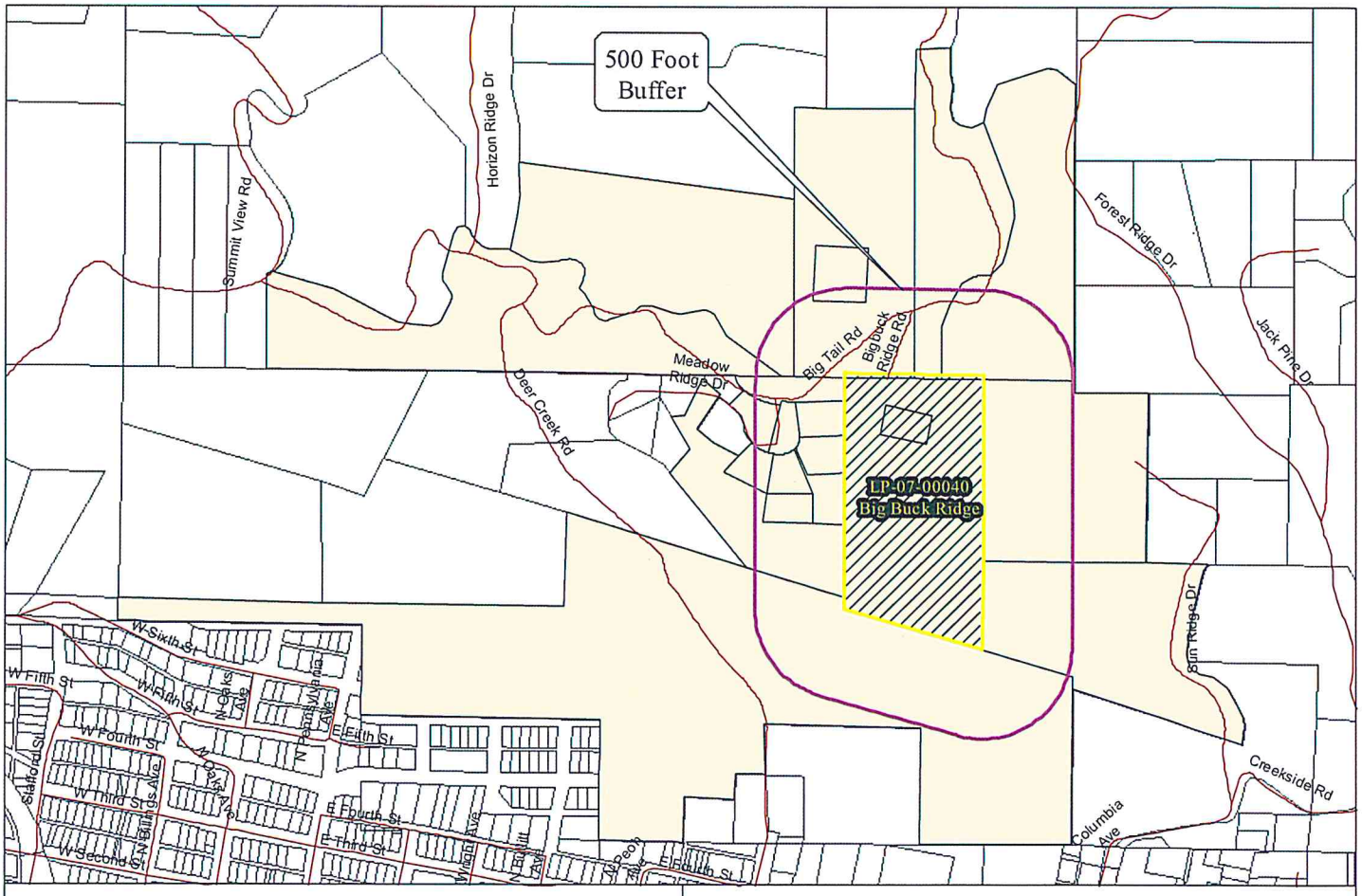
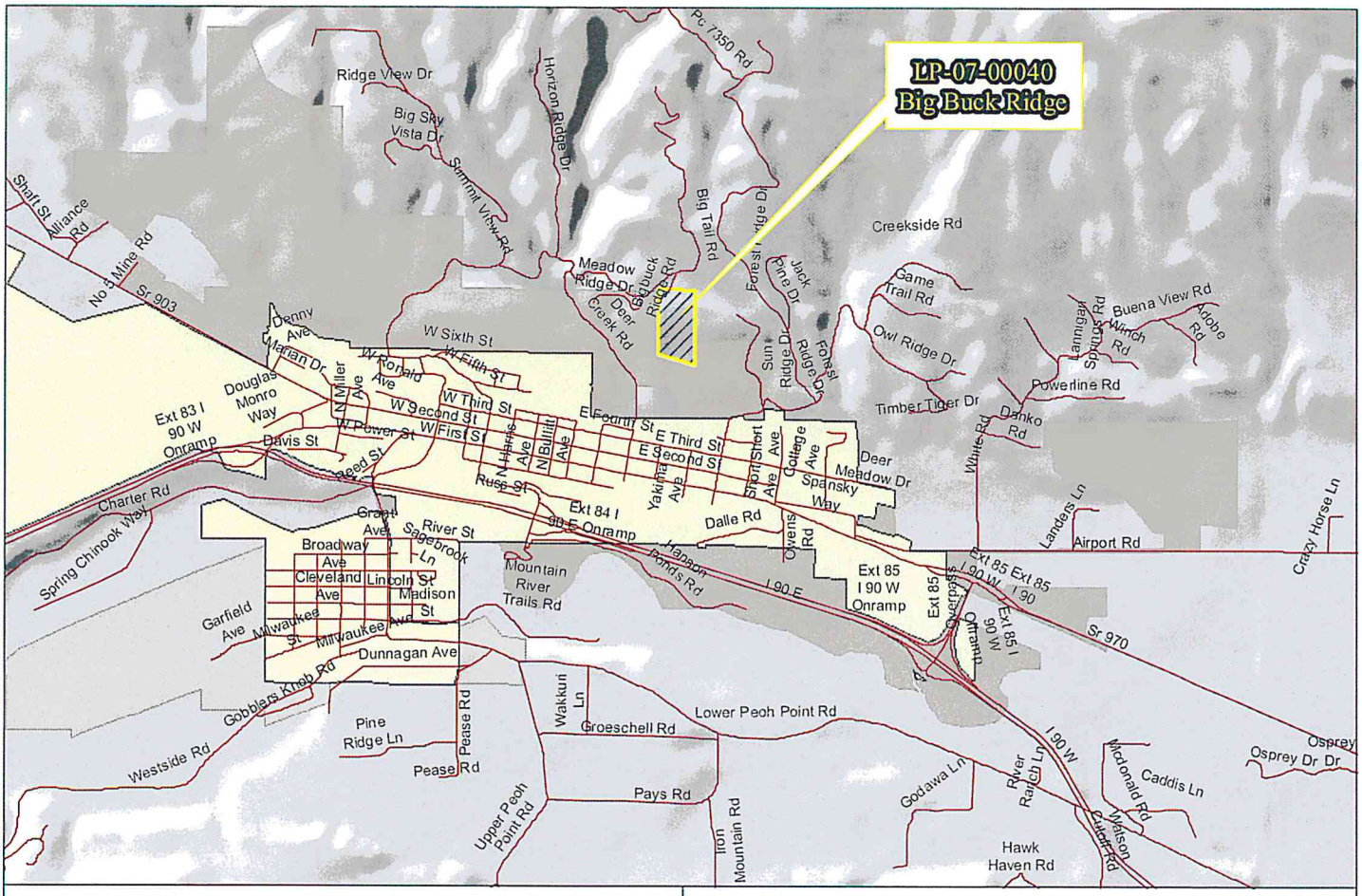
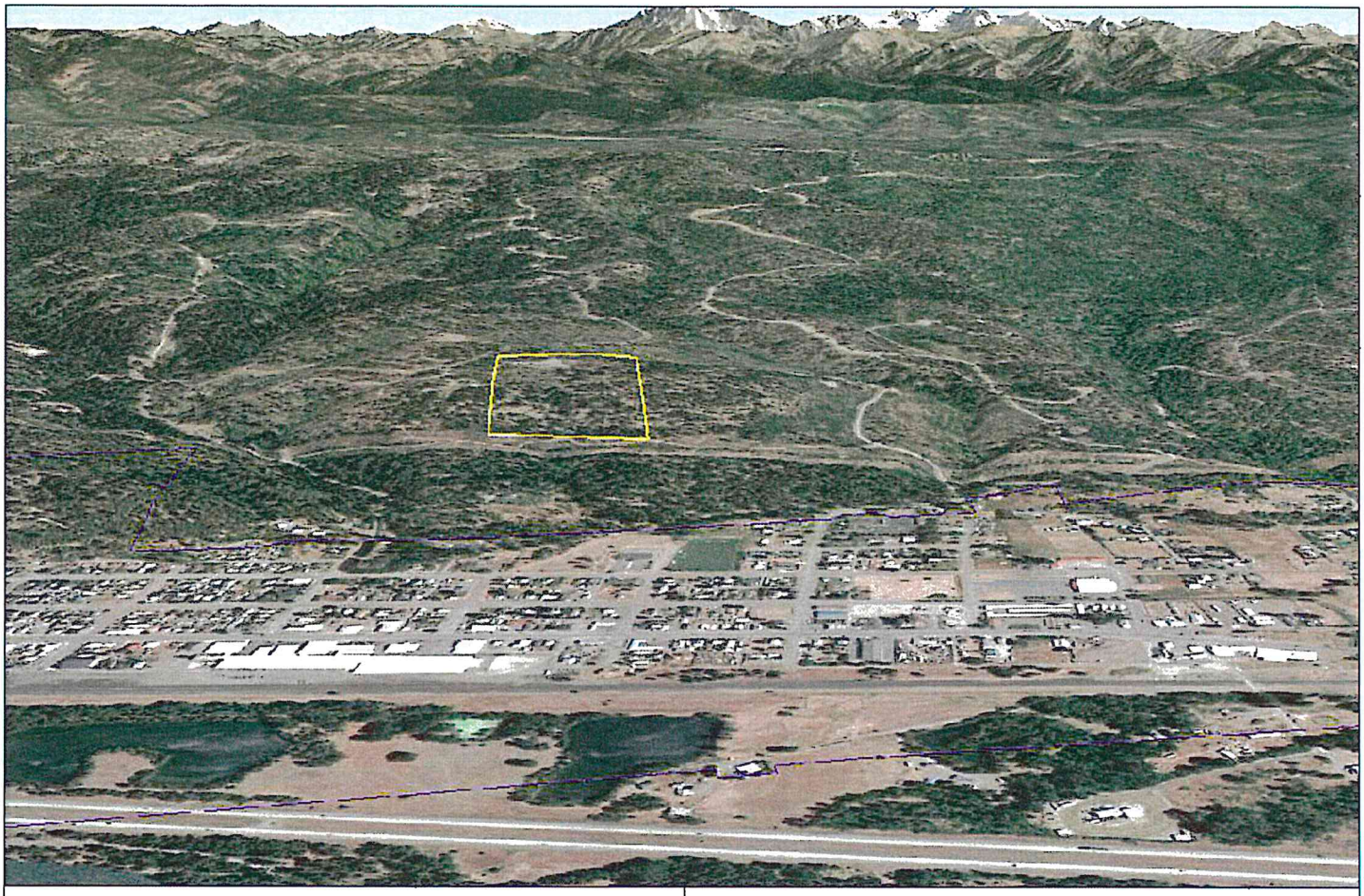


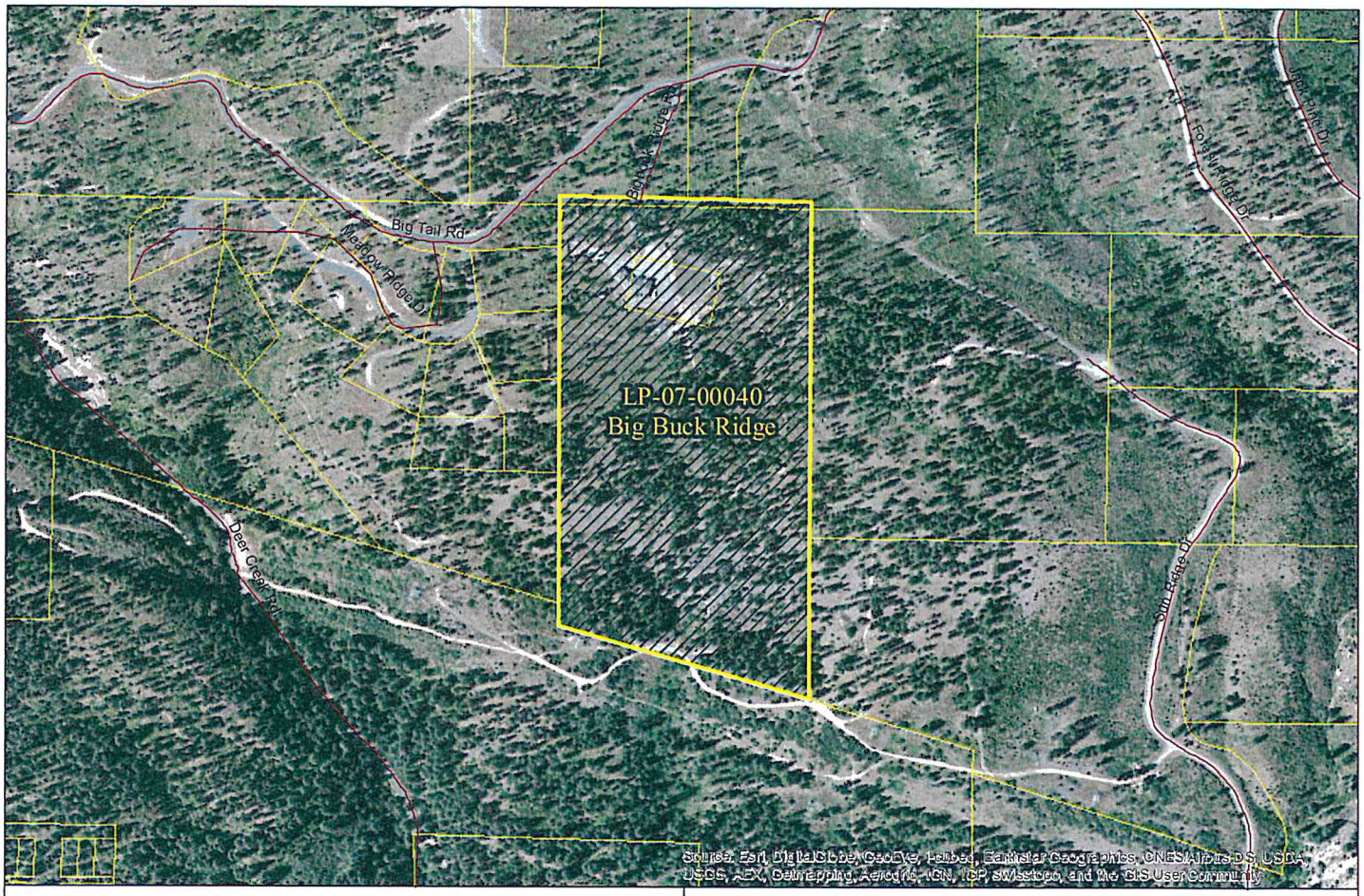
LP-07-00040 Big Buck Ridge	Adjacent Properties for Notification



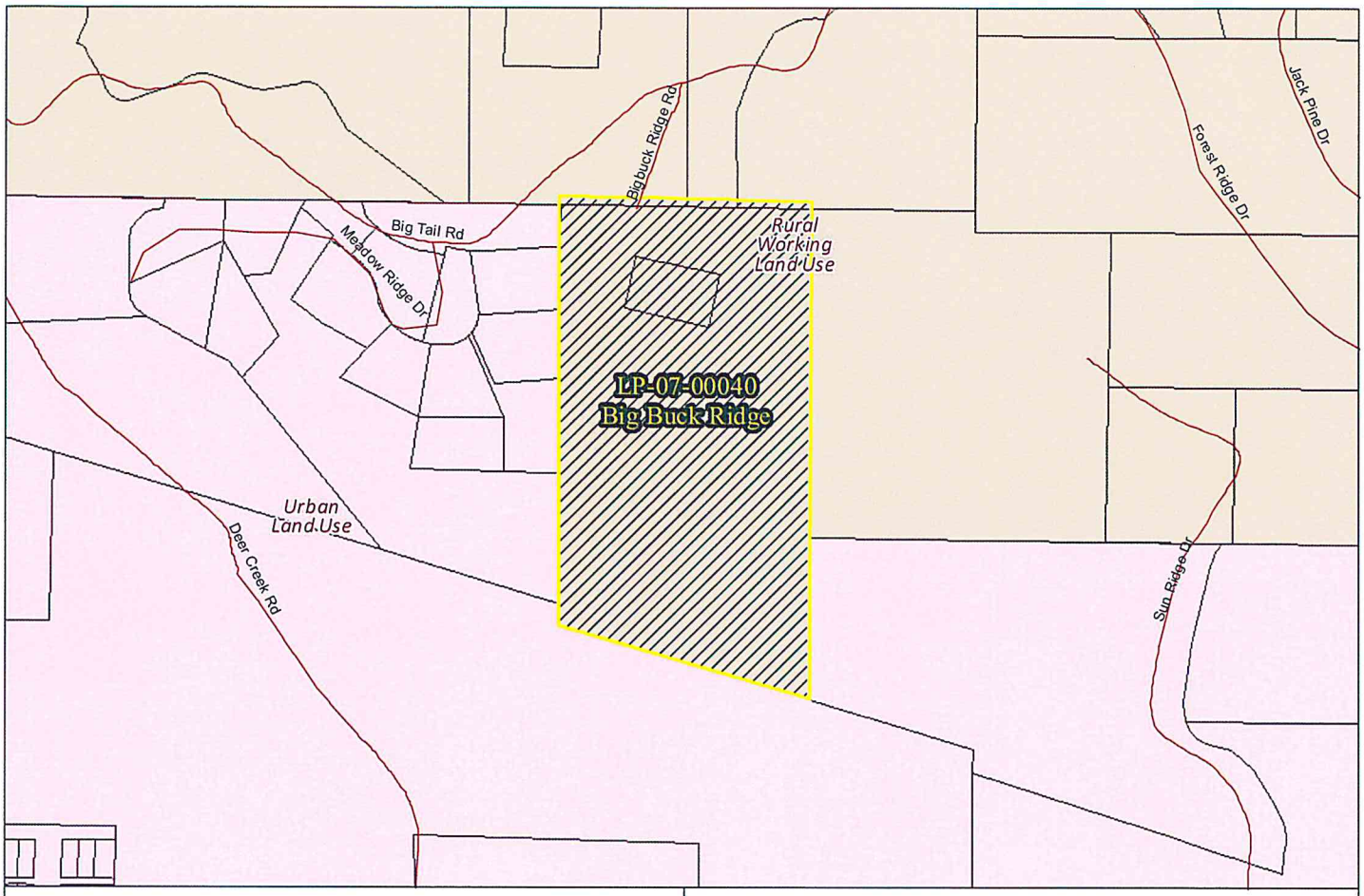
LP-07-00040 Big Buck Ridge	Area Map City Limits (Yellow) and UGA (Brown)



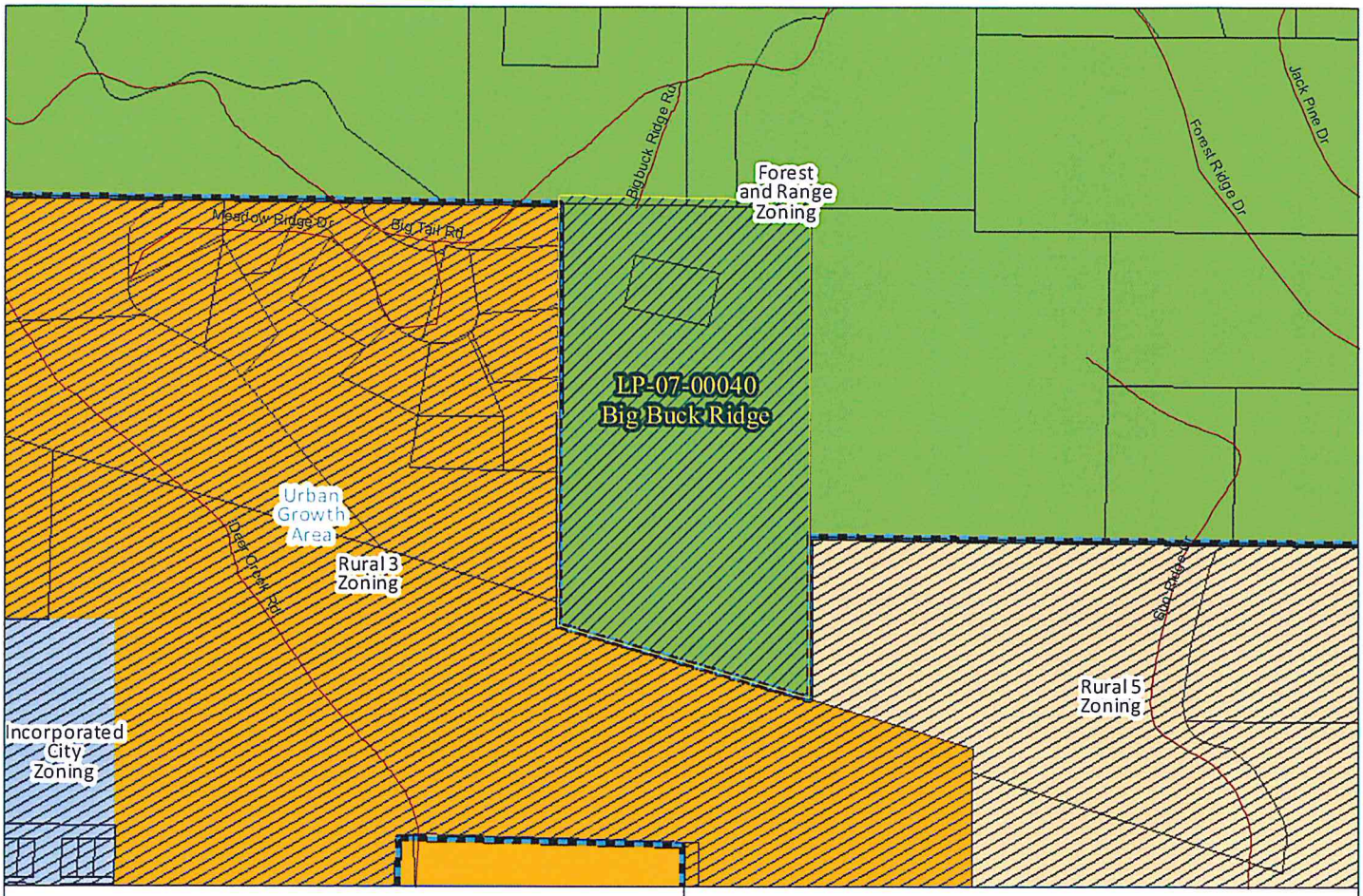
LP-07-00040 Big Buck Ridge	Air Photo 3 Dimensional



LP-07-00040 Big Buck Ridge	Air Photo Vertical

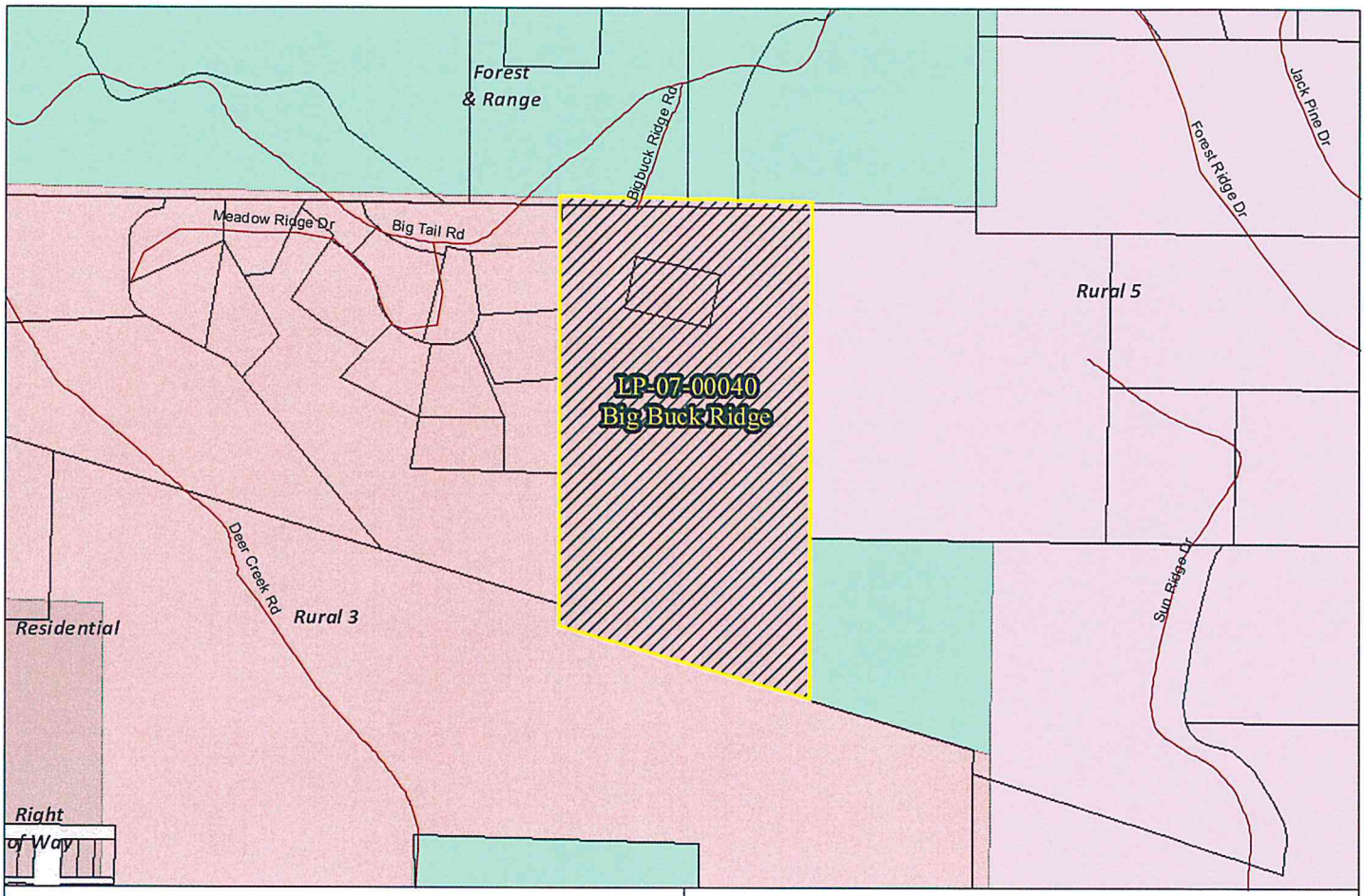


LP-07-00040 Big Buck Ridge	Land Use

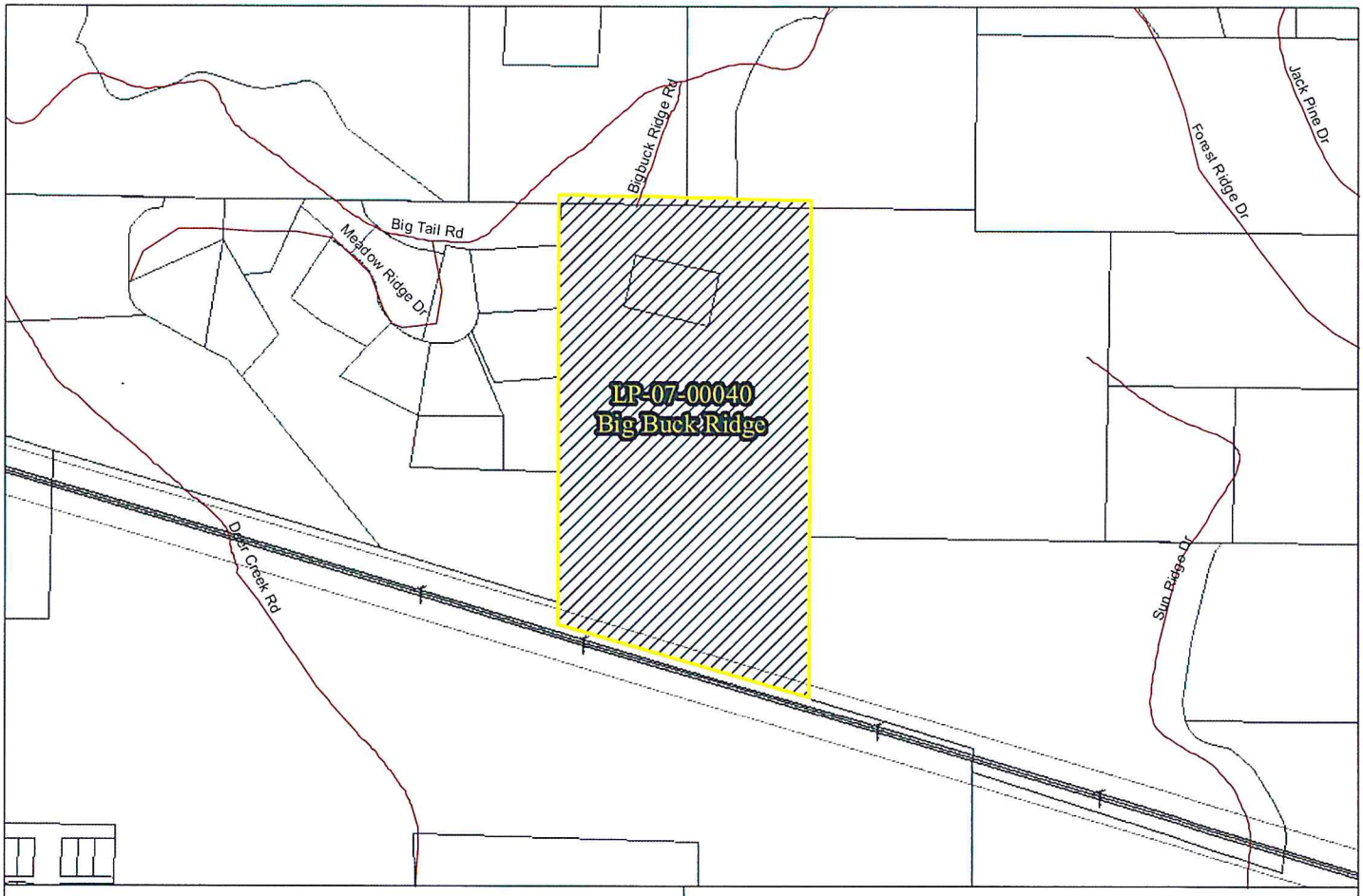


LP-07-00040
Big Buck Ridge

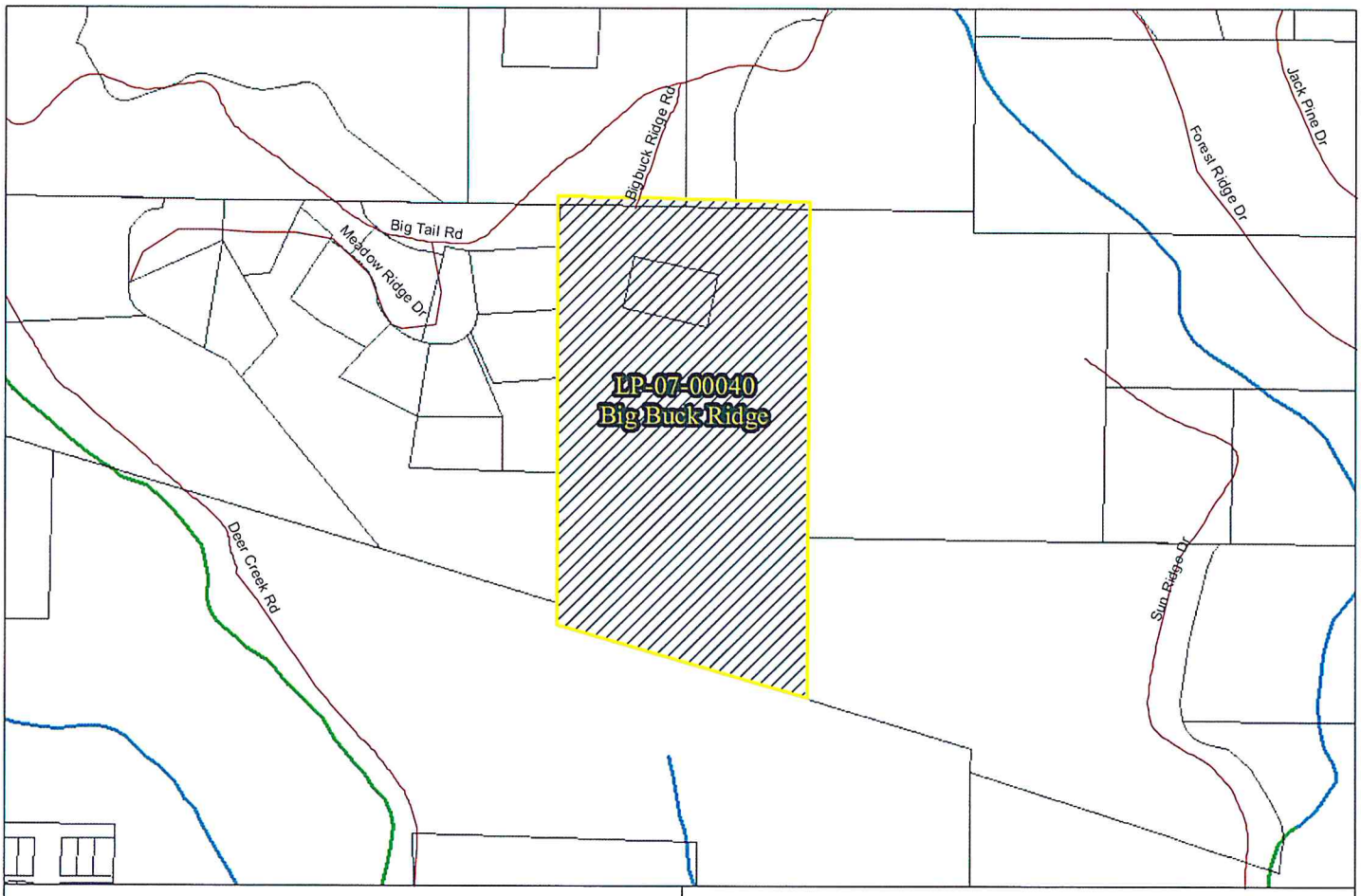
Current
Zoning



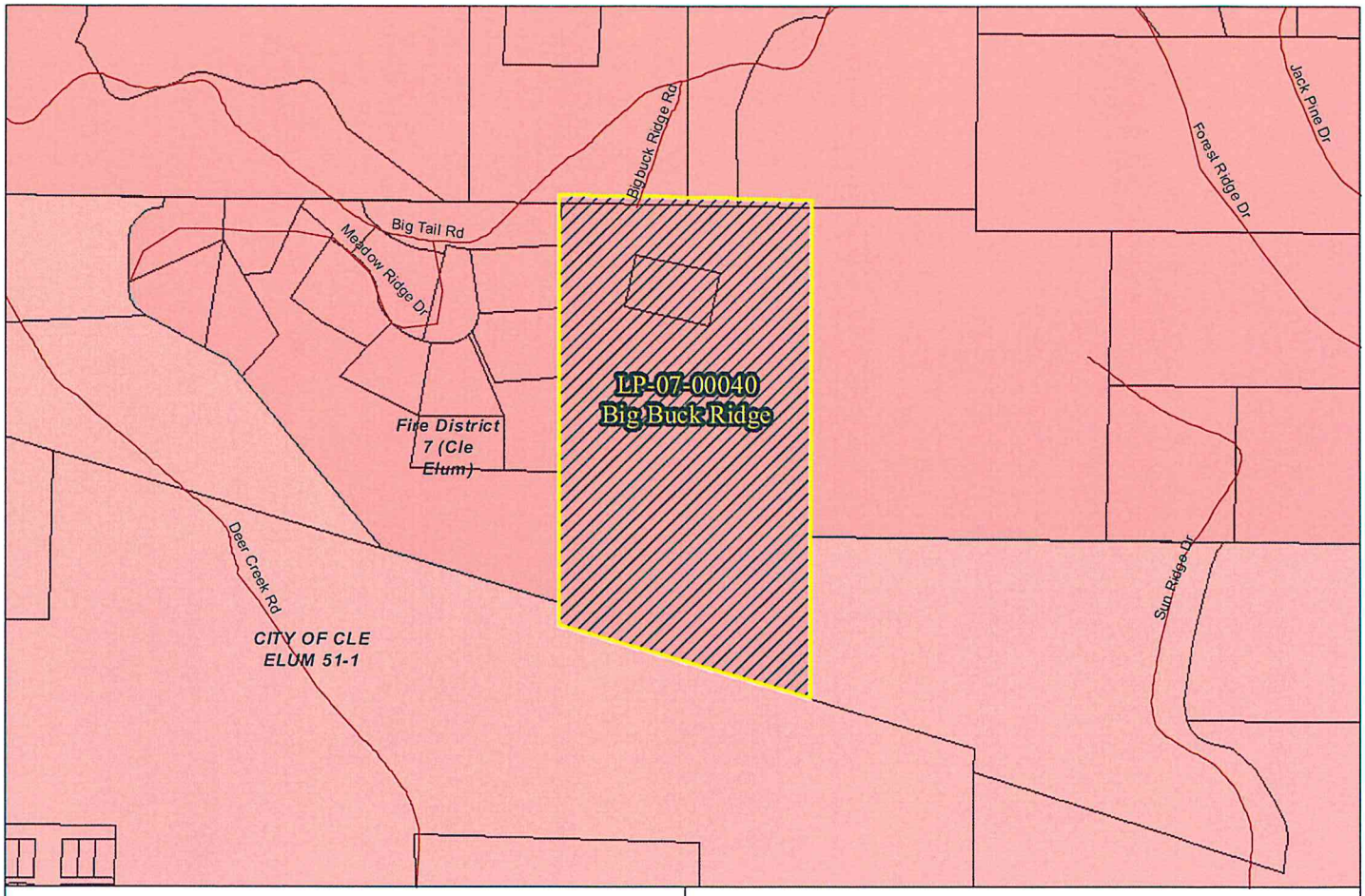
LP-07-00040 Big Buck Ridge	Vested Zoning



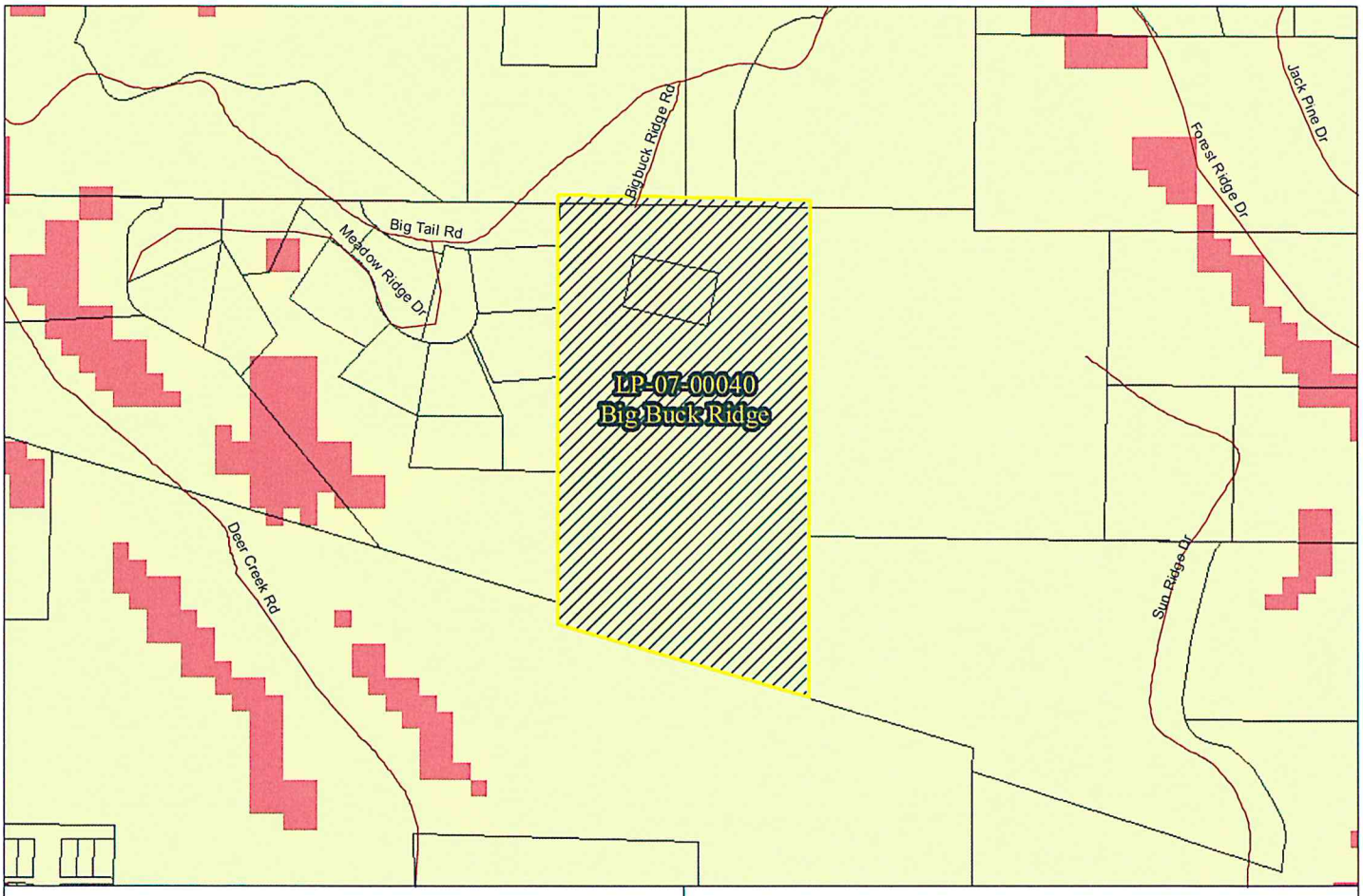
LP-07-00040 Big Buck Ridge	BPA Right of Way



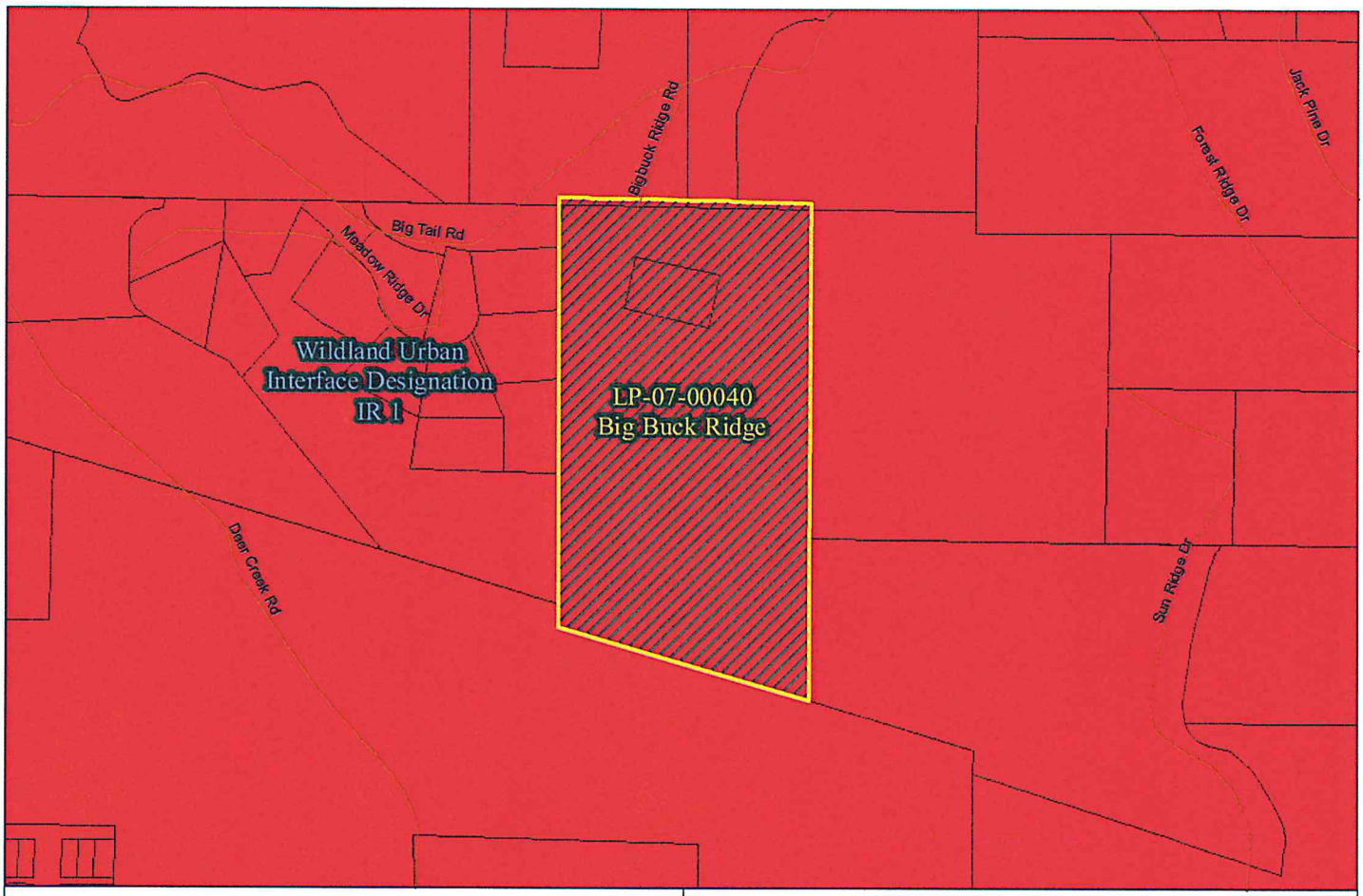
LP-07-00040 Big Buck Ridge	Shorelines, Floodplain, Floodway, Wetlands, and Streams



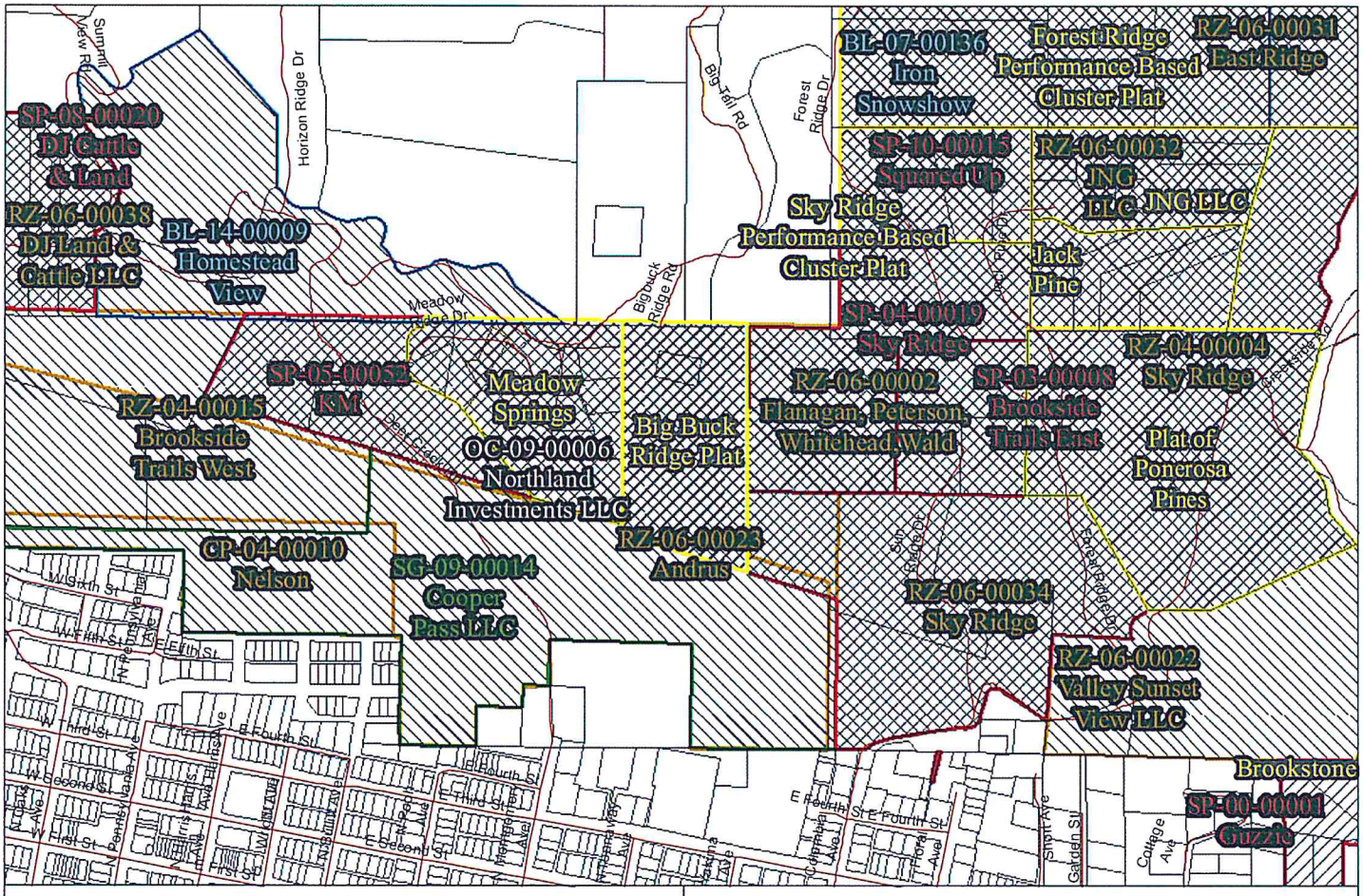
LP-07-00040 Big Buck Ridge	Fire Districts



LP-07-00040 Big Buck Ridge	Hazardous Slope



LP-07-00040 Big Buck Ridge	Wildland Urban Interface Designation



LP-07-00040
Big Buck Ridge

Regional
Land Use

Critical Areas Checklist

Wednesday, January 21, 2015

Application File Number LP-07-00040

Planner Jeff Watson

Is SEPA required ☑ Yes ☐ No

Is Parcel History required? ☐ Yes ☑ No

What is the Zoning? Forest and Range Vested R3

Is Project inside a Fire District? ☑ Yes ☐ No

If so, which one? Fire District 7 (Cle Elum)

Is the project inside an Irrigation District? ☐ Yes ☑ No

If so, which one?

Does project have Irrigation Approval? ☐ Yes ☑ No

Which School District? Cle Elum-Roslyn School District

Is the project inside a UGA? ☐ Yes ☑ No

If so which one?

Is there FIRM floodplain on the project's parcel? ☐ Yes ☑ No

If so which zone? X

What is the FIRM Panel Number? 5300950261B

Is the Project parcel in the Floodway? ☐ Yes ☑ No

Does the project parcel contain a shoreline of the State? ☐ Yes ☑ No

If so what is the Water Body?

What is the designation?

Does the project parcel contain a Classified Stream? ☐ Yes ☑ No

If so what is the Classification?

Does the project parcel contain a wetland? ☐ Yes ☑ No

If so what type is it?

Does the project parcel intersect a PHS designation? ☐ Yes ☑ No

If so, what is the Site Name?

Is there hazardous slope in the project parcel? ☑ Yes ☐ No

If so, what type? 30-35

Does the project parcel abut a DOT road? ☐ Yes ☑ No

If so, which one?

Does the project parcel abut a Forest Service road? ☐ Yes ☑ No

If so, which one?

Does the project parcel intersect an Airport overlay zone ? ☐ Yes ☑ No

If so, which Zone is it in?

Does the project parcel intersect a BPA right of way or line? ☑ Yes ☐ No

If so, which one? Rocky Reach-Maple Valley No 1

Is the project parcel in or near a Mineral Resource Land? ☐ Yes ☑ No

If so, which one?

Is the project parcel in or near a DNR Landslide area? ☐ Yes ☑ No

If so, which one?

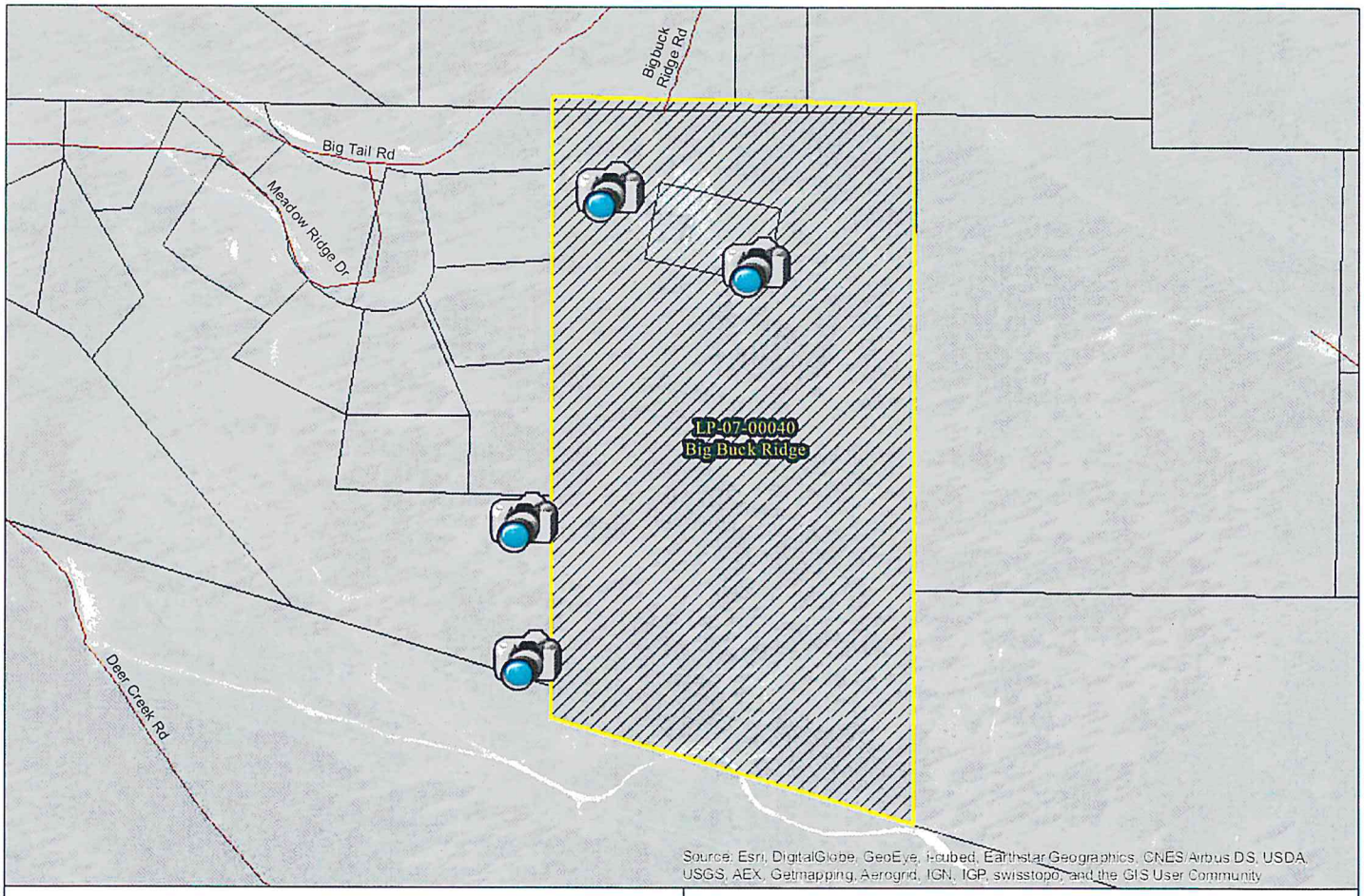
Is the project parcel in or near a Coal Mine area? ☑ Yes ☐ No

What is the Seismic Designation? D1

Does the Project Application have a Title Report Attached? ☐

Does the Project Application have a Recorded Survey Attached? ☐

Have the Current Years Taxes been paid? ☐



LP-07-00040 Big Buck Ridge	Site Visit Approximate Photograph Locations


34



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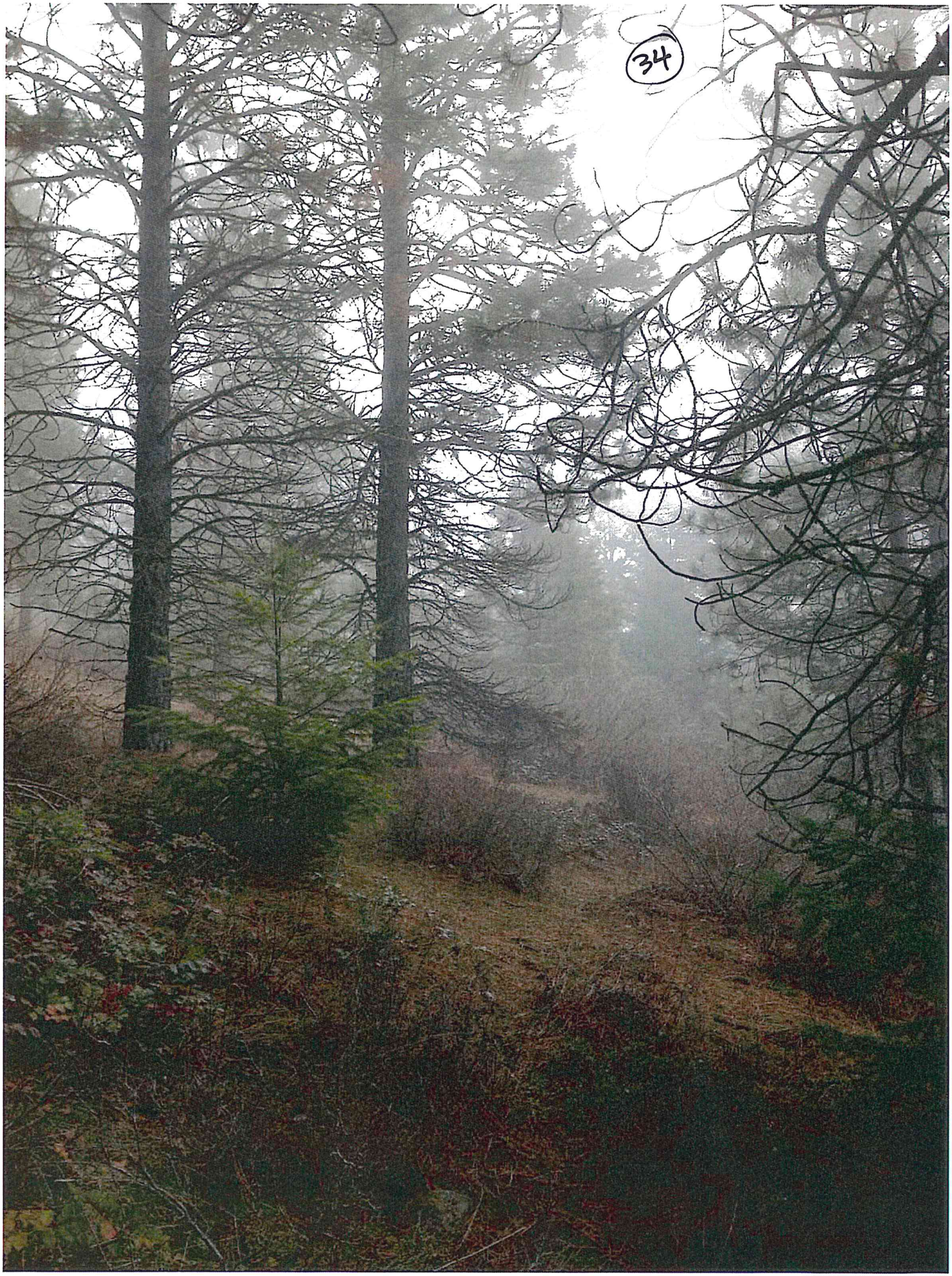
34



34




34


39


34


34

Lindsey Ozbolt

From: Christina Wollman
Sent: Wednesday, May 29, 2013 3:04 PM
To: Doc Hansen
Cc: Jan Ollivier; Lindsey Ozbolt; Jeff Watson
Subject: Big Buck Ridge P-07-40
Attachments: Big Buck Ridge Plat Traffic Study Concurrency.pdf; Big Buck Cluster Plat - TIA.pdf; FW_ Big Buck Ridge Cluster Plat.pdf

Public Works received the info requested from the applicant on February 20, 2013.

Please double check the density bonus. I calculate that there should only be 12 lots but 14 are proposed (maybe my math is wrong).

Christina Wollman, AICP CFM

Planner II | Floodplain Manager
Kittitas County Department of Public Works
411 N Ruby St, Suite 1 Ellensburg WA 98926
[p] 509.962.7051 | [f] 509.962.7663

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14

KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: **Big Buck Ridge Plat file P-07-00040**

DATE: **May 6, 2013**

FROM: **Jan Ollivier, Transportation Manager**

RE: **Transportation Impact Analysis for Big Buck Ridge Cluster Plat**

The Transportation Impact Analysis, prepared by Heffron Transportation, Inc. on February 19, 2013, incorrectly indicated that the intersection of SR 903 and Montgomery Avenue should meet the City of Cle Elum's level of service (LOS) standard D for intersection operations. Two legs of this intersection are SR 903, under WSDOT jurisdiction. I have contacted WSDOT regarding the LOS standard for SR 903 at this location and they confirmed that SR 903 has a LOS standard of C at this location until such a time that the City of Cle Elum adopts a LOS standard for highways within the city limits and coordinates this adoption with QUADCO and WSDOT.

The LOS analysis in this report indicated that the Montgomery Avenue legs of this intersection will operate at a LOS D under a worst case scenario. The SR 903 legs of the intersection are projected to operate at a LOS A. Because the legs of this intersection, that are projected to operate at a LOS D, are on the city's internal street network, and the city has indicated that LOS D is acceptable, Kittitas County finds that the Big Buck Ridge Cluster Plat meets concurrency requirements.

411 N. Ruby, Suite #1
Ellensburg, WA 98926

TEL (509) 962-7523
FAX (509) 962-7663

TRANSPORTATION IMPACT ANALYSIS

BIG BUCK RIDGE CLUSTER PLAT

RESIDENTIAL PROJECT

PREPARED FOR:

Cory Andrus

PREPARED BY:

heffron transportation, inc.
6544 NE 61st Street, Seattle, WA 98115
ph: (206) 523-3939 ◆ fx: (206) 523-4949

FEBRUARY 19, 2013

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1. INTRODUCTION

This transportation impact analysis was prepared for the Big Buck Ridge Cluster Plat residential project, located in Kittitas County, Washington. This analysis supports the permitting process, including review under the State Environmental Policy Act (SEPA). The transportation subjects addressed in this report include the project's impacts to the roadway system, intersection operations, and traffic safety. The scope and methodology of this analysis was reviewed and confirmed by Kittitas County staff on February 1, 2013.

1.1. Project Description

The proposed project would construct 13 additional single-family residential homes on the proposed plat located on Big Buck Ridge Road, south of Big Trail Road. One home currently exists, so the completed plat would have 14 homes. The site is located north of the City of Cle Elem, and would connect to the City street system via Montgomery Avenue. An alternate route could occur via Columbia Avenue; however, at the recommendation of Kittitas County staff to present a conservative analysis, all traffic from the proposed development was assumed to use Montgomery Avenue. A site vicinity map is shown on Figure 1.

Access to the residential development would be from a new roadway connecting to Big Buck Ridge Road. The new roadway within the site would be constructed to meet Kittitas County private road standards. The proposed site plat map is shown on Figure 2.

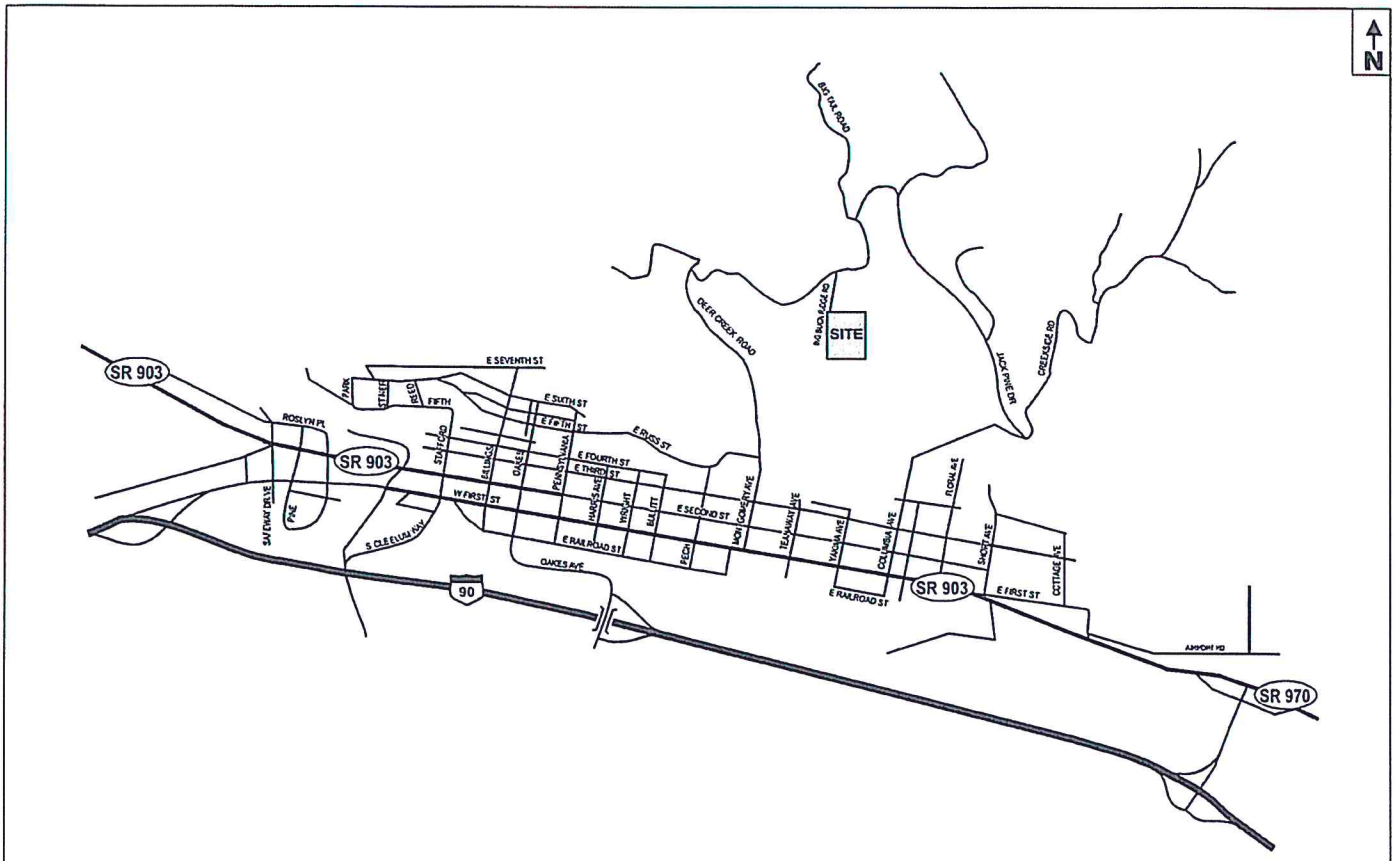
1.2. Methodology and Study Area

This study was performed in accordance with standard practice for transportation impact analyses, and all analyses were performed under the direction of Marni Heffron, who is a registered Professional Engineer in Washington State. Key assumptions used in the transportation analysis were confirmed with Christina Wollman of the Kittitas County Public Works Department. [1]

The proposed City Heights development property is located west of the project site. An Environmental Impact Statement (EIS)[2] was completed for this development in 2010. The EIS included a Transportation Element that assumed full build out of the City Heights project along with other significant proposed developments in the area, including the Suncadia plat south of the City Heights development. Key roadways and 17 intersections were evaluated in the City Heights analysis for full development, which was assumed for the year 2022. In addition, the proposed Forest Ridge Residential site is located east of the project site. A traffic impact analysis[3] was completed for that project with an assumed horizon year of 2022. To be consistent with the analyses for the City Heights and Forest Ridge projects, the new analysis for the Big Buck Ridge Cluster Plat development was also performed for the year 2022. This nine-year horizon is reasonable for development of this small plat. Traffic volumes assumed for the City Heights analysis and the Forest Ridge development were included in the future 2022 forecasts.

---

1 Email confirmation from Christina Wollman, Planner II, Floodplain Manager, February 1, 2013.
2 City Heights Final EIS, November 10, 2010.
3 Forest Ridge Residential Project – REVISED Transportation Impact Analysis, (Heffron Transportation, Inc., November 19, 2009.



BIG BUCK RIDGE
CLUSTER PLAT

Figure 1
VICINITY MAP

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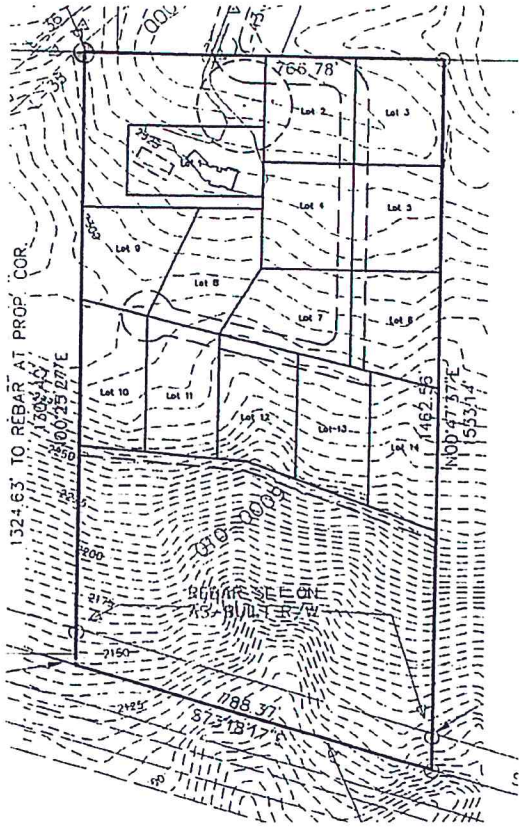

BIG BUCK RIDGE
CLUSTER PLAT

Figure 2
PROPOSED SITE PLAT MAP

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02/18/2013

The City Heights Draft EIS forecast future traffic volumes by incorporating traffic associated with all permitted but not yet constructed development projects in the area that could be completed by the year 2022. By the time the Final EIS was issued, the City agreed this level of growth was too aggressive and not likely to occur, and the City recommended applying an annual growth rate of 3% per year for a 14-year growth period (from 2008 to 2022). Four years since those forecasts were prepared, new traffic counts along SR 903 determined that there has been almost no growth during the PM peak hour since 2008. However, to provide a conservative evaluation, traffic volume forecasts from the City Heights FEIS were used to forecast year 2022 traffic volumes for this analysis.

The PM peak hour was evaluated for the Big Buck Ridge Cluster Plat project since past studies have shown that this is the time of day when area traffic volumes are at the highest. The proposed project would also generate the highest number of trips during the PM peak hour.

The study area for this analysis includes the E 1st Street (SR 903)/Montgomery Avenue intersection. This intersection could experience the highest increase in traffic associated with the project since it would serve traffic to and from I-90, both east and west of Cle Elum, and Montgomery Avenue connects directly to Big Buck Ridge Road.

2. BACKGROUND CONDITIONS

This section describes the existing roadway network, traffic volumes, traffic operations at the study intersection, and safety. It also describes how these conditions may change in the future without the proposed project. Future analysis was performed for the year 2022 to be consistent with analysis performed for the City Heights and Forest Ridge developments.

2.1. Roadway Network

The Big Buck Cluster Plat site is located just north of the Cle Elum city limits. Descriptions of the main roadways that would serve this site are below.

State Route 903 (SR 903) (Also E 1st Street) is a state highway, classified as a Rural Collector that connects from the I-90/SR 970/SR 903 interchange to the City of Roslyn, Suncadia Resort, to northwest of the City of Ronald, where it continues as Salmon La Sac Road. SR 903 is a two-lane paved roadway, and has some areas of very wide paved shoulders (up to 16 feet), and some areas with no shoulders. From SR 970 to Montgomery Avenue, the road has wide travel lanes, wide shoulders, on-street parking and only a few block faces with sidewalks, curb or gutter. The posted speed limit in this section is 30 mph.

Montgomery Avenue is local access north-south roadway with one travel lane in each direction. This roadway has wide gravel shoulders and on-street parking. Sidewalks are provided on both sides of the street south of 3rd Street. The speed limit is 25.

Big Buck Ridge Road is an unimproved local access roadway that serves the existing single-family home on the proposed site. This roadway connects to Big Tail Road; a two-lane roadway that provides access to a limited number of residential lots.

The Washington State Department of Transportation (WSDOT) has plans for widening and improving SR 903, as documented in its *Route Development Plan.* [4] This document presented long range (20-

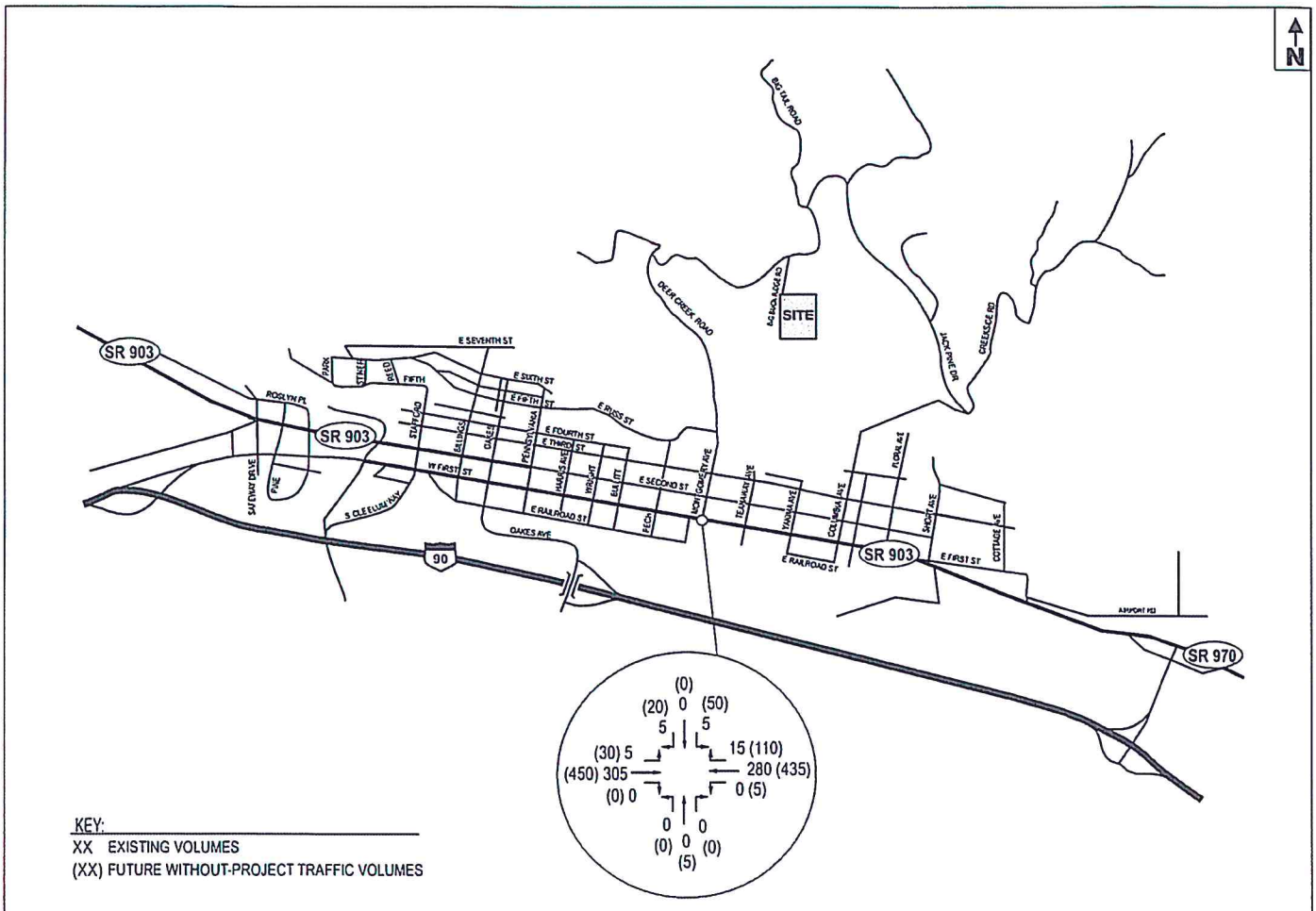
[4] WSDOT, January 2004.

year) plans out year 2024 to make improvements along this corridor that support congestion relief, economic initiatives, and safety requirements. Some of the recommended improvements have been completed. The improvements identified for the roadway include widening SR 903 from Oakes Avenue to Ranger Station Road (and extending the existing two-way left-turn lane to Floral Avenue), channelizing major intersections from Ranger Station Road to Roslyn, and constructing a two-way left-turn lane from Ranger Station Road to Roslyn). These recommendations include a Modified Design Level with 12-foot minimum lane widths, six-foot minimum paved shoulders in unincorporated areas and the City of Roslyn, and at least eight feet of paved parking, sidewalks, curb, and gutter (assumed for the downtown area) in the City of Cle Elum. However, none of these improvements would change the analysis evaluation between existing and future conditions. Therefore, at the SR 903 (1st Street)/Montgomery Avenue intersection the geometry was assumed to remain the same as existing for the future 2022 conditions.

2.2. Traffic Volumes

The City Heights EIS presented existing traffic volumes for the year 2008. New traffic counts performed in 2012 along SR 903, west of the site determined that no growth has occurred in the SR 903 corridor over the past four years. Therefore traffic volumes from 2008 were used to represent 2013 existing traffic volumes for this study. These are shown on Figure 3.

The proposed Big Buck Cluster Plat is anticipated to be complete sometime in the next decade or so. Therefore, the year 2022 was selected for analysis, which provides for mid-to long-range planning, and is consistent with the future analysis performed for the City Heights EIS and other development projects in the area. Although no growth has occurred in the past four years, the future forecasts developed for the City Heights Final EIS (which included a 3% per year growth rate plus the City Heights traffic) and traffic associated with the nearby Forest Ridge project, was used as the future-without-project condition for this analysis. The 2022 without-project traffic volumes are also shown on Figure 3.



BIG BUCK RIDGE
CLUSTER PLAT

Figure 3
EXISTING (2013) AND FUTURE (2022) WITHOUT PROJECT PM PEAK TRAFFIC VOLUMES

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02/18/2013

2.3. Traffic Operations

Kittitas County staff requested level of service analysis for the SR 903/Montgomery Avenue intersection to determine how the proposed project would affect traffic operations. Levels of service (LOS) analyses for this unsignalized intersection were performed for the PM peak hour traffic volumes. Level of service is a qualitative measure used to characterize traffic operating conditions. Six letter designations, "A" through "F," are used to define level of service. LOS A is the best and represents good traffic operations with little or no delay to motorists. LOS F is the worst and indicates poor traffic operations with long delays. Appendix A presents the level of service criteria for signalized and unsignalized intersections. Level of service for the study area intersection was analyzed using methodologies found in the *Highway Capacity Manual* [5] and Trafficware's *Synchro 8.0* analysis software. Results for the unsignalized intersection were reported using the *HCM* module.

Table 1 summarizes level of service estimated for existing and future 2022 without-project conditions. The City of Cle Elum has established LOS D as its standard for intersection operations. Kittitas County has adopted LOS C for rural facilities and LOS D for urban facilities. WSDOT generally prefers LOS C for rural locations and LOS D for urban conditions. The study intersection is located within the City of Cle Elum; therefore, the urban condition of LOS D should apply. All movements at the study intersection are estimated to continue operating above the established LOS standards for all jurisdictions in the future (year 2022) without the proposed project complete.

Table 1. Level of Service – Existing and Future Without-Project PM Peak Hour Conditions

	Existing (2013)		2022 w/o Project	
Unsignalized Intersection	LOS[1]	Delay[2]	LOS	Delay
SR 903 / Montgomery Avenue				
Eastbound Approach	A	0.2	A	0.9
Westbound Approach	A	0.0	A	0.1
Southbound Approach	B	12.4	D	29.3
Northbound Approach	A	0.0	C	24.6

Source: Heffron Transportation, Inc., February 2013.

1. *Level of service.*
2. *Average seconds of delay per vehicle.*

2.4. Traffic Safety

Collision data were obtained from WSDOT for the SR 903/Montgomery Avenue intersection. Data for the three and one-half year period between January 1, 2009 and July 31, 2012 were collected. During this time, there were zero reported collisions. Therefore, no unusual safety conditions currently exist at this location.

[5] Transportation Research Board. 2010.

3. PROJECT IMPACTS

This section of the report describes the conditions that would exist with the Big Buck Ridge Cluster Plat, which would construct up to an additional 13 single-family homes to a plat that currently has one occupied single-family home. Although some of these units could be recreational homes, for the purpose of this analysis, all of the homes were evaluated as primary residences that are occupied year round.

3.1. Roadway Network

The proposed project is not proposing to change any of the existing roadways in the area. The internal access road would be built to Kittitas County private road standards.

3.2. Project Trip Generation

Trip generation for the residential project was determined using rates in *Trip Generation.*[6] Trip generation was determined based on the average rates for Single-Family Residential (Land Use Code 210). The estimated trips associated with the existing single-family home on the site are also included. Table 2 summarizes the proposed project's total and net vehicle trip generation. As shown, the proposed project is anticipated to generate an additional 120 vehicle trips per day, 10 vehicle trips during the AM peak hour, and 13 vehicle trips during the PM peak hour.

Table 2. Vehicle Trips Generated by the Proposed Project

Single-Family Residential	Dwelling Units	Daily Trips	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Full-Build	14	130	3	8	11	9	5	14
Existing	-1	-10	0	-1	-1	-1	0	-1
Net Increase	**13**	**120**	**3**	**7**	**10**	**8**	**5**	**13**

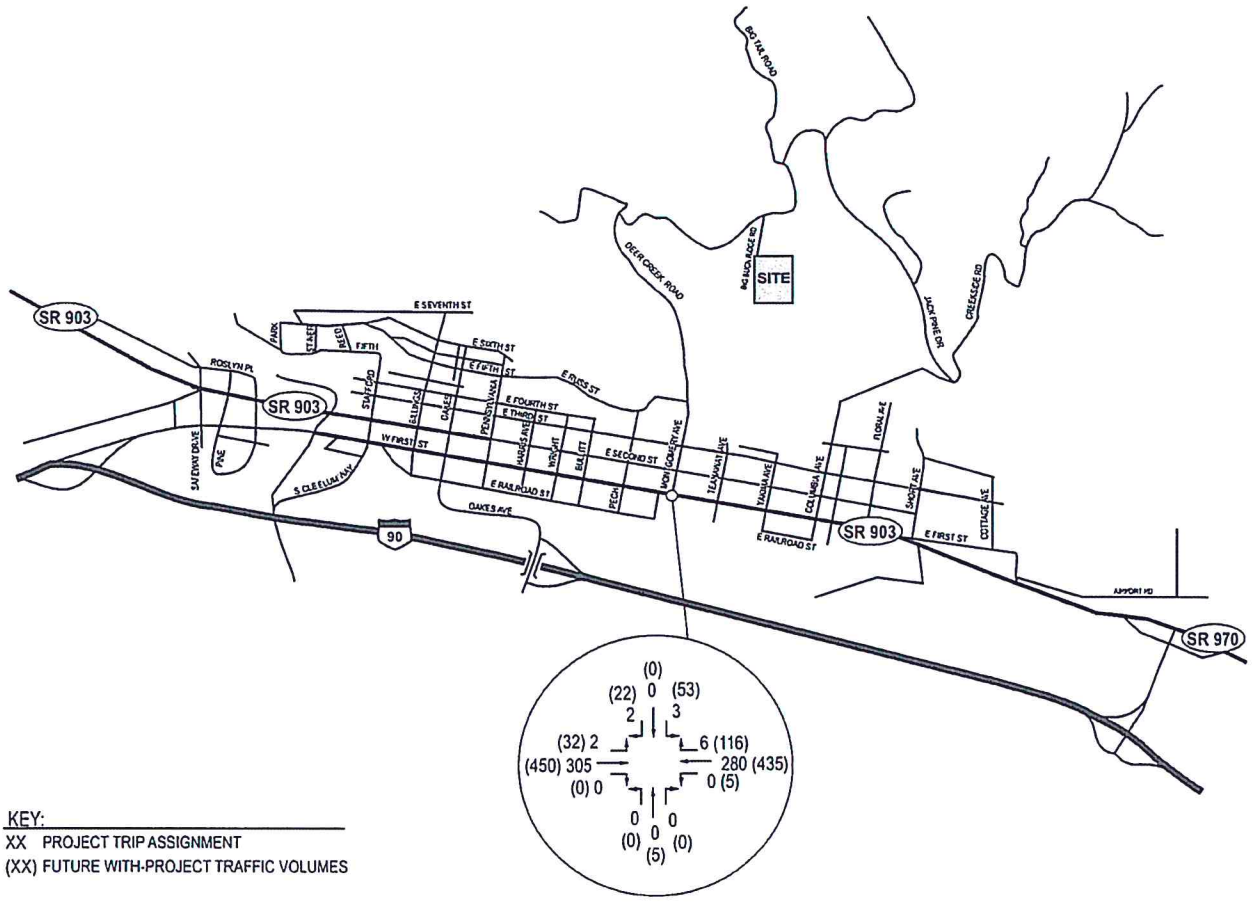
Source: Heffron Transportation, Inc., February 2013.

3.3. Trip Distribution and Assignment

The trip distribution pattern for this project was estimated based on the site's location relative to the commercial and retail activities in South Cle Elum and Cle Elum; and access to I-90. During the PM peak hour, most residential trips are related to residents returning from work; however, some could also be shopping trips or other non-work activities. To analyze a conservative condition, all proposed project trips were assumed to use the study intersection with a similar travel pattern as the forecast volumes at this location. This included about 30% of the traffic to/from the west and 70% to/from the east, both along SR 903 (E 1st Street). The proposed project trips assignment is shown on Figure 4.

The project traffic was added to the 2022 without-project traffic forecasts described previously. The resulting year 2022 with-Big Buck Cluster Plat traffic volumes are also shown on Figure 4.

[6] Institute of Transportation Engineers (ITE), 9th Edition, 2012.



BIG BUCK RIDGE
CLUSTER PLAT

Figure 4
PROJECT TRIP ASSIGNMENT AND FUTURE (2022) WITH-PROJECT PM PEAK HOUR TRAFFIC VOLUMES

heffron transportation, inc.

02/18/2013

3.4. Traffic Operations

A level of service for the study area intersection was calculated using the 2022-with-project traffic volumes and the methodology described earlier in this report. Table 3 shows the results of the analysis; the without-project results are shown for comparison. The traffic volumes associated with the proposed Big Buck Cluster Plat would degrade the level of service for the northbound approach (driveway) of the study intersection. However, the increase in delay on this approach during the PM peak hour is estimated to be less than a half of a second, which would not be a noticeable change. This approach and the other approaches would continue to operate at acceptable levels with the proposed project complete.

Table 3. Level of Service – Future (Year 2022) PM Peak Hour Conditions

	2022 w/o Project		2022 w/ Project	
Unsignalized Intersection	LOS[1]	Delay[2]	LOS	Delay
SR 903 / Montgomery Avenue				
Eastbound Approach	A	0.9	A	1.0
Westbound Approach	A	0.1	A	0.1
Southbound Approach	D	29.3	D	30.5
Northbound Approach	C	24.6	D	25.0

Source: Heffron Transportation, Inc., February 2013.

1. *Level of service.*
2. *Average seconds of delay per vehicle.*

3.5. Traffic Safety

The project would result in a small increase in vehicular traffic in the study area. The additional vehicular traffic that would be generated by the project is not expected to result in any new adverse impacts to safety conditions in the study area.

3.6. Site Access

The exact location of the proposed site access roadway is not yet known. When it is designed, it will be required to meet Kittitas County requirements, including meeting minimum sight distances where the new roadway intersects either Big Buck Ridge Road or Big Tail Road.

4. SUMMARY

The project would not result in significant adverse impacts to traffic conditions. No transportation mitigation would be required to satisfy the proposed development of the Big Buck Ridge Cluster Plat.

REFERENCES

City Heights Draft EIS, Transportation System, April 2010.

City Heights Final EIS, Chapter 2: Comments and Responses, November 2010.

Email correspondence with Christina Wollman to Michelle Brown, February 1, 2013.

Forest Ridge Residential Project – REVISED Transportation Impact Analysis, (Heffron Transportation, Inc., November 19, 2009).

Institute of Transportation Engineers, *Trip Generation*, 9th Edition, 2012.

Transportation Research Board, *Highway Capacity Manual*, 2010.

Washington State Department of Transportation, Collision Data – Obtained February 2013.

Washington State Department of Transportation, *Route Development Plan,* January 2004.

APPENDIX A

LEVEL OF SERVICE DEFINITIONS

Levels of service (LOS) are qualitative descriptions of traffic operating conditions. These levels of service are designated with letters ranging from LOS A, which is indicative of good operating conditions with little or no delay, to LOS F, which is indicative of stop-and-go conditions with frequent and lengthy delays. Levels of service for this analysis were developed using procedures presented in the *Highway Capacity Manual* (Transportation Research Board, 2010).

Level of service for signalized intersections is defined in terms of delay. Delay can be a cause of driver discomfort, frustration, inefficient fuel consumption, and lost travel time. Specifically, level of service criteria are stated in terms of the average delay per vehicle in seconds. Delay is a complex measure and is dependent on a number of variables including: the quality of progression, cycle length, green ratio, and a volume-to-capacity ratio for the lane group or approach in question. Table A-1 shows the level of service criteria for signalized intersections from the *Highway Capacity Manual.*

Table A-1. Level of Service Criteria

Level of Service	Average Delay Per Vehicle	General Description
A	Less than 10.0 Seconds	Free flow
B	10.1 to 20.0 seconds	Stable flow (slight delays)
C	20.1 to 35.0 seconds	Stable flow (acceptable delays)
D	35.1 to 55.0 seconds	Approaching unstable flow (tolerable delay—occasionally wait through more than one signal cycle before proceeding.
E	55.1 to 80.0 seconds	Unstable flow (approaching intolerable delay)
F	Greater than 80.0 seconds	Forced flow (jammed)

Source: Transportation Research Board, Highway Capacity Manual, 2010.

For unsignalized two-way-stop-controlled, all-way-stop-controlled, and roundabout intersections, level of service is based on the average delay per vehicle. The level of service for a two-way, stop-controlled intersection is determined by the computed or measured control delay and is defined for each minor movement. Delay is related to the availability of gaps in the main street's traffic flow, and the ability of a driver to enter or pass through those gaps. The delay at an all-way, stop-sign (AWSC) controlled intersection is based on saturation headways, departure headways, and service times. Delay at roundabouts is based on entry flow rates and flow rate capacity. Table A-2 shows the level of service criteria for unsignalized intersections from the *Highway Capacity Manual.*

Table A-2. Level of Service Criteria for Unsignalized Intersections

Level of Service	Average Delay (seconds per vehicle)
A	Less than 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

Source: Transportation Research Board, Highway Capacity Manual, 2010.

From:	Cory Andrus
To:	Christina Wollman; Jan Ollivier
Cc:	wayne@lgh-inc.com; "Cory Andrus"
Subject:	FW: Big Buck Ridge Cluster Plat
Date:	Wednesday, February 20, 2013 3:55:39 PM
Attachments:	Big Buck Cluster Plat - TIA.pdf

Hi Christina and Jan
We can make changes to the TIA at this point please inform me of any changes needed
Otherwise we will assume this will complete all items needed to get entitlement to build Andrus Cluster Plat

Thanks Cory

From: Michelle Brown [mailto:michelle@hefftrans.com]
Sent: Tuesday, February 19, 2013 3:20 PM
To: cory@pro-vac.com
Cc: 'Marni Heffron'
Subject: Big Buck Ridge Cluster Plat

Hello Cory,

Attached is the transportation impact analysis for your plat. Please let me know if there is anything that needs to be changed. If not, this document can be sent to Kittitas County for review.

Thank you, and best of luck with your plans.

~Michelle~

Michelle M. Brown
Senior Transportation Engineer
Heffron Transportation, Inc. | www.hefftrans.com
(425) 379-5689 | michelle@hefftrans.com

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"

October 23, 2012

Cory & Becky Andrus
P.O. Box 785
Cle Elum, WA 98922

Subject: Big Buck Ridge Cluster Plat (LP-07-00040)

Dear Applicant,

We have received your request for an additional extension for submitting additional information to our plat application on October 9, 2012. Community Development Services is granting your request for a 120 day extension for the Big Buck Ridge Cluster Plat (LP-07-00040). The new deadline for providing the requested information will be **February 21, 2013**.

Kittitas County Code 15A.03.040 stipulates that upon the County's request for additional information, the application *"...shall expire after **180** calendar days unless the requested supplemental information is submitted in complete form."* To date, 1895 days have elapsed since the County's initial request dated August 16, 2007. Please be advised that Community Development Services not issue any additional extensions due to the language of the code. If the information is not received by the new extension date, the application will be considered "not complete" and will have to be re-filed with the department.

If you have any questions, please feel free to contact me.

Sincerely,

Robert "Doc" Hansen
Planning Official
Kittitas County Community Development Services

CC via email: Wayne Nelson Encompass Engineering
Neil Caulkins Deputy Prosecuting Attorney

Jeff Watson

From: Wayne Nelsen <wnelsen@encompasses.net>
Sent: Tuesday, October 09, 2012 2:02 PM
To: Jeff Watson
Cc: Cory Andrus
Subject: Big Buck Ridge Cluster Plat (P-07-40)
Attachments: Big Buck Ridge P-07-40 Extension.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff:

Please accept this email as a request for an extension for submitting the required additional information on the above referenced PBCP application. The current deadline expires October 24, 2012 and I've attached a copy of the existing extension for your reference. Please let me know if you have any questions or need any additional information and thanks for your assistance on this matter.

Wayne Nelsen

29

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

"Building Partnerships – Building Communities"

June 26, 2012

Cory & Becky Andrus
P.O. Box 785
Cle Elum, WA 98922

Subject: Big Buck Ridge Cluster Plat (P-07-40)

Dear Cory & Becky,

We have received your request for an additional extension for submitting additional information to our plat application on June 26, 2012. Community Development Services is granting your request for a 120 day extension for the Big Buck Ridge Cluster Plat (P-07-40). The new deadline for providing the requested information will be October 24, 2012.

Thank you for providing information to indicate that you are making progress in providing the requested additional information.

If you have any questions, please feel free to contact me.

Sincerely,

Dan Valoff
Staff Planner



June 26, 2012

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

Re: Big Buck Ridge Cluster Plat P-07-40

Dear Mr. Valoff:

Please accept this letter as a formal request for additional time to provide the required traffic impact analysis related to the above referenced performance based cluster subdivision. It is our intent to have the analysis completed within six months and to reach a resolution between the City of Cle Elum and Kittitas County related to potential mitigation and/or impact fees.

If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Sincerely,

Cory Andrus

Dan Valoff

From: Jan Ollivier
Sent: Thursday, January 26, 2012 11:10 AM
To: 'Wayne Nelsen'
Cc: Christina Wollman; Dan Valoff; Kirk Holmes
Subject: RE: Big Buck Ridge (P-07-40) SEPA Review

Wayne:

The Big Buck applicant should reference the City Heights EIS traffic data - but it can't be used as a substitute for the requirement.

The City Heights traffic study identifies its impacts on Cle Elum streets and the development agreement states their proportional cost to mitigate these impacts. Also, the City Heights traffic study says it considered pipe line projects - but it didn't indicate that Big Buck was considered within that background development growth. So the LOS analysis may or may not include the traffic impacts from Big Buck (an increase of about 134 ADT). And the City Heights impacts would be more widely dispersed due to the layout of their proposal.

We need to know the specific traffic impacts that Big Buck has on the system. Also, the SEPA requirements that were applied to the Big Buck Ridge Cluster Plat from the Andrus Rezone must be addressed. These were as follows:

I. Transportation (C) At the time of a project action, the applicant shall submit a stamped traffic analysis from a licensed engineer in the State of Washington considering among other factors, intersection spacing, sight distances, traffic volumes, load bearing capacity of soils, pavement thickness design, etc. Reference current Kittitas County Road Standards.

The City Heights traffic analysis does have data that can be used by Big Buck, and should be included to determine the background traffic growth anticipated at full build out. But there is a lot more information that the applicant must convey to the County that is not provided in another development's traffic analysis. More information is needed to consider the specific development's traffic impacts, to determine whether or not the project can receive approval, and to identify mitigation measures.

Please feel free to contact me if you have any questions.

Jan Ollivier
Transportation Manager
Kittitas County
509-962-7523

From: Wayne Nelsen [mailto:wnelsen@encompasses.net]
Sent: Wednesday, January 11, 2012 12:17 PM
To: Jan Ollivier
Cc: Christina Wollman; Dan Valoff
Subject: Big Buck Ridge (P-07-40) SEPA Review

Jan:

I met with Dan and Christina this morning to discuss the SEPA review for Big Buck Ridge (P-07-40). As part of the MDNS issued for the underlying non-project rezone (Z-06-23) of the subject property, a TIA would be required at the time of project action. However, since that MDNS was issued, the Final EIS for City Heights has been adopted, which addresses the exact roadways in question serving Big Buck Ridge. As such, I would suggest that the environmental information already prepared is sufficient for the county to proceed with their threshold determination for Big Buck Ridge. The following information is provided from DOE's SEPA Handbook:

2.7 Use of Existing Documents

ZC

It is often possible to use existing documents to satisfy all or part of the requirements of SEPA. Existing environmental documents that analyze all or part of the environmental impacts of a proposal may be adopted, addended, or incorporated by reference. If there are any remaining environmental concerns, they can be addressed in supplemental analysis—such as a supplemental EIS or by an addendum issued with the new threshold determination.

The use of existing documents is particularly important for GMA cities and counties that have completed environmental analysis for their comprehensive plans and development regulations. This analysis should be used as the starting point for review of individual projects, allowing project review to focus on just those aspects that have not yet been addressed. GMA cities and counties also have available the new Planned Action process, where formal SEPA review is completed prior to proponents submitting permit applications for specific projects.

SEPA documents do not have expiration dates. After SEPA is completed, if a proposal is delayed so that new permits must be applied for, environmental review may be limited to verifying that there is no new information, regulatory changes, or changes to the proposal that would require additional review. (This is true even if the applicant has changed.) As long as there are no changes to be addressed, no additional paperwork is required and agencies may proceed with permit decisions [WAC 197-11-600].

2.7.2 Incorporation by Reference

Incorporation by reference [WAC 197-11-625 and 754] is very similar in substance to adopting a document, in that all, or part, of the incorporated document becomes part of the agency environmental documentation for a proposal. Unlike the adoption process that is limited to environmental documents issued under either SEPA or NEPA, any information may be incorporated by reference. This may include any study or report that provides information relevant to a proposal.

To incorporate documents by reference, the document must be identified in the current checklist, threshold determination, or EIS, and the content briefly described. The adoption form is not used.

Thanks for you consideration of this matter and please let me know if you have any questions or need additional information.

Wayne Nelsen
WNelsen@EncompassES.net

Encompass Engineering & Surveying
Together With
Baima & Holmberg

Western Washington Division | 165 NE Juniper Street, Suite 201 | Issaquah, WA 98027 | Phone: (425) 392-0250 | Fax: (425) 391-3055
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www.cityofcleelum.com

January 13, 2012

Kittitas County Department of Public Works
Attention: Christina Wollman
411 N. Ruby Street, Suite 1
Ellensburg, WA 98926

Re: Big Buck Ridge (P-07-40)

Dear Ms. Wollman:

Thank you for the opportunity for the City of Cle Elum to provide comments on the above referenced cluster subdivision. As we understand the project, access to the property is via Montgomery Avenue, an existing city street. This area was fully evaluated as part of the EIS prepared for City Heights and the City will not require any additional studies or improvements specific to the proposed development of Big Buck Ridge. However we believe the proportionate share of Road Impacts Mitigation to be $475 per lot, payable to the City of Cle Elum at time of Short Plat Approval. This mitigation figure is derived from total mitigation (proportional impact based on traffic study and concurrency analysis) prepared for the CESS Environmental Impact Statement.

Please do not hesitate to contact me if you should require any additional information.

Sincerely,

Matt Morton
City Administrator

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"

January 11, 2012

Cory & Becky Andrus
P.O. Box 785
Cle Elum, WA 98922

Subject: Big Buck Ridge Cluster Plat (P-07-40)

Dear Cory & Becky,

We have received your request for an additional extension for submitting additional information to our plat application on January 11, 2012. Community Development Services is granting your request for a 120 day extension for the Big Buck Ridge Cluster Plat (P-07-40). The new deadline for providing the requested information will be June 27, 2012.

Thank you for providing information to indicate that you are making progress in providing the requested additional information.

If you have any questions, please feel free to contact me.

Sincerely,

Dan Valoff

Dan Valoff
Staff Planner

Cc: Wayne Nelson, Encompass Engineering & Surveying via e-mail

Dan Valoff

From: Wayne Nelsen [wnelsen@encompasses.net]
Sent: Wednesday, January 11, 2012 11:16 AM
To: Dan Valoff
Cc: Cory Andrus
Subject: Big Buck Ridge (P-07-40)

Dan:

Please accept this email as a written request for an extension to the Big Buck Ridge Cluster Plat P-07-40. As we discussed at the meeting today, the owners are still working towards resolving the issues related to the Traffic Impact Analysis and therefore, we respectfully request an additional 120 day extension. Please note that the existing extension will expire February 28, 2012, and we would also request that the new extension is granted from that date.

Thanks again for your assistance and please let me know if you need any additional information.

Wayne Nelsen
WNelsen@EncompassES.net

Encompass Engineering & Surveying
Together With
Baima & Holmberg

Western Washington Division | 165 NE Juniper Street, Suite 201 | Issaquah, WA 98027 | Phone: (425) 392-0250 | Fax: (425) 391-3055
Eastern Washington Division | 108 East 2nd Street | Cle Elum, WA 98922 | Phone: (509) 674-7433 | Fax: (509) 674-7419

Encompass Engineering & Surveying, its officers or agents shall not be responsible for the accuracy or completeness of electronic file copies.

Due to the potential that information exchanged by electronic media can deteriorate, be damaged, lost or modified, intentionally or otherwise, use of this electronic data by anyone other than Encompass Engineering & Surveying shall be at the sole risk of such user and without liability or legal exposure to Encompass Engineering & Surveying. The recipient is responsible for verifying the accuracy of data against governing hard copy documentation. If there is a discrepancy between the hard copy and the electronic copy, the hard copy will govern. Recipient assumes all risks in the changing or modification of data and revisions or updating of hard copy documents.

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CDS@CO.KITTITAS.WA.US
Office (509) 962-7506
Fax (509) 962-7682
"Building Partnerships – Building Communities"

September 30, 2011

Cory & Becky Andrus
P.O. Box 785
Cle Elum, WA 98922

Subject: Big Buck Ridge Cluster Plat (P-07-40)

Dear Cory & Becky,

We have received your request for an additional extension for submitting additional information to our plat application on September 29, 2011. Community Development Services is granting your request for a 120 day extension for the Big Buck Ridge Cluster Plat (P-07-40). The new deadline for providing the requested information will be February 28, 2012.

Thank you for providing information to indicate that you are making progress in providing the requested additional information.

If you have any questions, please feel free to contact me.

Sincerely,

Dan Valoff
Staff Planner

Cc: Wayne Nelson, Encompass Engineering & Surveying via e-mail

Dan Valoff

From: Wayne Nelsen [wnelsen@encompasses.net]
Sent: Thursday, September 29, 2011 3:19 PM
To: Dan Valoff
Subject: Big Buck Ridge (P-07-40)

Dan:

Please accept this email as a written request for an extension to the Big Buck Ridge Cluster Plat P-07-40. Unfortunately, the circumstances related to the plat have not changed and the owners are continuing to make every effort to proceed in a timely manner. Therefore, we respectfully request that an additional 120 days to be granted in order to complete the required traffic impact analysis in order for CDS to continue processing the plat.

Please note that the existing extension will expire October 28, 2011. Thank you for your assistance and please let me know if you need any additional information.

Wayne Nelsen
WNelsen@EncompassES.net

Encompass Engineering & Surveying
Together With
Baima & Holmberg

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CDS@CO.KITTITAS.WA.US
Office (509) 962-7506
Fax (509) 962-7682
"Building Partnerships – Building Communities"

June 27, 2011

Cory & Becky Andrus
P.O. Box 785
Cle Elum, WA 98922

Dear Cory & Becky,

Community Development Services is granting your request for a 120 day extension for the Big Buck Ridge Cluster Plat (P-07-40). The new deadline for providing the requested information will be October 28, 2011.

Thank you for providing information to indicate that you are making progress in providing the requested additional information.

If you have any questions, please feel free to contact me.

Sincerely,

Dan Valoff
Staff Planner

Cc: Wayne Nelson, Encompass Engineering & Surveying via e-mail

Dan Valoff

From: Wayne Nelsen [wnelsen@encompasses.net]
Sent: Monday, June 27, 2011 11:21 AM
To: Dan Valoff
Subject: RE: Big Buck Ridge (P-07-40)

Dan:

Please accept this email as a written request for an extension to the Big Buck Ridge Cluster Plat P-07-40. The circumstances related to the plat have not changed and the owners are making every effort to proceed in a timely manner. Therefore, we respectfully request that an additional 120 days to be granted in order to complete the required traffic impact analysis in order for CDS to continue processing the plat.

Please note that the existing extension will expire June 30, 2011, so any effort to expedite your response would greatly be appreciated. Thank you for your assistance and please let me know if you need any additional information.

Wayne Nelsen
WNelsen@EncompassES.net

Encompass Engineering & Surveying
Together With
Baima & Holmberg

Western Washington Division | 165 NE Juniper Street, Suite 201 | Issaquah, WA 98027 | Phone: (425) 392-0250 | Fax: (425) 391-3055
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From: Dan Valoff [mailto:dan.valoff@co.kittitas.wa.us]
Sent: Tuesday, June 21, 2011 9:51 AM
To: Wayne Nelsen
Subject: RE: Big Buck Ridge (P-07-40)

Wayne,
Not a problem, just get me something before the 30th.

Dan Valoff
Staff Planner

Kittitas County Community Development Services
411 N Ruby Street Suite 2
Ellensburg, WA 98926
dan.valoff@co.kittitas.wa.us
P: 509.962.7637
F: 509.962.7682

All e-mail sent to this address will be received by the Kittitas County e-mail system and may be subject to Public Disclosure under Chapter 42.56 RCW and is subject to archiving and review by someone other than the recipient.

From: Wayne Nelsen [mailto:wnelsen@encompasses.net]
Sent: Tuesday, June 21, 2011 9:49 AM
To: Dan Valoff
Subject: Big Buck Ridge (P-07-40)

Dan:

Cory and Becky Andrus have asked me to apply for an extension for their preliminary plat. It expires June 30th, so I wanted to check to see if the 30-day window would be an issue.

Thanks,

Wayne Nelsen
WNelsen@EncompassES.net

Encompass Engineering & Surveying
Together With
Baima & Holmberg

Western Washington Division | 165 NE Juniper Street, Suite 201 | Issaquah, WA 98027 | Phone: (425) 392-0250 | Fax: (425) 391-3055
Eastern Washington Division | 108 East 2nd Street | Cle Elum, WA 98922 | Phone: (509) 674-7433 | Fax: (509) 674-7419

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Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 36cb45916c6dcbdac24bb8719d004a14

K . ITAS COUNTY COMMUNITY .EVELOPMENT 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"

October 17, 2010

Cory and Becky Andrus
PO Box 785
140 Bigbuck Ridge
Cle Elum, WA 98922

Dear Cory and Becky Andrus,

The Community Development Services Department is granting your request for an extension for the Big Buck Ridge Cluster Plat P-07-40. The new deadline for providing the requested traffic impact analysis will be June 30, 2011.

Thank you for providing information to indicate that you are making progress on providing the required traffic impact analysis in order to continuing processing the Big Buck Ridge Cluster Plat P-07-40.

If you have any questions regarding this matter, please feel free to contact me at:

Phone: 509-962-7523
Email: jan.ollivier@co.kittitas.wa.us

Sincerely,

Jan Ollivier
Interim Planning Manager

cc: Kirk Holmes, Interim Planning Director
Dan Valoff, Planner II
Christina Wollman, Planner II

October 19, 2010

RECEIVED
OCT 19 2010
KITTITAS COUNTY
CDS

Kittitas County Developmental Services,

Subject: Big Buck Ridge Cluster Plat P-07-40

As you can see by the (4) attached photos, Montgomery Ave and Deer Creek Rd have had detours due to road construction. I am unable to provide a TIA at this time. I would like an extension until June 30, 2011. This should allow time for the construction to be finished during the spring months.

Thank You,

Becky Andrus

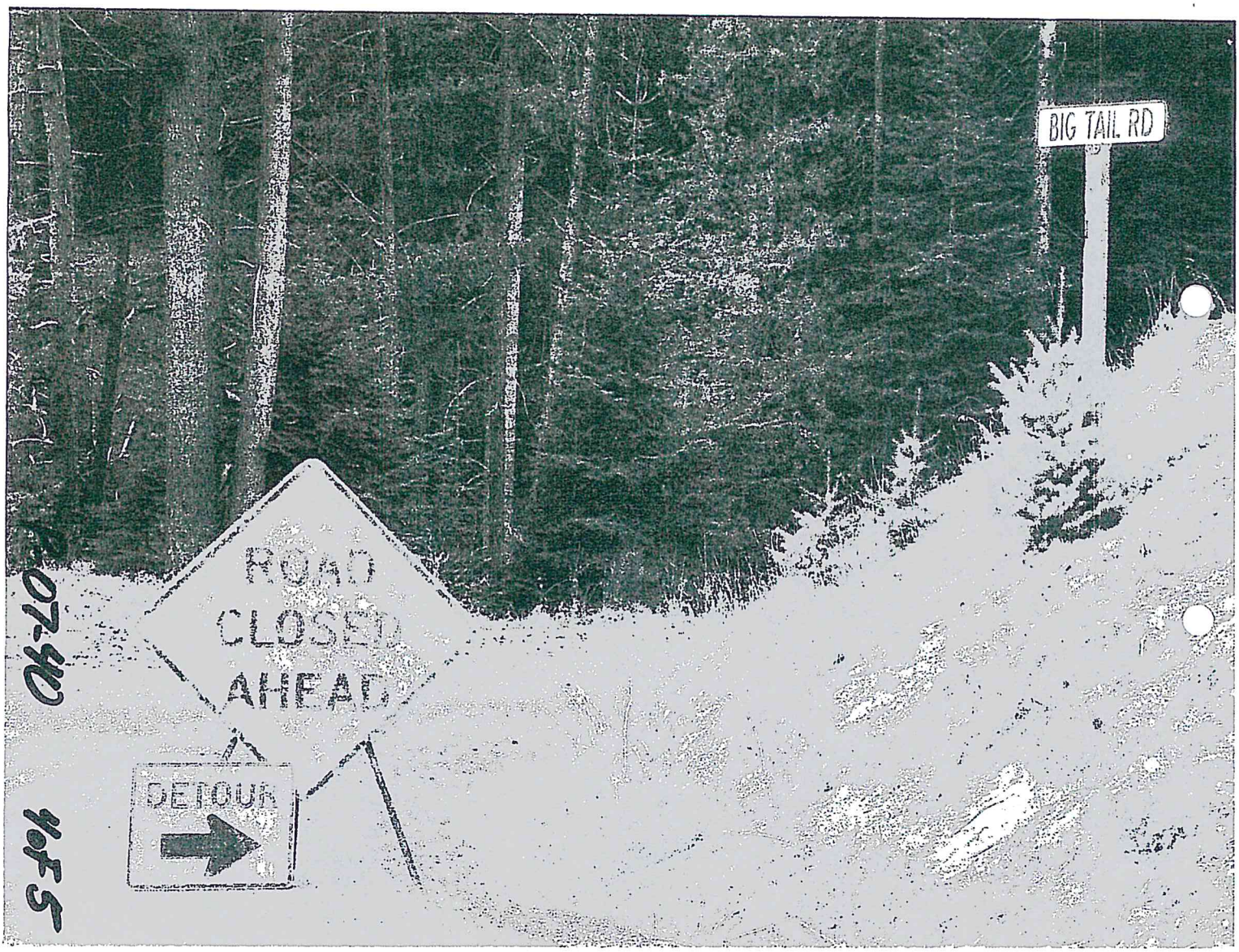
Becky Andrus
509-304-7015

pg 1 of 5



P-07-40 245

THIRD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ROAD
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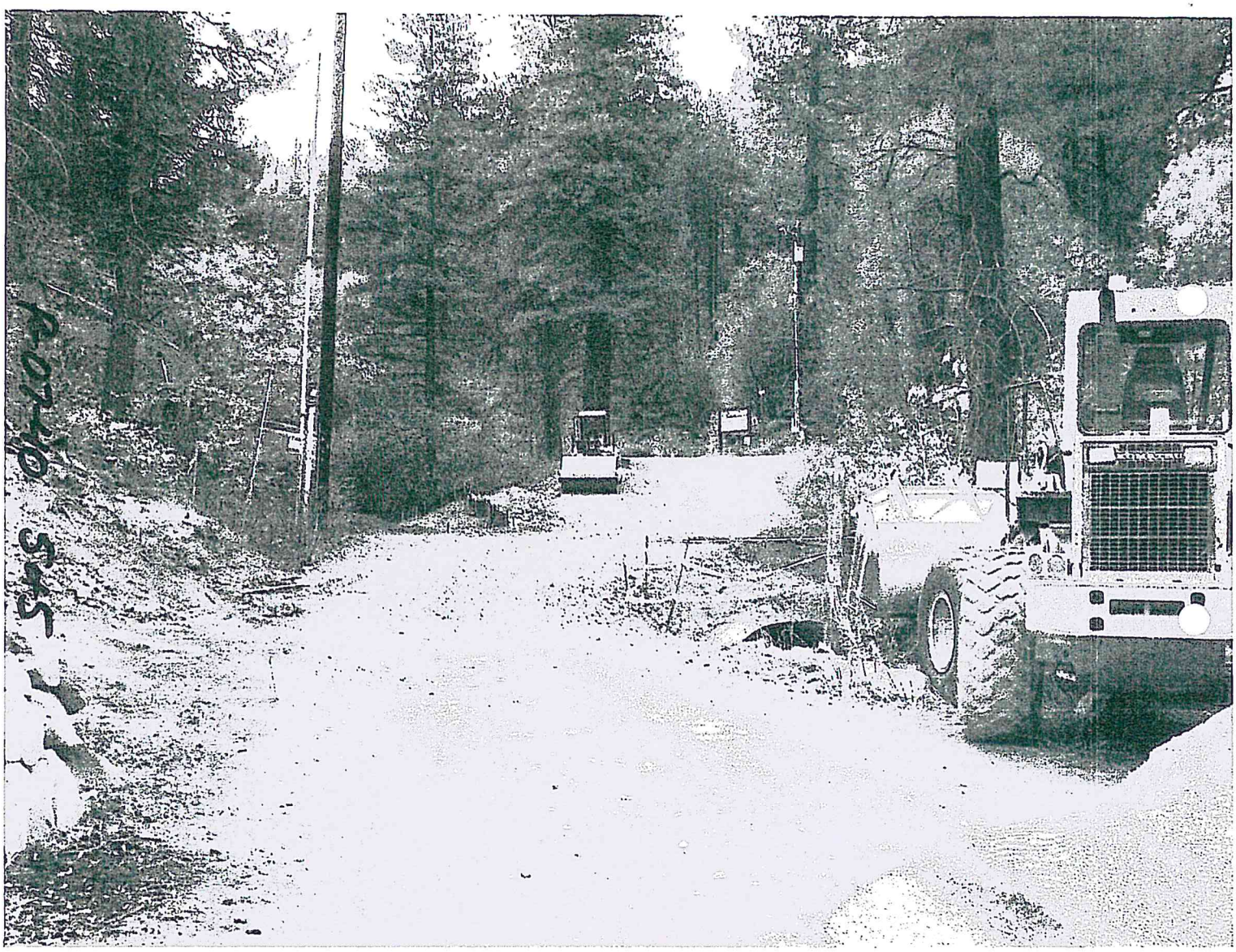
AHEAD
DETOUR



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"Building Partnerships – Building Communities"

June 25, 2010

Cory and Becky Andrus
PO Box 785
140 Bigbuck Ridge
Cle Elum, WA 98922

Dear Cory and Becky Andrus,

The Community Development Services Department is granting your request for a 120 day extension for the Big Buck Ridge Cluster Plat P-07-40. The new deadline for providing the requested traffic impact analysis will be October 26, 2010.

Thank you for providing information to indicate that you are making progress on providing the required traffic impact analysis in order to continuing processing the Big Buck Ridge Cluster Plat P-07-40.

If you have any questions regarding this matter, please feel free to contact me at:

Phone: 509-962-7523
Email: jan.ollivier@co.kittitas.wa.us

Sincerely,

Jan Ollivier
Interim Planning Manager

cc: Kirk Holmes, Interim Planning Director
Dan Valoff, Planner II
Christina Wollman, Planner II

RECEIVED
JUN 16 2010
KITTITAS COUNTY
DEPT OF PUBLICWORKS

RECEIVED
JUN 15 2010
KITTITAS COUNTY
CDS

Dear Jan, 6/15/10

Based on our disscussion with Heffron Transportation Inc. I am requesting a 120 day extension so that they may complete the traffic analysis study as requested by Kittitas County for Bigbuck Ridge Cluster Plat.

Thank you for your consideration,

Becky Andrus

BECKY ANDRUS
509 304-7015
140 Bigbuck Ridge
Cle Elum, WA 98922

15

heffron
transportation, inc.

June 14, 2010

Cory Andrus
140 Bigbuck Ridge Road
Cle Elum, WA 98922

E-mail to: cory@pro-vac.com

Subject: Bigbuck Ridge Cluster Plat
Proposal for Transportation Planning Services

Dear Cory,

Thank you for asking Heffron Transportation to assist you by preparing a simple traffic analysis per Kittitas County's request. We understand that the plat will have 14 lots (one of which already has a house), and be located near the proposed Forest Ridge project. Access into Cle Elum will be provided by a loop that connects to Montgomery Avenue and Columbia Avenue.

Kittitas County has requested analysis of the access onto Montgomery Avenue. To do this, we will estimate project trips and visit the site to review sight distance. Unless we hear otherwise, we assume that the proposed plat access would connect to Montgomery where the existing house driveway connects today. In addition, using information we have from other studies in Cle Elum, we will evaluate the project's impact to operations at one off-site intersection (likely E 1st Street/Columbia Avenue). The scope of work and budget estimate for this project are included as Attachment A. Our standard contract provisions are included as Attachment B. We estimate that the outlined scope of work will cost $3,300 to complete. This does not include attending public meetings or hearings. If needed, our attendance at such hearings would occur on a time-and-materials basis.

Because you are a new client, we request a retainer of $2,000 to begin work. If the attached scope of work, budget, and standard contract provisions are acceptable, please sign where indicated below and return this proposal to me with the retainer. Receipt of these items will serve as our notice-to-proceed. We estimate that it will take six weeks from notice-to-proceed to complete this work (because of planned vacations). Please call me at (206) 523-3939 if you have any questions.

Sincerely,
Heffron Transportation, Inc.

Marni C. Heffron

Marni C. Heffron, P.E., P.T.O.E
President

LKC/mch

In Agreement With Scope, Budget, and Standard Provisions

_____
Signature

Date: _____

Attachments: Attachment A – Scope of Work and Budget Estimate
Attachment B – Standard Contract Provisions

BIG BUCK RIDGE PLAT - PROPOSAL.DOC

heffron
transportation, inc.

FAX TRANSMITTAL

Date:	6-14-10	# Pages:	5
To:	BECKY ANDREWS	Fax:	1-509-962-7682
	C/O FRONT DESK OR JAN OLLIVIER		
From:	Marni Heffron	Fax:	(206) 523-4949
Company:	Heffron Transportation, Inc.	Phone:	(206) 523-3939

Message:

THIS FAX IS TO THE OWNER OF THE BIGBUCK RIDGE CLUSTER PLAT. SHE IS AT THE FRONT DESK.

RECEIVED
JUN 1 : 2010
KITTITAS COUNTY
CDS

RECEIVED
JUN 1 2010
KITTITAS COUNTY
CDS

6544 NE 61st Street, Seattle, WA 98115 **Phone: (206) 523-3939** Fax: (206) 523-4949

heffron transportation, inc.

June 14, 2010

Cory Andrus
140 Bigbuck Ridge Road
Cle Elum, WA 98922

E-mail to: cory@pro-vac.com

Subject: **Bigbuck Ridge Cluster Plat**
Proposal for Transportation Planning Services

Dear Cory,

Thank you for asking Heffron Transportation to assist you by preparing a simple traffic analysis per Kittitas County's request. We understand that the plat will have 14 lots (one of which already has a house), and be located near the proposed Forest Ridge project. Access into Cle Elum will be provided by a loop that connects to Montgomery Avenue and Columbia Avenue.

Kittitas County has requested analysis of the access onto Montgomery Avenue. To do this, we will estimate project trips and visit the site to review sight distance. Unless we hear otherwise, we assume that the proposed plat access would connect to Montgomery where the existing house driveway connects today. In addition, using information we have from other studies in Cle Elum, we will evaluate the project's impact to operations at one off-site intersection (likely E 1st Street/Columbia Avenue). The scope of work and budget estimate for this project are included as Attachment A. Our standard contract provisions are included as Attachment B. We estimate that the outlined scope of work will cost $3,300 to complete. This does not include attending public meetings or hearings. If needed, our attendance at such hearings would occur on a time-and-materials basis.

Because you are a new client, we request a retainer of $2,000 to begin work. If the attached scope of work, budget, and standard contract provisions are acceptable, please sign where indicated below and return this proposal to me with the retainer. Receipt of these items will serve as our notice-to-proceed. We estimate that it will take six weeks from notice-to-proceed to complete this work (because of planned vacations). Please call me at (206) 523-3939 if you have any questions.

Sincerely,
Heffron Transportation, Inc.

Marni C. Heff

Marni C. Heffron, P.E., P.T.O.E
President

LKC/mch

In Agreement With Scope, Budget, and Standard Provisions

_____
Signature

Date: _____

Attachments: Attachment A – Scope of Work and Budget Estimate
Attachment B – Standard Contract Provisions

BIG BUCK RIDGE PLAT - PROPOSAL.DOC

6544 NE 61st Street, Seattle, WA 98115 **Phone: (206) 523-3939** Fax: (206) 523-4949

Attachment A

heffron transportation, inc.

Transportation Impact Analysis for Bigbuck Ridge Cluster Plat Project

Scope of Work

The study area for this project will focus on the site access driveway and one intersection in the site vicinity. We assume we will use data available from past studies we have performed near your site. The following presents our scope of work.

Task 1 – Determine site trip generation. We will estimate the daily and peak hour trip generation for the 13 additional residential lots. As a worst-case condition, we will assume that these are year-round residences.

Task 2 – Assign trips to roadway network. We will assign the net increase in site trips to the local roadway network based on the travel pattern assumed for the nearby Forest Ridge project and the travel time on the two routes (Montgomery and Columbia) into town.

Task 3 – Evaluate off-site intersection impact. Future background traffic volumes have been forecast as part of previous analyses. We will determine what level of background traffic growth would be applicable for the anticipated build-out of the Bigbuck Ridge Cluster Plat. We will perform level-of-service analysis for one off-site intersection with the highest impact and/or background level of congestion. No new traffic volume data will be collected for this task.

Task 4 – Evaluate site access. We will visit the site to assess the sight distance for the proposed plat driveway. Unless we hear otherwise, we assume that the proposed plat access would connect to Montgomery where the existing house driveway connects today. We will measure available sight distance and compare that to the county's minimum requirements. If needed, we will recommend mitigation such as re-grading berms or moving the driveway to a location that meets the sight requirements.

Task 5 – Prepare report. We will prepare a transportation impact analysis report summarizing the above information. We will provide you with a draft report to review before it is submitted to the County.

Task 6 – Attend Meeting. We have assumed no additional meetings as part of our work. We will notify you when in town to measure the sight distance and review the area, and we can meet during that visit, if needed.

Attachment A (cont.)

Bigbuck Ridge Cluster Plat
Proposal for Transportation Impact Analysis

heffron transportation, inc.

Budget Estimate

The following table presents our budget estimate by task. We expect that the scope of work outlined above would cost approximately $3,300. All work would be performed on a time-and-materials basis not to exceed this amount. If either the project site plan or year of opening changes during our analysis, adjustments to our budget and/or schedule may be required. If work outside of the outlined scope is required, we will work with you to adjust the scope and budget as needed.

Table 1. Budget Estimate for Bigbuck Ridge Cluster Plat

Tasks	Hour Estimate QC Principal	Hour Estimate Project Manager	Cost
Task 1 – Determine site trip generation	0	2	
Task 2– Assign trips to roadway network	0	2	
Task 3 – Evaluate one off-site intersection	0	2	
Task 4 – Visit site and evaluate driveway	0	6	
Task 5 – Prepare report	3	6	
Task 6 – Attend Meeting (none)	0	0	
Total Hours	**3**	**18**	
Hourly Labor Rates (for Year 2010)	$184	$126	
Total Labor Costs	$ 552	$2,268	$2,820
Expenses:			
Travel			$180
Graphics (vendor)			$300
			$3,300

Attachment B

heffron transportation, inc.

STANDARD CONTRACT PROVISIONS

Time and Material Costs

All work will be billed on time-and-materials basis. Hourly labor rates that are in effect at the time the work is performed will be applied to the time each employee works on the project. Hourly labor rates are adjusted every year on January 1. Out-of-pocket expenses incurred by Heffron Transportation staff (reimbursables) will be billed at cost. These expenses include: mileage (at the IRS mileage rate in effect at the time of the travel), parking charges, ferry fares, copies, extra-ordinary telephone expenses, postage/courier, and supplies/reference materials needed for the specific project. Expenses for subcontractors (including traffic counting firms, graphic artist, and other survey firms) will be marked-up by 10% to account for administrative and tax costs to Heffron Transportation.

Invoices and Payments

Invoices for Heffron Transportation's services will be mailed to the client at least every 30 days and no more often than every 15 days. **Invoices are due and payable within 15 days.** Progress reports and/or copies of incurred direct expenses are provided only upon request. Client agrees to pay an extra fee for the costs of preparation of progress reports, unless specifically included in the proposal.

Upon the client's failure to pay when due, Heffron Transportation, Inc. has all rights as provided by law to collect all amounts that are due. Heffron Transportation Inc.'s services are considered to be provided from a business entity to a business entity. If payments are not made 15 days from the date an invoice is received by the client, the client may be charged a service charge of one and one-half percent (1.5%) of the invoice amount per month, administrative costs, direct costs, and attorney's fees and costs and any other charges and expenses incurred by Heffron Transportation, Inc. as a result of the late payment. Heffron Transportation, Inc. may stop work until payment is current.

Changes to Project or Scope of Work

The proposed budget and schedule may be affected if the project site program or site plan is revised after we begin work. Also, work in addition to that outlined in the scope of work may be required by public agency review staff. A change to the scope of work and/or budget could be accomplished by written amendment, verbal authorization, or e-mail notification. Written or verbal authorization for changes means the client accepts charges which may exceed the proposed budget and which may delay completion. Unless noted below, Heffron Transportation, Inc. will notify the person to whom the proposal is addressed if changes in the scope of work are required. The person(s) authorized to amend the scope of services are to be listed here: *(to be filled in by Client)* _____

Public Meetings and Hearings

Unless specified in the proposal, the scope and budget do not include Heffron Transportation, Inc.'s attendance at public meetings or hearings. Heffron Transportation, Inc. staff will attend such meetings and hearings upon request by the client or client's representative. Costs associated with preparation and attendance will be billed on a time-and-materials basis.

Indemnity

Heffron Transportation, Inc. agrees to indemnify and hold the client harmless against loss or liability arising from the negligent acts or omissions of Heffron Transportation Inc.'s employees and agents. Where such liability, claim, damage, loss, or expense arises from the concurrent negligence of Heffron Transportation, Inc. and the client, the obligations or indemnity shall be effective only to the extent of Heffron Transportation, Inc.'s negligence.

Limitation of Liability

To the maximum extent permitted by law, the Client agrees to limit Heffron Transportation, Inc.'s liability for the Client's damages to the consultant's fee. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.

June 14, 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"

February 9, 2010

Becky Andrus
PO Box 785
Cle Elum, WA 98922

Dear Mrs. Andrus,

On August 16, 2007 CDS staff contacted you requesting additional information prior to continuing processing the Big Buck Ridge Cluster Plat P-07-40. Per the requirements of the SEPA MDNS issued for the Andrus Rezone Z-06-23, a traffic impact analysis (TIA) is required. The TIA must be prepared and stamped by a licensed engineer in the State of Washington. Consultation with Public Works is recommended prior to beginning the TIA. Contact Christina Wollman, Planner II at 509-962-7051 or christina.wollman@co.kittitas.wa.us for specific details regarding the TIA.

A second access is also required. However, this will be a condition of preliminary approval and will not be required until final plat approval.

Please submit this information to the County within 60 days of the letter (April 10, 2010).

If you desire to withdraw your application, please submit a written request to indicate your request to withdraw your application to:

Jan Ollivier, Interim Planning Manager
Community Development Services
411 North Ruby Street, Suite 2
Ellensburg, WA 98926

Please note that either a written request to withdraw this application or submittal of information requested in this letter is required within 60 days of this letter (April 10, 2010). Failure to respond to this letter will result in the withdrawal of your plat.

If you have any questions regarding this matter, please feel free to contact me at:

Phone: 509-962-7523
Email: jan.ollivier@co.kittitas.wa.us

Sincerely,

Jan Ollivier
Interim Planning Manager

cc: Kirk Holmes, Interim Planning Director
Dan Valoff, Planner II
Christina Wollman, Planner II

KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS

M E M O R A N D U M

TO: Dan Valoff, Community Development Services

FROM: Christina Wollman, Planner II

DATE: December 5, 2007

SUBJECT: Additional Information Requested
Big Buck Ridge Plat

Deer Creek Road currently serves more than 40 lots. Per Kittitas County Road Standards 12.01.095(2), a second access is required. The second access shall be identified prior to preliminary approval.

KCRS 12.01.095(2) – Second Ingress-Egress (as clarified by the BOCC on April 2, 2007)

All roads that serve more than 40 lots are required to have two interconnected ingress-egress routes that independently connect to an on-system county road.

If the second access is restricted to emergency access only, it must meet or exceed the following requirements: 60' easement, 20' roadway width, BST/ACP surface, and a paved apron. Access restrictions such as gates or bollards must be approved by the Fire Marshall.

If the second access is to be used for ingress and egress, it must meet the same standards of the first access.

411 North Ruby Street, Suite 1
Ellensburg, WA 98926

TEL (509) 962-7523
FAX (509) 962-7663

\\arda\Teams\CDS\Projects\Plats\LP 2007\LP-07-00040 Big Buck Ridge\PW additional info requested 12-5-07.doc

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

August 16, 2007

Becky Andrus.
P.O. Box 785
Cle Elum, WA 98922

RE: Big Buck Ridge Cluster Plat, File number P-07-40

Dear Ms. Andrus:

It has come to my attention that as part of the Andrus Rezone (Z-06-23) and review of the SEPA Mitigated Determination of Nonsignificance, which I have attached, one of the mitigation measures is that at the time of a project action, the applicant shall submit a stamped traffic analysis from a licensed engineer in the State of Washington. It further states that the traffic analysis shall consider among other factors, intersection spacing, sight distance, traffic volumes, load bearing capacity of soils, pavement thickness design, etc.

So in order to comply with the SEPA mitigation, the review of Big Buck Ridge Cluster Plat will require the submittal of the above mentioned traffic analysis. Also, the outcome of your road variance request will need to be completed.

When the additional information is received, our review of the application will continue. If you have any questions or need assistance, please contact our office at (509) 962-7637.

Sincerely,

Dan Valoff
CDS Staff Planner

ATTACHMENT: MDNS FOR ANDRUS REZONE (Z-06-23)

11

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

SEPA
MITIGATED DETERMINATION OF NONSIGNIFICANCE

File: Andrus Rezone File No. Z-06-23

Description: Zone Change of 25 Acres from Forest & Range-20 to Rural-3

Proponent: Becky Andrus
P.O. Box 785
Cle Elum, WA 98922

Location: East of Deer Creek Rd., South of Big Tail Rd., and North of the City of Cle Elum, within the NE ¼, Section 26, T.20N., R.15E., W.M., Kittitas County, WA. The rezone applies to tax parcel numbers 20-15-26010-0009, 0010.

Lead Agency: Kittitas County Community Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. 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. These mitigation measures include the following:

I. Transportation

A. The project is accessed via a private driveway off of Big Tail Road.

B. Any future subdivision or development of the properties involved within this rezone will result in the enactment of road standards review and will require road improvements to be made that comply with all applicable agency standards including Kittitas County Road Standards (See Kittitas County Road Standards, as adopted 9/06/05). Kittitas County Department of Public Works requires a "maximum build-out" plan be discussed in a pre-applicant meeting with the applicant to clarify some of these issues.

C. At the time of a project action, the applicant shall submit a stamped traffic analysis from a licensed engineer in the State of Washington considering among other factors, intersection spacing, sight distances, traffic volumes, load bearing capacity of soils, pavement thickness design, etc. Reference Current Kittitas County Road Standards.

II. Water

A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of

Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan.

B. Storm water and surface runoff generated by this project must be retained and treated on site in accordance with regulating agencies' standards, and not be allowed to flow onto rights-of-way.

C. Withdrawls of groundwater on the subject property will be subject to the rules & regulations adopted and administrated by the Washington State Department of Ecology.

III. Public Services

A. Any future development must comply with International Fire Code (IFC) and Appendices.

IV. SEPA Review

A. Any future subdivision or development of the properties involved within this rezone will be subject to additional SEPA review regardless of exemptions.

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 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 within 10 working days (on or before 5:00 PM, Friday, August 25, 2006).

Responsible Official: Patrick Butler

Title: Staff Planner

Address: Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506 FAX 962-7682

Date: August 8, 2006

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of $300.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 PM, Friday, August 25, 2006. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS STATE OF WASHINGTON

ORDINANCE NO. 2006 - 57

ANDRUS REZONE (Z-06-23)

IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS FOR A PORTION OF SECTION 26 OF TOWNSHIP 20 N., RANGE 15 E., FROM FOREST&RANGE TO RURAL-3

WHEREAS, according to Kittitas County Code Titles 15A & 17, relating to general rezones, adopted pursuant to RCW 36.70B & 36.70 respectively, an open record hearing was held by the Kittitas County Planning Commission on September 21, 2006 for the purpose of considering a zone change consisting of approximately 25.0 acres from Forest&Range to Rural-3 and described as follows:

> Located east of Deer Creek Rd., south of Big Tail Rd., and north of the City of Cle Elum, within the NE ¼, Section 26, T.20N., R.15E., W.M., Kittitas County, WA. The rezone applies to tax parcel number(s) 20-15-26010-0009, 0010; and,

WHEREAS, testimony was taken from those persons present who wished to be heard during said open record hearing before the Planning Commission; and,

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

WHEREAS, the Planning Commission recommended denial of said proposed rezone in a 3-1 decision; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on November 7, 2006 to consider the Planning Commission's recommendation on this matter; and,

WHEREAS, the following FINDINGS OF FACT have been made concerning said proposed rezone:

1. Becky Andrus, landowner has submitted an application for a general zone change from Forest & Range to Rural-3 for approximately 25.0 acres. The site is located east of Deer Creek Rd., south of Big Tail Rd., and north of the City of Cle Elum, within the NE ¼, Section 26, T.20N., R.15E., W.M., Kittitas County, WA. The rezone applies to tax parcel number(s) 20-15-26010-0009, 0010.

2. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A on June 30, 2006. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.

3. Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this comment period and other information on file with CDS, A SEPA

(11)

Mitigated Determination of Non-Significance was issued by the Community Development Services Department on August 8, 2006. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. No SEPA Appeals were received. The SEPA MDNS has been attached for reference. **(See attached exhibit B)**

4. An administrative site analysis was completed by the staff planner in compliance with Title 17A. Moderate to steep slopes are located throughout the site, BPA easement crosses a portion of the site, coalmining activities have been a historic practice in the vicinity, but no known shafts exist on site.

5. An open record hearing was held by the Planning Commission on September 21, 2006 to consider this rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest to be served by this non-project action.

6. The requested zone change is consistent with the Rural land use designation of the Kittitas County Comprehensive Plan.

7. The proposed requested zone change does meet all seven criteria as listed in KCC 17.98.020 (E).
   a) *The proposed amendment is compatible with the comprehensive plan.*
      a. The Comprehensive Plan designation of the subject property is Rural.
      b. The requested zone change to Rural-3 is compatible with this designation.
   b) *The proposed amendment bears a substantial relation to the public health, safety or welfare.*
      a. The zoning south of the subject parcels is currently Rural-3,while zoning to the east has been rezoned to Rural-5.
      b. The subject property abuts the City of Cle Elum UGA on three sides.
      c. The rezone allows for the potential of smaller, rural parcels that are consistent with neighboring lot sizes. Smaller parcels are more valuable. The creation of this potential will increase the assessed value of the property and thereby provide more revenue for essential county services, schools, and the Fire District.
      d. The rezone will encourage and allow for the concentration of rural densities.
      e. The rezone encourages and allows for rural residential densities an area with immediate access to Big Tail Road.
   c) *The proposed amendment has merit and value for Kittitas County or a sub-area of the county.*
      a. It provides for a potential for an increased tax revenue/tax base.
      b. The rezone allows for a mixture of densities in the County.
   d) *The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.* The rezone is necessary for the reasonable development and use of the subject property because:
      a. The subject property abuts the Cle Elum UGA on three sides.
      b. The zoning south of the subject parcels is currently Rural-3, parcels abutting the subject property to the east is have recently been rezoned toRural-5.
      c. This rezone has the potential to increase the available housing stock.
      d. The rezone is necessary for the reasonable development and use of the subject property.

e) *The subject property is suitable for development in general conformance with zoning standards for the proposed zone.*
   a. The subject property abuts the Cle Elum UGA on three sides.
   b. Adequate acreage exists to handle development that shall conform with zoning standards of the proposed zone.

f) *The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.*
   a. The surrounding area is composed of a mixture of uses which include residential, and natural resource.
   b. The proposed amendment abuts the City of Cle Elum UGA on three sides and is a logical extension of density in this specific area.

g) *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.*
   a. There is no impact to irrigation.

8. Additional conditions are necessary to protect the public's interest. The condition is as follows:
   a. SEPA review will be required for any future development regardless of the exemption status at time of development. **(See attached Exhibit B)**

9. No public testimony was heard.

NOW THEREFORE,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Kittitas County, Washington, after due deliberation and in the best interest of the public, does hereby approve said zone change from Forest&Range to Rural-3, known as the Andrus Rezone (Z-06-23), and does hereby authorize the amendment of the Kittitas County Zoning Map as set forth in **(attached Exhibit A).**

DATED this 21st day of November, 2006 at Ellensburg, Washington.

COUNTY COMMISSIONERS SEAL KITTITAS WASHINGTON

ATTEST:
CLERK OF THE BOARD

Julie A. Kjorsvik

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

David B. Bowen, Chairman

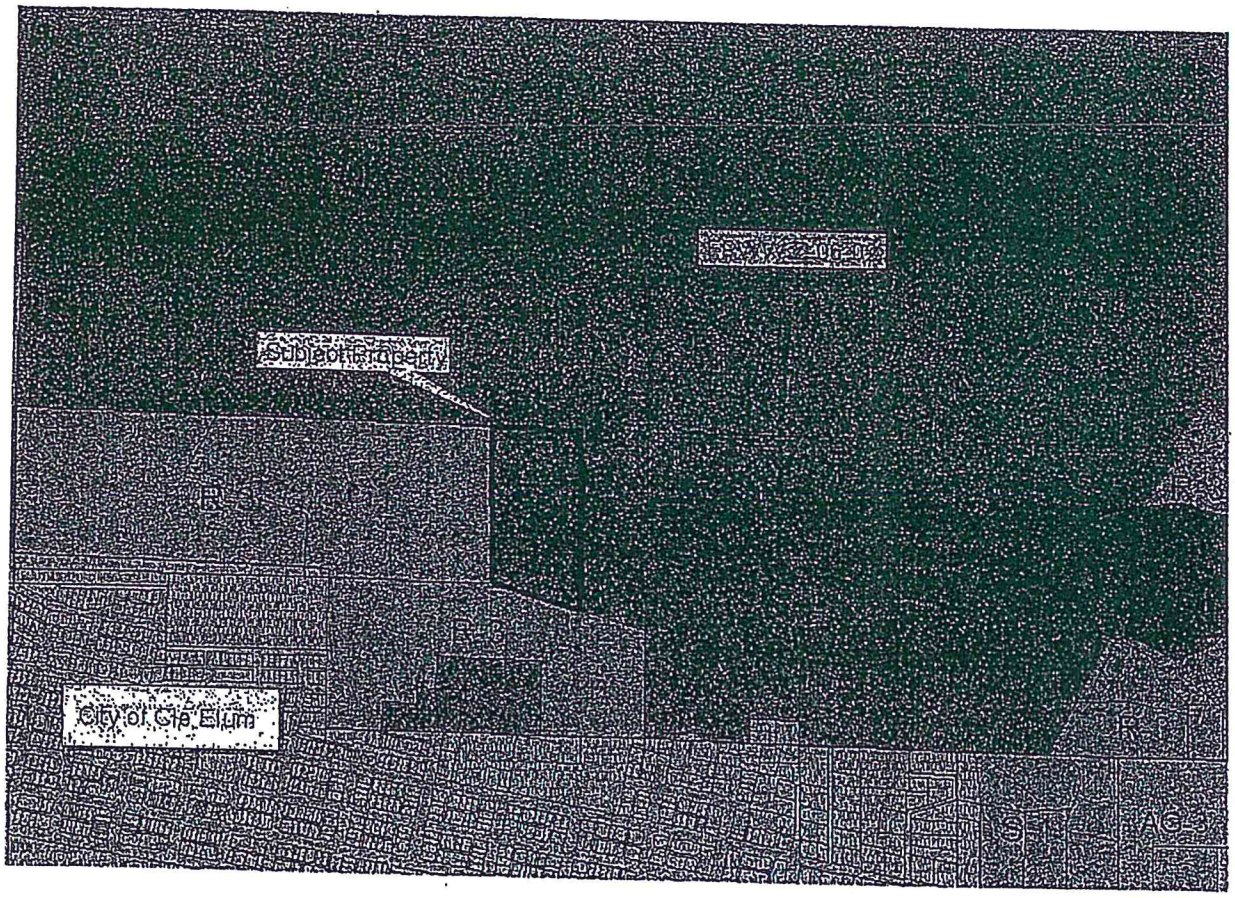
Alan A. Crankovich, Vice-Chairman

APPROVED AS TO FORM:

James Hurson WSBA #12686

Perry D. Huston, Commissioner

Exhibit A: Map Andrus Rezone (Z-06-23)



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ANDRUS CORY W ETUX
PO BOX 785
CLE ELUM WA 98922-922-

CLE ELUM HOMESTEAD LLC
PO BOX 654
PORT ORCHARD WA 98366

COOPER PASS LLC
301 W 1ST ST STE B
CLE ELUM WA 98922-922-

FLANAGAN THOMAS F
PO BOX 1024
CLE ELUM WA 98922-922-

MUHLBEIER JAMES A ETUX
21403 SE 16TH PLACE
SAMMAMISH WA 98075-075-

NORTHLAND INVESTMENTS INC
301 W 1ST ST STE B
CLE ELUM WA 98922-922-

PERSON ALAN K ETUX
12023 434TH AVE SE
NORTH BEND WA 98045

ROSS MICHAEL W ETUX
1300 SKYWALL DR
SULTAN WA 98294-294-

CDS\Labels\Labels2007\BIGRIDGE SP-07-115 (7/23/2007)

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

Washington Dept. of Ecology
David F. Dietzman
P.O. Box 47015
Olympia, WA 98504-

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

CDS\Labels\Labels 2007\BIG RIDGE SP-07-40 7/23/2007

Yakama
P.O. Box
Toppenis

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

Yakama Nation Dept. of Natural Resources
Philip Rigdon
P.O. Box 151
Toppenish, WA 98948

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

Kittitas County Sheriffs Dept.

Kittitas County Board of County Commissioners

Kittitas County Enforcement and Investigation

Kittitas County Environmental Health

Kittitas County Solid Waste Programs

Kittitas County Public Works

Irrigation District (if applicable)

Fire District (Paste from List)

School District (Paste from list)

WSDOT (if applicable)

Neighboring City (if applicable)

US Forest Service (if applicable)

Bonneville Power Administration
(If applicable)

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

Department of Ecology
Environmental Review Section
PO Box 47703
Olympia, WA 98504-7703

Liz Bryson
Daily Record
401 N Main
Ellensburg, WA 98926

Yakama Nation
Kate Valdez
Tribal Historic Preservation Officer
PO Box 151
Toppenish, WA 98948

Johnson Meninick
Cultural Resources Program
PO Box 151
Toppenish, WA 98948

Henry Fraser
Yakama Nation Fisheries
MS 7420 CWU
400 E. University Way
Ellensburg, WA 98926

Yakama Nation Cultural Resources Program
Johnson Meninick, Program Manager
PO Box 151
Toppenish, WA 98948

Melissa Bates
20 Elk Haven Rd.
Cle Elum, WA 98922

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

July 18, 2007

Becky Andrus.
P.O. Box 785
Cle Elum, WA 98922

RE: Big Buck Ridge Cluster Plat, File number P-07-40

Dear Ms. Andrus:

Community Development Services is in receipt of the referenced application. The application is deemed incomplete and the following additional information is required:

1. The address list of all landowners within 300-feet of the site's tax parcel was not submitted as part of the required attachments to your Long Plat Application.

When the additional information is received and the application is deemed complete, our review of the application will continue. If you have any questions or need assistance, please contact our office at (509) 962-7637.

Sincerely,

Dan Valoff

Dan Valoff
Planner 1

No adjacent prop owners submitted

Kittitas County
Department of Public Works

VARIANCE REQUEST

To be completed by applicant

Name: Becky Andrus

Date of application: 05/18/07

▪ Developer

Agent for Developer

Address: 140 Bigbuck Ridge Rd
Cle Elum, WA 98922

Daytime phone: 509-304-7015

Associated Project/Development: Tax parcel 20-15-26010-0009/0010 (25 acres total)

Request (be specific): Administrative determination related to Table 12-1 of the Kittitas County Road Standards, minimum easement width of 60'. A Preliminary Plat Application is being proposed for a 14 lot Performance Based Cluster Plat.

Reason for request: The existing primary access to the subject property is via Deer Creek Road (existing private road), from the end of Montgomery Avenue. In addition, there are two alternative private access routes connecting to Deer Creek Road from separate public right-of-ways (6th Street to the west and Columbia Avenue to the east). Both physically and legally exist as alternative and/or emergency access routes to the subject property and both within 60' easements in their entirety. Please refer to the attached map identifying all three access routes and corresponding easement and/or right-of-way widths. Deer Creek Road is located on a 30' easement for approximately 320 feet from the end of Montgomery Avenue; the remainder of Deer Creek Road is located within a 60' easement. The 320 foot portion of road is in the City of Cle Elum's Urban Growth. A design is being proposed by a previous developer for those improvements within the easement necessary to bring Deer Creek Road in full compliance with the applicable road standards. The remainder of Deer Creek Road will also be improved in full compliance with the applicable road standards. Please take into account that Deer Creek Road is an existing private road, established both legally and physically and has previously been approved and acknowledged by the county to serve adjacent subdivisions, short subdivisions and/or large lot subdivisions, all prior to and since adoption of the new road standards.

List of supporting documents attached: Property Map

Attach map.

Signature of applicant

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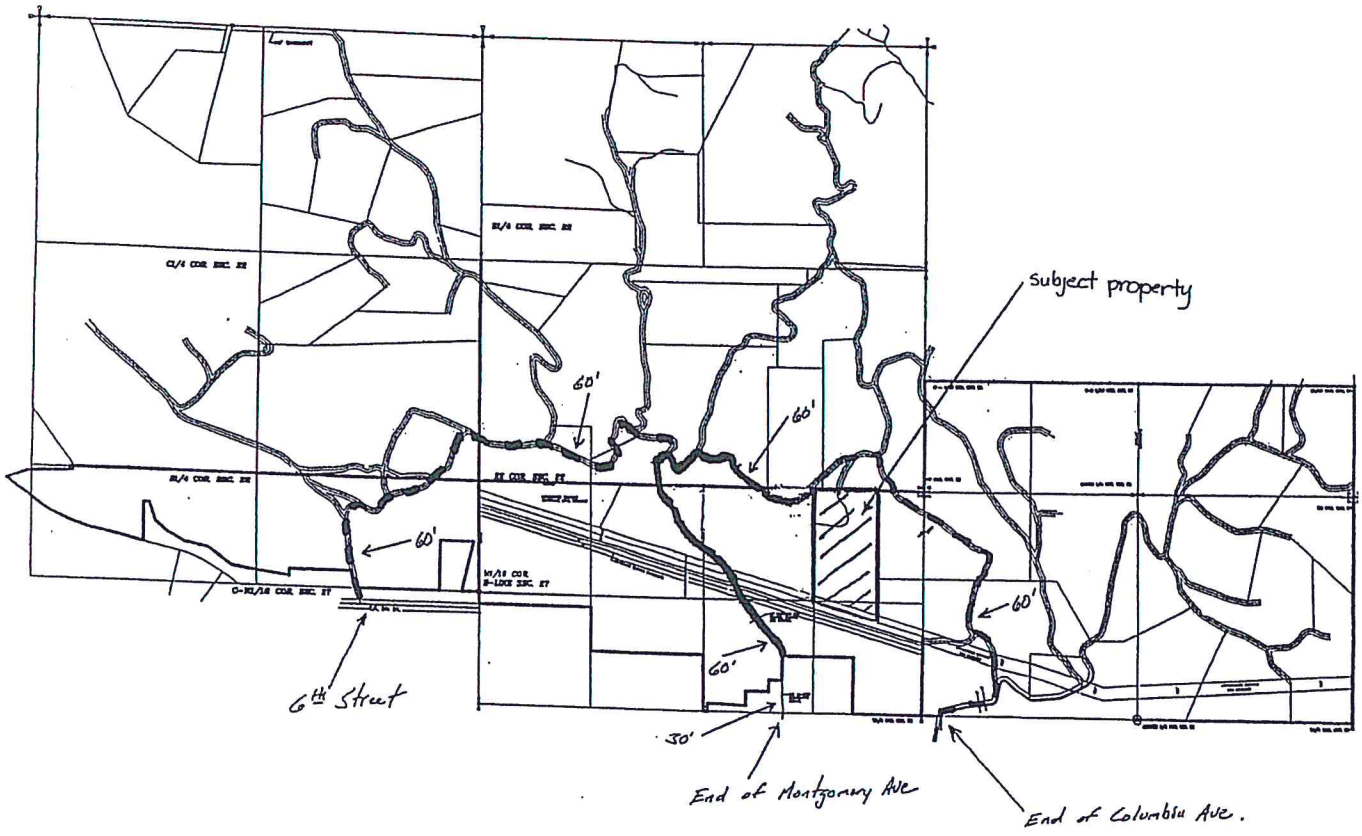
subject property
60'
60'
60'
60'
60'
30'
6th Street
End of Montgomery Ave
End of Columbia Ave.

DAN

PUBLIC HEALTH DEPARTMENT

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

Administration
Community Health Services
Health Promotion Services
507 N. Nanum Street, Ste 102
Ellensburg, WA 98926
Phone: (509) 962-7515
Fax: (509) 962-7581

Environmental Health
411 N. Ruby Street, Ste. 3
Ellensburg, WA 98926
Phone: (509) 962-7698
Fax: (509) 962-7052

June 20, 2007

Mark Plog
1505 NW Mall Street
Issaquah, WA 98027

Dear Mr. Plog,

We have received the proposed Big Buck Ridge Plat, located in Section 26, Township 20, Range 15, off of Bigbuck Ridge Road. We have also received the $625.00 plat submission fee (receipt #051826).

For plat approval both sewage and water availability must be satisfactorily addressed. Refer to WAC 246-272 -20501 and 246-272-09501 for septic and well setbacks.

For sewage disposal you have two options:

1. PUBLIC UTILITY SEWER
   Submit a signed letter of agreement between the responsible public utility official and the developer/owner or other documentation that provides proof of connection to public sewer.

2. ON SITE SEWAGE
   Soil logs will need to be scheduled and dug at a mutually convenient time. The developer/owner shall provide soil logs as per Chapter 246-272 WAC or as amended. The information obtained will be recorded and placed in the plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and does not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.

Prior to receiving final approval for subdivisions (short and long plats) in Kittitas County, applicants shall be required to show the adequacy of potable water supplies proof of potable water supply can be demonstrated four ways:

1. PUBLIC UTILITY WATER SUPPLY APPLICANTS – shall submit a signed letter of agreement with the responsible public utility official and the developer/owner, granting delivery of potable water for the entire development.

2. GROUP "A" PUBLIC WELL – if you have an existing well and a Department of Ecology issued "water right" for potable usage of the well, Washington State Department of Health (DOH) is the regulatory authority for approving Group A systems. We require written verification that DOH has approved the system prior to final plat approval (see contact information below). If you have not secured a water right for potable use you must contact the Washington State Department of

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Ecology (Central Regio.. Office) located in Yakima, Washingto. , begin the process of obtaining a water right. Their contact number is: (509) 575-2800.

3. GROUP "B" PUBLIC WELLS – As of January 11, 2007, Washington State Department of Health is the regulatory authority for approving Group B Water Systems in Kittitas County. The process for approval includes a source site inspection to approve the location of the proposed well or if the well exists to ensure that it meets the criteria for approval; drilling of the well and/or ensure that the well is located within the subdivision boundaries; completion of the well infrastructure, the workbook and all related documentation including testing and satisfactory results. After all of the aforementioned information is submitted, reviewed, and approved by Washington State DOH, final issuance of the well ID number completes the requirement.

   Washington State Department of Health
   1500 W. 4th, Suite 305
   Spokane, WA 99204
   (509) 456-2453
   ATTN: Tom Justus, Regional Engineer

4. INDIVIDUAL WELLS – the submittal of well logs or a hydrogeological report with documentation/evidence to support the claim regarding adequate availability of groundwater for the proposed number of potable water wells. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed Hydrogeologist.

All applicants for subdivision (short and long plats) utilizing wells shall have a note placed on the face of the final mylars that states:

> *"Kittitas County relies on its record that a supply of potable water exists. The approval of this division of land includes no guarantee or assurance that there is a legal right to withdraw groundwater within the land division."*

Once we have received and reviewed complete information, we will notify Community Development Services through our Environmental Health Checklist that you have satisfactorily addressed health department requirements.

Sincerely,

Cathy Bambrick

Cathy Bambrick
Kittitas County Environmental Health Manager

cc: Community Development Services

KITTITAS COUNTY
WASHINGTON
PLAT
P-07-XX

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) IN FEE SIMPLE OF THE DESCRIBED REAL PROPERTY, DOES HEREBY DECLARE THIS PLAT AND DESCRIPTION AND IN LIEU OF DEDICATION OF ROADS HEREBY GRANTS FOREVER UNTO ALL LESSEES OF LOTS IN THIS PLAT AND ALL FUTURE PLATS IN THIS PLAT AN UNDIVIDED INTEREST IN ALL ROADS SHOWN AS PRIVATE ROADS.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS

_____ DAY OF _____, A.D., 20____

_____
NAME

_____
NAME

_____
NAME

_____
NAME

ACKNOWLEDGEMENT

STATE OF _____)
) SS
COUNTY OF _____)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____

SIGNED THIS DEDICATION AND ON OATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE

_____ OF _____

TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____
SIGNATURE OF
NOTARY PUBLIC _____
PRINTED NAME OF
NOTARY PUBLIC _____
TITLE _____
MY APPOINTMENT EXPIRES _____

REFERENCE SURVEYS

#1) SURVEY FILED IN VOL. 27, PAGE 111 BY LS 29269
#2) SURVEY FILED IN VOL. 28, PAGES 48-50 BY LS 29269
#3) SURVEY FILED IN VOL. 11, PG. 79 BY LS 7172
#4) REVISED BLA SURVEY FILED IN VOL. 28, PG. 44-45 BY LS 29268
#5) LARGE LOT SUB. NO. SP-2003-09 AS FILED IN BK. 8, PG. 229-230 BY LS 29268
#6) BOUNDARY LINE ADJUSTMENT AS FILED UNDER AFN. 200507280018 BY LS 29268
#7) SHORT PLAT FILED IN BOOK H, PAGES 167 & 168 BY LS 29268

BASIS OF BEARINGS

BASIS OF BEARING: SURVEY FILED IN VOL. 28, PAGES 48-50, RECORDS OF KITTITAS COUNTY, WASHINGTON

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY THAT THE TAXES AND ASSESSMENTS ARE PAID FOR THE PRECEDING YEARS AND FOR THIS YEAR IN WHICH THE PLAT IS NOW TO BE FILED.

DATED THIS _____ DAY OF _____, A.D., 20____

_____
KITTITAS COUNTY TREASURER

KITTITAS COUNTY PUBLIC WORKS

EXAMINED AND APPROVED THIS _____ DAY OF _____, A.D., 20____

_____
PUBLIC WORKS DIRECTOR

COUNTY PLANNING DIRECTOR

I HEREBY CERTIFY THAT THE PLAT OF _____ HAS BEEN EXAMINED BY ME AND FIND THAT IT CONFORMS TO THE COMPREHENSIVE PLAN OF THE KITTITAS COUNTY PLANNING COMMISSION.

DATED THIS _____ DAY OF _____, A.D., 20____

_____
KITTITAS COUNTY PLANNING DIRECTOR

KITTITAS COUNTY HEALTH DEPARTMENT

I HEREBY CERTIFY THAT THE PLAT OF _____ HAS BEEN EXAMINED BY ME AND I FIND THAT THE SEWAGE AND WATER SYSTEM HEREIN SHOWN DOES MEET AND COMPLY WITH ALL REQUIREMENTS OF THE COUNTY HEALTH DEPARTMENT.

DATED THIS_____DAY OF _____, A.D., 20_____.

_____
KITTITAS COUNTY HEALTH OFFICER

CERTIFICATE OF COUNTY ASSESSOR

I HEREBY CERTIFY THAT THE PLAT OF BELL CREEK HAS BEEN EXAMINED BY ME AND I FIND THE PROPERTY TO BE IN ACCEPTABLE CONDITION FOR PLATTING

DATED THIS _____ DAY OF _____, A.D., 20____

_____
KITTITAS COUNTY ASSESSOR

CERTIFICATE OF BOARD OF COUNTY COMMISSIONERS

EXAMINED AND APPROVED THIS _____ DAY OF _____, A.D., 20____

_____
BOARD OF COUNTY COMMISSIONERS KITTITAS COUNTY, WASHINGTON BY CHAIRMAN

ATTEST:

_____
CLERK OF THE BOARD

ORIGINAL PARCEL DESCRIPTION

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 26, TOWNSHIP 20 NORTH, RANGE 15 EAST, W.M., KITTITAS COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE NORTH 88°38'56" WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 562.75 FEET TO THE TRUE POINT OF BEGINNING;

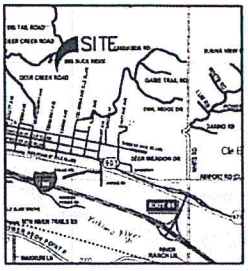
THENCE CONTINUING NORTH 88°38'56" WEST ALONG SAID NORTH LINE A DISTANCE OF 766.78 FEET; THENCE SOUTH 00°25'27" WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 1,310.23 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE CONTINUING SOUTH 00°25'27" WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 14.40 FEET; THENCE SOUTH 73°19'17" A DISTANCE OF 788.37 FEET; THENCE NORTH 00°47'37" EAST PARALLEL TO THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 1,533.14 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE TRUE POINT OF BEGINNING.

TAX PARCEL NO. 20-15-26010-0010

OWNER: CORY W. & REBECCA L. ANDRUS
P.O. BOX 785 CLE ELUM, WA 98922

RECORDING NO. | VOL /PAGE

PORTION OF
NE 1/4 NE 1/4, SEC 26, TWN 20, RGE 15E, W.M.



VICINITY MAP
NTS

Chapter 16.09 KCC - Performance Based Cluster Platting

Project Name	Big Buck Plat	
Gross Acreage	153	Private Roads
Density	1/3	Private Deed
Gross Lot Area	4	Open Space A
Net Lot Area		Total Proposed Lots
		Average Lot Size

Public Benefit Ratings System Chart

Element	Total Points Allowed	Total Points Applied	Comments
Density Factor			
Open Space			
Conservation			
Public Water Access			
Stewardship			
Historical			
Subtotal			
Open Space			
Area - Type (percentage)	44 - 50%	44	44% open space (67.0 acres)
Use of Native Tree	max 100		
Urban Reforestation			
Subtotal		44	
Water Quality			
Conservation	100		
Buffering	100		
Subtotal			
Public Health and Safety			
Municipal Water	50		
Group A	50		
Group B	25		Group B water systems is proposed
Group C	10		
Community Septic	50		
Replacement Water	50		
Subtotal			
Residential			
Existing	5/10		
Active	10/20		Trails Provided
Historic Area	10/25		
Subtotal			
TOTAL		79	

NEIGHBORING OWNERSHIP

Cory Andrus
PO Box 785
Cle Elum, WA 98922
20-15-26010-0009

James Muhlbeier
21403 SE 16th Place
Sammamish, WA 98075
20-15-23000-0005

Thomas Flanagan
PO Box 1024
Cle Elum, WA 98922
20-15-25059-0001

Cle Elum Homestead LLC
PO Box 654
Port Orchard, WA 98366
20-15-23051-0003

Highmark Resources LLC
206 West First Street
Cle Elum, WA 98922
20-15-25058-0003

Northland Investments LLC
PO Box 923
Cle Elum, WA 98922
20-15-26060-0003

Northland Investments LLC
PO Box 923
Cle Elum, WA 98922
20-15-26060-0004

Sapphire Skies LLC
206 West First Street
Cle Elum, WA 98922
20-15-26057-0003

Alan Person
12023 434th Ave SE
North Bend, WA 98045
20-15-23000-0004

Michael Ross
1300 Skywall Dr
Sultan, WA 98294
20-15-23000-0003

RECORDER'S CERTIFICATE

FILED FOR RECORD THIS_____DAY OF_____,2006 AT____M IN BOOK _____OF SURVEYS PAGE _____ AT THE REQUEST OF GEODATUM, INC

_____
COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF CORY & BECKY ANDRES IN JUNE, 2007

_____ 6/19/07
CERTIFICATE NO.: 31976

BIG BUCK RIDGE PLAT

CORY & BECKY ANDRUS
P.O. BOX 785
CLE ELUM, WA 98922

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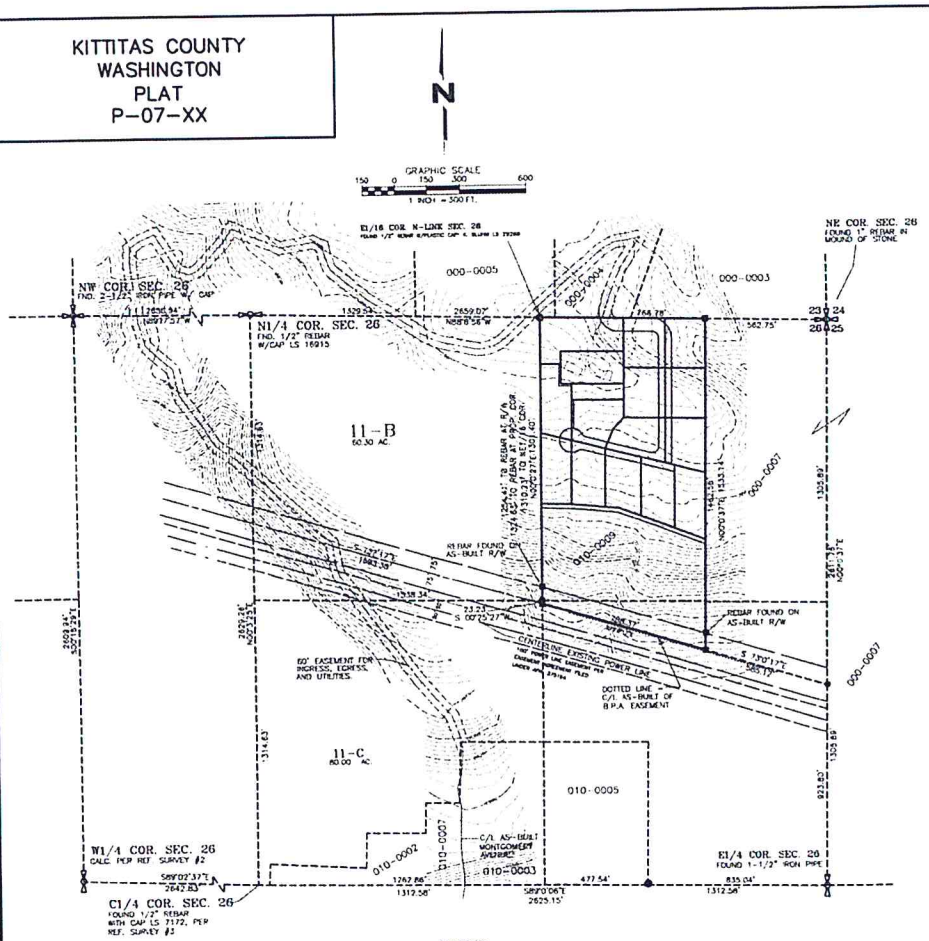
www.geodatum.com
GeoDatum Inc
SURVEY-CIVIL-STRUCTURAL
1505 NW Mall Street
Issaquah, WA 98027
(425) 837-8083

PROJECT # 2006-047 | SHEET 1 OF 3

6.

KITTITAS COUNTY
WASHINGTON
PLAT
P-07-XX

RECORDING NO.	VOL./PAGE
PORTION OF NE 1/4 NE 1/4, SEC 26, TWN 20, RGE 15E, W.M.	



NOTES

1. THIS SURVEY IS BASED ON THE CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, POLICY NO. 72030-4368 DATED JANUARY 31, 2006 AT 8:00 A.M.
2. INSTRUMENTATION FOR THIS SURVEY WAS A 3-SECOND NIKON DTM 521 TOTAL STATION. PROCEDURES USED IN THIS SURVEY MEET OR EXCEED STANDARDS SET BY WAC 332-130-090.
3. THE TOPOGRAPHY SHOWN IS BASED UPON CONTOURS PROVIDED BY DEGROSS AERIAL MAPPING AND ARE NOT BASED ON AN ON THE GROUND SURVEY.
4. ENTIRE PLAT ROAD SHALL ACHEIVE 95% COMPACTION AND SHALL BE INSPECTED AND CERTIFIED BY A LICENSED ENGINEER IN THE STATE OF WASHINGTON SPECIFYING THAT THE ROAD MEETS CURRENT KITTITAS COUNTY ROAD STANDARDS PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR THIS PLAT.
5. KITTITAS COUNTY WILL NOT ACCEPT PRIVATE ROADS FOR MAINTENANCE AS PUBLIC STREETS OR ROADS UNTIL SUCH STREETS OR ROADS ARE BROUGHT INTO CONFORMANCE WITH CURRENT COUNTY ROAD STANDARDS. THIS REQUIREMENT WILL INCLUDE THE HARD SURFACE PAVING OF ANY STREET OR ROAD SURFACED ORIGNALLY WITH GRAVEL.
6. MAINTENANCE OF THE ACCESS IS THE RESPONSIBILITY OF THE PROPERTY OWNERS WHO BENEFIT FROM ITS USE. THE COUNTY WILL NOT MAINTAIN THE ACCESS.
7. ANY FURTHER SUBDIVISION OF LOTS TO BE SERVED BY PROPOSED ACCESS MAY RESULT IN FURTHER ACCESS REQUIREMENTS. SEE KITTITAS COUNTY ROAD STANDARDS.
8. MAILBOXES SHALL BE "BREAK-AWAY" DESIGN AND BE APPROVED BY THE U.S. POSTAL SERVICE DRAWINGS H-12, SHEET 1-3.
9. KITTITAS COUNTY RELIES ON ITS RECORD THAT A SUPPLY OF POTABLE WATER EXISTS. THE APPROVAL OF THIS DIVISION OF LAND INCLUDES NO GUARANTEE OR ASSURANCE THAT THERE IS A LEGAL RIGHT TO WITHDRAW GROUNDWATER WITHIN THE LAND DIVISION.
10. ALL PARCELS WITHIN THIS SUBDIVISION ARE CURRENTLY ZONED RURAL-3.
11. ACREAGE IS COMPUTED TO THE CENTERLINE OF THE ROADS EXCEPT WHERE SHOWN OTHERWISE.
12. EACH LOT TO BE SERVED BY ON SITE SEPTIC SYSTEM
13. NO KNOWN CRITICAL AREAS EXIST ON SITE

BASIS OF BEARINGS

BASIS OF BEARING: SURVEY FILED IN VOL. 28, PAGES 28-30, RECORDS OF KITTITAS COUNTY, WASHINGTON.

REFERENCE SURVEYS

1) SURVEY FILED IN VOL. 27, PAGE 111 BY LS 29269
2) SURVEY FILED IN VOL. 28, PAGES 48-50 BY LS 29269
3) SURVEY FILED IN VOL. 11, PG. 79 BY LS 7172
4) REVISED BLA SURVEY FILED IN VOL. 28, PG. 44-45 BY LS 29268

LEGEND

- ■ = FOUND 1/2" REBAR W/PLASTIC CAP: K. ELUM LS 29269, PER REFERENCE SURVEY #1
- □ = FOUND 1/2" REBAR W/CAP LS 7172, PER REF. SURVEY #3
- ● = FOUND 1/2" REBAR W/PLASTIC CAP: J. BENTLEY LS 29268
- ⊠ = FOUND AS NOTED

BIG BUCK RIDGE PLAT

CORY & BECKY ANDRUS
P.O. BOX 785
CLE ELUM, WA 98922

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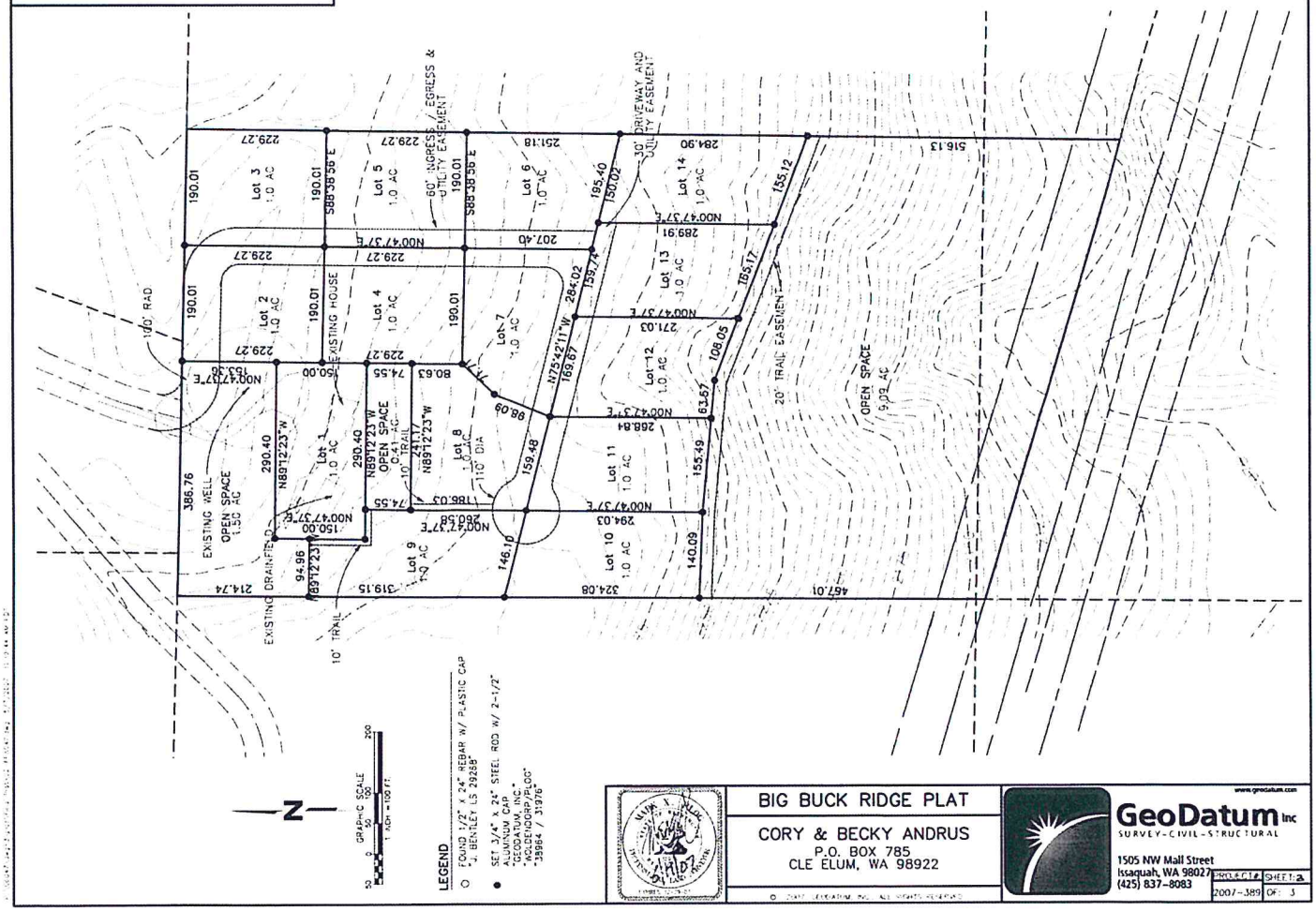
PROJECT # 2007-389 | SHEET: 2 OF: 3

KITTITAS COUNTY
WASHINGTON
PLAT
P-07-XX

RECORDING NO.	VOL./PAGE
PORTION OF NE 1/4 NE 1/4, SEC 26, TWN 20, RGE 15E, W.M.	



BIG BUCK RIDGE PLAT

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PROJECT# 2007-389 SHEET: 2 OF: 3

6

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

P-07-40

LONG PLAT APPLICATION

(To divide lot into 5 or more lots)

KITTITAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CALL THE DEPARTMENT IF YOU WOULD LIKE TO SET UP A MEETING TO DISCUSS YOUR PROJECT. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. THE FOLLOWING ITEMS MUST BE ATTACHED TO THIS 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 300 feet of the site's tax parcel. If adjoining parcels are owned by the applicant, the 300 feet extends from the farthest parcel. If the parcel is within a subdivision with a Homeowners or Road Association, please include the 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;
$1500 for Community Development Services Department, PLUS $225 if SEPA Checklist is required
*One check made payable to KCCDS

FOR STAFF USE ONLY

APPLICATION RECEIVED BY:
SIGNATURE: X Kat Mm
DATE: 6/20/07
RECEIPT # 051826

PAID
DAJUN STAMP HERE 2 0 2007
KITTITAS CO CDS

NOTES:

DARRYL PIERCY, DIRECTOR
ALLISON KIMBALL, ASSISTANT DIRECTOR

5

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

Name: Becky Andrus

Mailing Address: PO Box 785

City/State/ZIP: Cle Elum, WA 98922

Day Time Phone: 509-304-7015

Email Address: corbecllc@msn.com

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

Agent Name: _____

Mailing Address: _____

City/State/ZIP: _____

Day Time Phone: _____

Email Address: _____

3. **Contact person for application (select one):**
☑ Owner of record ☐ Authorized agent
All verbal and written contact regarding this application will be made only with the contact person.

4. **Street address of property:**

Address: 140 Bigbuck Ridge Rd

City/State/ZIP: Cle Elum, WA 98922

5. **Legal description of property:**
Part of the Northeast quarter of the Northeast quarter and the Southeast quarter of the Northeast quarter of Section 26, Township 20 North, Range15 East, W.M., Kittitas County Washington

6. **Tax parcel number(s):** 20-15-26010-0009, - 0010

7. **Property size:** 25 total **(acres)**

8. **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):
The project consists of a cluster subdivision pursuant to Chapter 16.09 KCC. The subject property is 25 acres in area and will be divided into 14 one-acre single-family residential lots and 11 acres of open space. Water supply is proposed from a Group B water system and each lot will be served by on-site sewage disposal. Access to the site is from Deer Creek Road (private road) via Montgomery Ave. Private road improvements will be completed in conformance with Chapter 12.12 KCC. A summary of the public benefit ratings system has been included with this application. Please refer to the attached preliminary plat for property location and other additional information.

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

10. What County maintained road(s) will the development be accessing from? Montgomery Ave.

11. 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.

12. Are there any other pending applications associated with the property associated with this application?
☐ Yes ☑ No

Signature of Authorized Agent: Date:

X Becky Andrus 6/19/07

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

X Becky Andrus 6/19/07

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES
411 N. Ruby St., Suite 2, Ellensburg, WA 98926
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Office (509) 962-7506
Fax (509) 962-7682

SEPA ENVIRONMENTAL CHECKLIST

FEE $225.00

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 nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS.

For nonproject 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.

FOR STAFF USE

A. BACKGROUND

1. Proposed timing or schedule (including phasing, if applicable):
   Preliminary approval within approximately 120 days.

2. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
   None proposed.

3. List any environmental information you know about that had been prepared, or will be prepared, directly related to this proposal.
   None known or currently required.

4. 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.

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

The proposed subdivision requires approval from Kittitas County.

B. ENVIRONMENTAL ELEMENTS

1. Earth

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

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

+30%

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.

Topsoil, sandstone, shale, silt, clay and rock out croppings.

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

None known or observed.

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

Grading and/or filling is necessary as part of the private road improvements necessary to meet Kittitas County standards. Total volumes associated with this project should be less than 1,500 cubic yards. All suitable cut and fill material will be utilized on site; no import/export of fill is anticipated.

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

Erosion could occur during the wet season if soils are left exposed during normal construction activities. An erosion control plan will be prepared and any necessary erosion control measures will be employed prior to and during construction activities.

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

Less than 5% of the site will be covered with impervious surfaces.

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

An erosion control plan will be prepared and any necessary erosion control measures will be employed prior to and during construction activities. Erosion control will likely include silt fence, straw check dams and covering of exposed soils if necessary.

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.

Operation of machinery during construction will produce minimal emissions and exhaust from future residential traffic will occur.

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

None known or observed.

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

All equipment and vehicles should comply with applicable emission regulations.

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.

No water bodies are on site.

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.

None proposed or necessary.

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 or necessary.

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

None proposed or necessary.

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

None known.

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.

No discharge of waste materials is proposed.

b. Ground

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

Future residential construction will require withdrawal of water for domestic water supply (not to exceed 5,000 gpd) and discharge will include on-site septic systems. Fourteen single-family residential lots are proposed.

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.

The proposed lots will be served by on-site septic systems.

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.

Potential runoff will likely be generated from future impervious surfaces commonly associated with single-family residential development. Runoff will be directed into existing drainage courses.

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

Waste materials could enter the ground through future septic systems.

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

Impervious surfaces likely will not exceed 5% of the total site area.

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?

Vegetation will be removed during clearing and grading of the roadway.

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

None known or observed on or near the site.

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

Existing vegetation will be preserved to the maximum extent practical, including the dedication of 11 acres of 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.

No threatened or endangered species have been observed or known to exist on site.

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

None known.

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

The proposed development will include 11 acres of 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 competed project□s energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electric, wood stove and solar will likely be used for any future development. Natural gas does not currently exist on or near the site, but may in the future.

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

None known or anticipated.

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.

Not applicable at this time.

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.

1) Describe special emergency services that might be required.

None at this time.

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

None known or anticipated.

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.

Normal construction activities will produce noise at the time of development. Long-term noise will occur as a result of future residential traffic and home sites.

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

None proposed or necessary.

8. LAND AND SHORELINE USE

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

The site is located within an area of rural residential development and forest resource lands. The subject property has a single family home on it.

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

None known.

c. Describe any structures on the site.

A single-family home.

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?

Not applicable.

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? Fourteen single-family residences.

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 subdivision is consistent with the comprehensive plan, current zoning and the existing neighborhood.

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 the time. However, future single-family 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 homes will likely not exceed 35 feet.

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

None.

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

None proposed or necessary.

11. LIGHT AND GLARE

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

Reflection from future single-family residences may occur.

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

None known or anticipated.

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

None known or anticipated.

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

None proposed or necessary.

12. RECREATION

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

Many recreational opportunities exist within the immediate vicinity, including: hiking, camping, biking, fishing, hunting, snowmobiling, skiing and horseback riding.

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

None known or anticipated.

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

A private trail.

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 observed.

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 observed.

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

None proposed or necessary at this time.

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.

The site is currently accessed from Montgomery Ave. Existing and proposed private roads will be improved in accordance with Kittitas County Standards.

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?

All parking will occur on the respective lot.

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).

Existing roadways will be improved in conformance with the applicable Kittitas County Road Standards and are proposed to be private.

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.

Up to 140 trips per day may be generated.

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

None proposed or necessary at this time.

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.

There will be an incremental increase in the need for public services proportionate to 14 single-family residences.

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

None proposed or necessary.

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.

Telephone and power will be extended on site.

C. SIGNATURE

[I] 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.[I]

Signature: Becky Andrus Date: 6/19/07

THE REMAINING QUESTIONS ARE EXCLUSIVELY FOR REZONE APPLICANTS AND FOR AMENDMENTS TO COUNTY COMPREHENSIVE PLAN AND CODE. UNLESS THESE APPLY TO YOU, THIS IS THE END OF THE SEPA CHECKLIST.

SEPA ENVIRONMENTAL CHECKLIST QUESTIONS FOR NON-PROJECT ACTIONS ONLY. WHEN ANSWERING THESE QUESTIONS, BE AWARE THE EXTENT OF THE PROPOSAL, OR THE TYPE OF ACTIVITIES LIKELY TO RESULT FROM THE PROPOSAL, WOULD AFFECT AN ITEM AT A GREATER INTENSITY OR AT A FASTER RATE THAN IF THE PROPOSAL WERE NOT IMPLEMENTED. RESPOND BRIEFLY AND IN GENERAL TERMS (ATTACH ADDITIONAL SHEETS AS NECESSARY)

FOR STAFF USE

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? Proposed measures to avoid or reduce such increases.

2. How would the proposal be likely to affect plants, animals, fish or marine life: Proposed measures to protect or conserve plants, animals, fish or marine life.

3. How would the proposal be likely to deplete energy or natural resources? Proposed measures to protect or conserve energy and natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? Proposed measures to protect such resources or to avoid or reduce impacts.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses? Proposed measures to avoid or reduce shoreline and land use impact.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Proposed measures to reduce or respond to such demand(s).

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

File Original and First Copy with Department of Ecology
Second Copy — Owner's Copy
Third Copy — Driller's Copy

WATER WELL REPORT
STATE OF WASHINGTON

Start Card No. W079094
UNIQUE WELL I.D. # ACW-606
Water Right Permit No.

(1) OWNER: Name Ray Owens Address 109W 4TH St. CleElum WA 98922

(2) LOCATION OF WELL: County Kittitas 1/4 NW 1/4 Sec 25 T. 20 N. R 15 W.M.

(2a) STREET ADDRESS OF WELL (or nearest address) Main St. to Columbia CDEF

(3) PROPOSED USE: [X] Domestic [ ] Industrial [ ] Municipal [ ] Irrigation [ ] Test Well [ ] Other [ ] DeWater

(4) TYPE OF WORK: Owner's number of well (if more than one) 1
Abandoned [ ] New well [X] Method: Dug [ ] Bored [ ] Deepened [ ] Cable [ ] Driven [ ] Reconditioned [ ] Rotary [X] Jetted [ ]

(5) DIMENSIONS: Diameter of well 6" inches. Drilled 300 feet. Depth of completed well 300 ft.

(6) CONSTRUCTION DETAILS:
Casing installed: 6" Diam. from +2 ft. to -55 ft.
Welded [X] 4" Diam. from -40 ft. to -300 ft.
Liner installed [ ]
Threaded [ ] " Diam. from ft. to ft.

Perforations: Yes [X] No [ ]
Type of perforator used Skillsaw
SIZE of perforations 1/8 in. by 6 in.
48 perforations from -280 ft. to -300 ft.
perforations from ft. to ft.
perforations from ft. to ft.

Screens: Yes [ ] No [X]
Manufacturer's Name
Type Model No.
Diam. Slot size from ft. to ft.
Diam. Slot size from ft. to ft.

Gravel packed: Yes [ ] No [X] Size of gravel
Gravel placed from ft. to ft.

Surface seal: Yes [X] No [ ] To what depth? 20 ft.
Material used in seal Bentonite
Did any strata contain unusable water? Yes [ ] No [X]
Type of water? Depth of strata
Method of sealing strata off

(7) PUMP: Manufacturer's Name
Type: H.P.

(8) WATER LEVELS: Land-surface elevation above mean sea level ft.
Static level 120 ft. below top of well Date 8/8/97
Artesian pressure lbs. per square inch Date
Artesian water is controlled by (Cap, valve, etc.)

(9) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? Yes [ ] No [ ] If yes, by whom?
Yield: gal./min. with ft. drawdown after hrs.

"	"	"	"
"	"	"	"

Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)

Time	Water Level	Time	Water Level	Time	Water Level

Date of test
Bailer test gal./min. with ft. drawdown after hrs.
Airtest 50 gal./min. with stem set at 298 ft. for 1 hrs.
Artesian flow g.p.m. Date
Temperature of water Was a chemical analysis made? Yes [ ] No [ ]

(10) WELL LOG or ABANDONMENT PROCEDURE DESCRIPTION
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information.

MATERIAL	FROM	TO
Clay Brown	0	25
Clay Gray Small Gravels	25	55
Shale Green	55	160
Shale Gray	160	200
Shale Gray Soft Fractured	200	240
Shale Gray Medium	240	260
Shale Gray With Water	260	300

RECEIVED
SEP - 5 1997
DEPARTMENT OF ECOLOGY
CENTRAL REGION OFFICE

RECEIVED
AUG 20 1997
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Work Started 8/7/97 19. Completed 8/8/97 19

WELL CONSTRUCTOR CERTIFICATION:
I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards. Materials used and the information reported above are true to my best knowledge and belief.

NAME H2O WELL SVC INC. 1-800-772-4901 (PERSON, FIRM, OR CORPORATION) (TYPE OR PRINT)
Address 582 W Hayden AVe Hayden Lake ID 8383
(Signed) Jim McLeslie (WELL DRILLER) License No. 2257
(Jim Mcleslie)
Contractor's Registration No. H2OWESI101DW Date 8/8/97 19

(USE ADDITIONAL SHEETS IF NECESSARY)

ECL 050-1-20 (2/93)

The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

3

Please print, sign and return to the Department of Ecology

Water Well Report

Original – Ecology, 1st copy – owner, 2nd copy – driller

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

Construction/Decommission

☒ Construction
☐ Decommission *ORIGINAL INSTALLATION Notice of Intent Number* 195837

Current Notice of Intent No. W187031

Unique Ecology Well ID Tag No. AKW668

Water Right Permit No. A

Property Owner Name Andrew Kurtz

Well Street Address 11C off of Montgomery Rd

City Cle Elum County Kittitas

Location NE 1/4-1/4 NE 1/4 Sec 21 Twn 20 R 15 EWM ☐ or WWM ☐ circle one

Lat/Long (s, t, r still REQUIRED) Lat Deg _____ Lat Min/Sec _____ Long Deg _____ Long Min/Sec _____

Tax Parcel No 20152605700003

PROPOSED USE: ☒ Domestic ☐ Industrial ☐ Municipal ☐ DeWater ☐ Irrigation ☐ Test Well ☐ Other _____

TYPE OF WORK: Owner's number of well (if more than one) _____

☒ New well ☐ Reconditioned ☐ Deepened — *Method:* ☐ Dug ☐ Bored ☒ Rotary ☐ Driven ☐ Cable ☐ Jetted

DIMENSIONS: Diameter of well _____ inches, drilled _____ ft.
Depth of completed well _____ ft.

CONSTRUCTION DETAILS

Casing Installed: ☒ Welded 6" Diam. from +3 ft. to 105 ft.
☐ Liner installed _____" Diam. from _____ ft. to _____ ft.
☐ Threaded _____" Diam. from _____ ft. to _____ ft.

Perforations: ☐ Yes ☒ No
Type of perforator used _____
SIZE of perfs _____ in. by ____ in. and no. of perfs ____ from ____ ft. to ____ ft.

Screens: ☐ Yes ☒ No ☐ K-Pac Location _____
Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ from _____ ft. to _____ ft.
Diam. _____ Slot size _____ from _____ ft. to _____ ft.

Gravel/Filter packed: ☐ Yes ☒ No ☐ Size of gravel/sand _____
Materials placed from _____ ft. to _____ ft.

Surface Seal: ☒ Yes ☐ No To what depth? 80 ft.
Material used in seal Bentonite
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

PUMP: Manufacturer's Name _____
Type: _____ H.P. _____

WATER LEVELS: Land-surface elevation above mean sea level _____ ft.
Static level 69' ft. below top of well Date _____
Artesian pressure _____ lbs. per square inch Date _____
Artesian water is controlled by _____ (cap, valve, etc.)

WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☒ No If yes, by whom? _____
Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.
Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.
Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.

Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)

Time	Water Level	Time	Water Level	Time	Water Level
	75 gpm air lift				
	Air Off				

Date of test _____
Bailer test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Airtest _____ gal./min. with stem set at _____ ft. for _____ hrs.
Artesian flow _____ g.p.m. Date _____
Temperature of water _____ Was a chemical analysis made? ☐ Yes ☒ No

CONSTRUCTION OR DECOMMISSION PROCEDURE

Formation: Describe by color, character, size of material and structure, and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information indicate all water encountered. (USE ADDITIONAL SHEETS IF NECESSARY.)

MATERIAL	FROM	TO
Topsoil Br. m	0	3
clay cobbels D.Br. m	3	21
sandstone Bl. Gray mtl	21	79
void	79	83
sandstone Bl. Gray mtl	83	105

DEPT OF ECOLOGY Received DEC 13 2005 CENTRAL REGION OFFICE

Start Date 11/21/05 Completed Date 11/23/05

WELL CONSTRUCTION CERTIFICATION: I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards. Materials used and the information reported above are true to my best knowledge and belief.

Driller/Engineer/Trainee Name (Print) Steve Mills
Driller/Engineer/Trainee Signature _____
Driller or trainee License No. 1335

Drilling Company Water Man Well Drilling Inc
Address P.O. Box 246
City, State, Zip Selah Wa 98942
Contractor's Registration No. WATERWD022DB Date 11/29/05

IF TRAINEE,
Driller's Licensed No. _____
Driller's Signature _____

Ecology is an Equal Opportunity Employer. ECY 050-1-20 (Rev 2/03)

The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

3

The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

Please print, sign and return to the Department of Ecology

Water Well Report

Original – Ecology, 1st copy – owner, 2nd copy – driller

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

Construction/Decommission

☐ Construction

☐ Decommission *ORIGINAL INSTALLATION Notice of Intent Number* 130625

Current Notice of Intent No. W176857

Unique Ecology Well ID Tag No. AKW 636

Water Right Permit No.

Property Owner Name John Lambert G

Well Street Address Montgomery rd

City Cleelum County Kittitas

Location SW 1/4-1/4 NE 1/4 Sec 26 Twn 20 R 15 EWM or WWM ☐ circle one

Lat/Long (s, t, r still REQUIRED) Lat Deg ____ Lat Min/Sec ____ Long Deg ____ Long Min/Sec ____

Tax Parcel No 20152601000 7

PROPOSED USE: ☒ Domestic ☐ Industrial ☐ Municipal ☐ DeWater ☐ Irrigation ☐ Test Well ☐ Other ____

TYPE OF WORK: Owner's number of well (if more than one) ____

☒ New well ☐ Reconditioned ☐ Deepened *Method:* ☐ Dug ☐ Bored ☐ Driven ☐ Cable ☒ Rotary ☐ Jetted

DIMENSIONS: Diameter of well 6 inches, drilled 145 ft. Depth of completed well 145 ft.

CONSTRUCTION DETAILS

Casing: ☒ Welded 6" Diam. from +2 ft. to 45 ft.

Installed: ☒ Liner installed 4" Diam. from -5 ft. to 145 ft.

☐ Threaded ____" Diam. from ____ ft. to ____ ft.

Perforations: ☒ Yes ☐ No

Type of perforator used Skil saw

SIZE of perfs ⅛ in. by 6 in. and no. of perfs 107 from 125 ft. to 145

Screens: ☐ Yes ☐ No ☒ K-Pac Location 120

Manufacturer's name Packer out 1½ to 2 gpm

Type ____ Model No. ____

Diam. ____ Slot size ____ from ____ ft. to ____ ft.

Diam. ____ Slot size ____ from ____ ft. to ____ ft.

Gravel/Filter packed: ☐ Yes ☒ No Size of gravel/sand ____

Materials placed from ____ ft. to ____ ft.

Surface Seal: ☒ Yes ☐ No To what depth? 26 ft.

Material used in seal Benonite

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? ____ Depth of strata ____

Method of sealing strata off ____

PUMP: Manufacturer's Name ____

Type: ____ H.P. ____

WATER LEVELS: Land-surface elevation above mean sea level ____ ft.

Static level 40 ft. below top of well Date ____

Artesian pressure ____ lbs. per square inch Date ____

Artesian water is controlled by ____ (cap, valve, etc.)

WELL TESTS: Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☐ No If yes, by whom? ____

Yield: ____ gal./min. with ____ ft. drawdown after ____ hrs.

Yield: ____ gal./min. with ____ ft. drawdown after ____ hrs.

Yield: ____ gal./min. with ____ ft. drawdown after ____ hrs.

Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)

Time	Water Level	Time	Water Level	Time	Water Level
	approx 100 gpm				

Date of test airlift.

Bailer test ____ gal./min. with ____ ft. drawdown after ____ hrs.

Airtest ____ gal./min. with stem set at 140 ft. for 2 hrs.

Artesian flow ____ g.p.m. Date ____

Temperature of water ____ Was a chemical analysis made? ☐ Yes ☐ No

CONSTRUCTION OR DECOMMISSION PROCEDURE

Formation: Describe by color, character, size of material and structure, and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information indicate all water encountered. (USE ADDITIONAL SHEETS IF NECESSARY.)

MATERIAL	FROM	TO
Clay Br. m	0	24
Sandstone wh. mtl	24	28
Sandstone Bl.Gray mtl 1½-2 gpm Packer	28	120
Sandstone Shale Coal lt grey mtl	120	145 water

DEPT OF ECOLOGY Received SEP 20 2005 CENTRAL REGION OFFICE

Start Date 8/17/05 Completed Date 8/17/05

WELL CONSTRUCTION CERTIFICATION: I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards. Materials used and the information reported above are true to my best knowledge and belief.

Driller/Engineer/Trainee Name (Print) Steve Mills

Driller/Engineer/Trainee Signature Steve Mills

Driller or trainee License No. 1335

Drilling Company Waterman Well Drilling Inc

Address P.O. Box 244

City, State, Zip Selah Wa 98942

Contractor's Registration No. WATERWD022DB Date 8/18/05

If TRAINEE, Driller's Licensed No. ____ Driller's Signature ____

Ecology is an Equal Opportunity Employer. ECY 050-1-20 (Rev 2/03)

3

The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

118962

WATER WELL REPORT

STATE OF WASHINGTON

Start Card No W 160806
Unique Well I D # AGM674
Water Right Permit No

(1) OWNER Name ANDRUS, CORY W Address P O BOX 648 SO CLE ELUM, WA 98943

(2) LOCATION OF WELL County KITTITAS NE 1/4 NE 1/4 Sec 26 T 20 N , R 15E WM A
(2a) STREET ADDRESS OF WELL (or nearest address) OFF COLUMBIA ST , NORTH CLE ELUM

(3) PROPOSED USE DOMESTIC

(4) TYPE OF WORK Owner's Number of well (If more than one)
NEW WELL Method ROTARY

(5) DIMENSIONS Diameter of well 6 inches
Drilled 699 ft Depth of completed well 699 ft

(6) CONSTRUCTION DETAILS
Casing installed 6 " Dia from +1 5 ft to 38 5 ft
WELDED /NO SHOE " Dia from ft to ft
" Dia from ft to ft

Perforations NO
Type of perforator used
SIZE of perforations in by in
perforations from ft to ft
perforations from ft to ft
perforations from ft to ft

Screens NO
Manufacturer's Name
Type Model No
Diam slot size from ft to ft
Diam slot size from ft to ft

Gravel packed NO Size of gravel
Gravel placed from ft to ft

Surface seal YES To what depth? 30 ft
Material used in seal BENTONITE
Did any strata contain unusable water? NO
Type of water? Depth of strata ft
Method of sealing strata off SEAL METHOD 1

(7) PUMP Manufacturer's Name
Type SUBMERSIBLE H P

(8) WATER LEVELS Land surface elevation
above mean sea level ft
Static level 188 ft below top of well Date 05/07/02
Artesian Pressure lbs per square inch Date
Artesian water controlled by CAP

(9) WELL TESTS Drawdown is amount water level is lowered below static level
Was a pump test made? NO If yes, by whom?
Yield gal /min with ft drawdown after hrs

Recovery data

Time	Water Level	Time	Water Level	Time	Water Level

Date of test / /
Bailer test gal/min ft drawdown after hrs
Air test 75 1 gal/min w/ stem set at 698 ft for 7 5 hrs
Artesian flow g p m Date
Temperature of water Was a chemical analysis made? NO

(10) WELL LOG

Formation Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change in formation

MATERIAL	FROM	TO
BROWN SATURATED CLAY	0	5
BRN SANDSTONE WITH CLAY	5	16
GRAY SANDSTONE	16	29
BRN SANDSTONE	29	35
HARD GRAY SHALE	35	43
BRN SANDSTONE	43	45
GRAY SANDSTONE	45	54
BRN SANDSTONE	54	71
GRAY SANDSTONE	71	80
BLUE GRAY CLAY SHALE	80	91
GRAY SANDSTONE	91	98
BLACK SHALE	98	114
SOFT GRAY SANDSTONE	114	119
SHALE WITH GRAY CLAY	119	140
BLACK SHALE	140	149
GRAY SANDSTONE	149	157
SHALE WITH GRAY CLAY	157	202
BLACK SHALE WATER BEARING	202	213
SHALE WITH GRAY CLAY	213	313
SOFT BLACK SHALE	313	319
SHALE WITH GRAY CLAY	319	350
LIGHT GRAY SANDSTONE	350	376
BLACK SHALE	376	389
SHALE WITH GRAY CLAY	389	416
BLACK SHALE	416	425
SHALE WITH GRAY CLAY	425	468
LIGHT GRAY SANDSTONE	468	497
SHALE WITH GRAY CLAY	497	531
LIGHT GRAY SANDSTONE	531	558
HARD SHALE WITH GRAY CLAY	558	607
	558	607
HARD GRAY SANDSTONE	607	616
SHALE WITH GRAY CLAY	616	694
BLACK SHALE	694	696
SHALE WITH GRAY CLAY	696	699

DEPT OF ECOLOGY Received JUN 2 6 2002 CENTRAL REGION

Work started 05/02/02 Completed 05/07/02

WELL CONSTRUCTOR CERTIFICATION
I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards Materials used and the information reported above are true to my best knowledge and belief

NAME TUMWATER DRILLING, INC
(Person, firm, or corporation) (Type or print)

ADDRESS P O BOX 707

[SIGNED] License No 1249

Contractor's Registration No TUMWADP011 LZ Date 05/08/02

3

The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

113982

WATER WELL REPORT

STATE OF WASHINGTON

Start Card No W 155335
Unique Well I D # AGM659
Water Right Permit No

(1) OWNER Name WOOD, JAMES B Address 3902 288TH ST SO ROY, WA 98580

(2) LOCATION OF WELL County KITTITAS SE 1/4 NW 1/4 Sec 25 T 20 N , R 15E WM F
(2a) STREET ADDRESS OF WELL (or nearest address) OFF COLUMBIA AVE , CLE ELUM

(3) PROPOSED USE DOMESTIC

(4) TYPE OF WORK Owner's Number of well (If more than one)
NEW WELL Method ROTARY

(5) DIMENSIONS Diameter of well 6 inches
Drilled 271 ft Depth of completed well 270 ft

(6) CONSTRUCTION DETAILS
Casing installed 6 " Dia from +2 ft to 42 ft
WELDED W/LINER 4 5 " Dia from 30 ft to 270 ft
" Dia from ft to ft

Perforations YES
Type of perforator used SKILL SAW
SIZE of perforations 125 in by 7 in
123 perforations from 230 ft to 270 ft
perforations from ft to ft
perforations from ft to ft

Screens NO
Manufacturer's Name
Type Model No
Diam slot size from ft to ft
Diam slot size from ft to ft

Gravel packed NO Size of gravel
Gravel placed from ft to ft

Surface seal YES To what depth? 19 ft
Material used in seal BENTONITE
Did any strata contain unusable water? NO
Type of water? Depth of strata ft
Method of sealing strata off SEAL METHOD 1

(7) PUMP Manufacturer's Name
Type SUBMERSIBLE H P

(8) WATER LEVELS Land surface elevation above mean sea level ft
Static level 102 ft below top of well Date 02/05/02
Artesian Pressure lbs per square inch Date
Artesian water controlled by CAP

(9) WELL TESTS Drawdown is amount water level is lowered below static level
Was a pump test made? NO If yes, by whom?
Yield gal /min with ft drawdown after hrs

Recovery data
Time Water Level Time Water Level Time Water Level

Date of test / /
Bailer test gal/min ft drawdown after hrs
Air test 52 gal/min w/ stem set at 269 ft for 1 25 hrs
Artesian flow g p m Date
Temperature of water Was a chemical analysis made? NO

(10) WELL LOG

Formation Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change in formation

MATERIAL	FROM	TO
BROWN CLAY	0	3
BRN SANDSTONE	3	5
BROWN CLAY BROKEN GRAVEL	5	27
GRAY CLAY SHALE	27	30
BROKEN GREEN ROCK(S)	30	31
GRAY CLAY SHALE	31	36
SOFT BLACK SHALE	36	41
GRAY SANDSTONE	41	77
BRN SANDSTONE	77	90
GRAY SANDSTONE	90	113
BLACK COAL	113	117
GRAY SANDSTONE	117	138
BLACK COAL	138	142
GRAY SANDSTONE	142	212
BLACK COAL SHALE	212	223
GRAY SANDSTONE	223	252
WATER BEARING	242	244
HARD GREEN BROKEN	252	254
ROCK(S) WATER BEARING	252	254
GRAY SANDSTONE	254	255
BLACK COAL SHALE	255	259
GRAY SANDSTONE	259	271

DEPT OF ECOLOGY APR 0 5 2002 CENTRAL OFFICE

Work started 02/04/02 Completed 02/05/02

WELL CONSTRUCTOR CERTIFICATION
I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards Materials used and the information reported above are true to my best knowledge and belief

NAME TUMWATER DRILLING, INC
(Person, firm, or corporation) (Type or print)

ADDRESS P O BOX 777

[SIGNED] License No 1249

Contractor's
Registration No TUMWAD* 011 LZ Date 02/06/02

3

WATER WELL REPORT

ECOLOGY Original & 1st copy Ecology 2nd copy owner 3rd copy driller

Construction/Decommission (circle) 139604
- ○ Construction
- ○ Decommission *ORIGINAL CONSTRUCTION Notice of Intent Number* _____

DEPT OF ECOLOGY Received OCT 03 2003 CENTRAL REGIONAL OFFICE

CURRENT Notice of Intent No W149592

Unique Ecology Well ID Tag No AGM967

Water Right Permit No _____

Property Owner Name Jim Muhlbeier/Dave Berry

Well Street Address Montgomery lot 5

City Cle elum County Kittitas

Location SW 1/4 1/4 SE 1/4 Sec 23 Twn 20 R 15 EWM or WWM (circle one)

Lat/Long (s,t,r still REQUIRED) Lat Deg _____ Lat Min/Sec _____ Long Deg _____ Long Min/Sec _____

Tax Parcel No 2015 3000 0005

PROPOSED USE ☑ Domestic ☐ Industrial ☐ Municipal ☐ DeWater ☐ Irrigation ☐ Test Well ☐ Other

TYPE OF WORK Owner's number of well (if more than one) _____
☑ New Well ☐ Reconditioned *Method* ☐ Dug ☐ Bored ☐ Driven ☐ Deepened ☐ Cable ☑ Rotary ☐ Jetted

DIMENSIONS Diameter of well 8" to 6 inches, drilled 712 ft
Depth of completed well 712 ft

CONSTRUCTION DETAILS
Casing ☑ Welded 8" to 4 Diam from +3 ft to 277 ft
Installed ☑ Liner installed 4" Diam from -10 ft to 712 ft
☐ Threaded _____ Diam from _____ ft to _____ ft

Perforations ☑ Yes ☐ No
Type of perforator used Skil saw
SIZE of perfs ¼ in by 12 in and no of perfs 600 from 520 ft to 712 ft

Screens ☐ Yes ☑ No ☐ K Pac Location _____
Manufacturer's Name _____
Type _____ Model No _____
Diam _____ Slot Size _____ from _____ ft to _____ ft
Diam _____ Slot Size _____ from _____ ft to _____ ft

Gravel/Filter packed ☐ Yes ☑ No ☐ Size of gravel/sand _____
Materials placed from _____ ft to _____ ft

Surface Seal ☑ Yes ☐ No To what depth? 26 ft
Materials used in seal Bentonite
Did any strata contain unusable water? ☐ Yes ☐ No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

PUMP Manufacturer's Name _____
Type _____ H P _____

WATER LEVELS Land surface elevation above mean sea level _____ ft
Static level 145 ft below top of well Date 9/18/03
Artesian pressure _____ lbs per square inch Date _____
Artesian water is controlled by _____ (cap valve etc)

WELL TESTS Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☐ No If yes by whom? _____
Yield _____ gal /min with _____ ft drawdown after _____ hrs
Yield _____ gal /min with _____ ft drawdown after _____ hrs
Yield _____ gal /min with _____ ft drawdown after _____ hrs
Recovery data (time taken as zero when pump turned off)(water level measured from well top to water level)

Time	Water Level	Time	Water Level	Time	Water Level

Date of test _____
Bailer test _____ gal /min with _____ ft drawdown after _____ hrs
Airtest 242 gal /min with stem set at 705 ft for 2½ hrs
Artesian flow _____ g p m Date _____
Temperature of water _____ Was a chemical analysis made? ☐ Yes ☐ No

CONSTRUCTION OR DECOMMISSION PROCEDURE
Formation Describe by color character size of material and structure and the kind and nature of the material in each stratum penetrated with at least one entry for each change of information Indicate all water encountered (USE ADDITIONAL SHEETS IF NECESSARY)

MATERIAL	FROM	TO
top soil	0	2
Brown sandstone	2	30
gray shale with clay	30	55
white black sandstone	55	60
coal	60	68
gray shale with clay	68	124
hard gray rock	124	130
white black sandstone	130	160
hard shale with clay	160	196
hard sandstone white black	196	284
gray shale with clay	284	320
Hard shale with clay	320	341
coal	341	344
brown white sandstone	344	369
gray shale with coal	369	389
coal	389	404
white black sandstone	404	444
gray shale with clay	444	507
Hard gray rock	507	582
hard white black sandstone	582	639
dark shale white coal	639	679
white black sandstone	679	694
broken sandstone big	694	712

Start Date 9-10-03 Completed Date 9-18-03

WELL CONSTRUCTION CERTIFICATION I constructed and/or accept responsibility for construction of this well and its compliance with all Washington well construction standards Materials used and the information reported above are true to my best knowledge and belief

☐ Driller ☐ Engineer ☐ Trainee Name (Print) Mike Mansfield

Driller/Engineer/Trainee Signature Mike Mansfield

Driller or Trainee License No 2361

Drilling Company Water Man Well Drilling Inc

Address 106 Berriman ln

City, State, Zip Selah Wa 98942

Contractors Registration No WATERWD022DB Date 9/23/03

If trainee, licensed driller's Signature and License no _____

Ecology is an Equal Opportunity Employer ECY 050 1 20 (Rev 4/01)

3

The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.I Report.

WATER WELL REPORT

Original & 1st copy - Ecology, 2nd copy - owner, 3rd copy - driller

Construction/Decommission *("x" in circle)*

- (x) Construction 176 385
- ( ) Decommission *ORIGINAL CONSTRUCTION Notice of Intent Number* _____

CURRENT Notice of Intent No. W171387

Unique Ecology Well ID Tag No. ALF 449

Water Right Permit No. _____

Property Owner Name Kevin Daly

Well Street Address 1640 Big Tail road

City Cle Elum County: Kittitas

Location NE 1/4 1/4 NW 1/4 Sec 23 Twn 20 R 15 EWM or WWM *circle one*

Lat/Long: (s,t,r still REQUIRED) Lat Deg _____ Lat Min/Sec _____ Long Deg _____ Long Min/Sec _____

Tax Parcel No. 20-15-23-000-0001

PROPOSED USE: [x] Domestic [ ] Industrial [ ] Municipal [ ] DeWater [ ] Irrigation [ ] Test Well [ ] Other _____

TYPE OF WORK: Owner's number of well (if more than one) _____

[x] New Well [ ] Reconditioned *Method:* [ ] Dug [ ] Bored [ ] Driven [ ] Deepened [ ] Cable [x] Rotary [ ] Jetted

DIMENSIONS: Diameter of well 8 inches, drilled 530 ft.
Depth of completed well 530 ft.

CONSTRUCTION DETAILS

Casing Installed: [x] Welded 8" Diam. from +3 ft. to 20 ft.
[x] Liner installed 6" Diam. from -5 ft. to 530 ft.
[ ] Threaded _____" Diam. from _____ ft. to _____ ft.

Perforations: [x] Yes [ ] No
Type of perforator used Skillsaw
SIZE of perfs 12 in. by 1/4 in. and no. of perfs 225 from 390 ft. to 510 ft.

Screens: [ ] Yes [x] No [ ] K-Pac Location _____
Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot Size _____ from _____ ft. to _____ ft.
Diam. _____ Slot Size _____ from _____ ft. to _____ ft.

Gravel/Filter packed: [ ] Yes [x] No [ ] Size of gravel/sand _____
Materials placed from _____ ft. to _____ ft.

Surface Seal: [x] Yes [ ] No To what depth? 20 ft
Materials used in seal Bentonite
Did any strata contain unusable water? [ ] Yes [x] No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

PUMP: Manufacturer's Name _____
Type: _____ H.P. _____

WATER LEVELS: Land-surface elevation above mean sea level _____ ft.
Static level 60 ft. below top of well Date 6-3-2005
Artesian pressure na lbs. per square inch Date _____
Artesian water is controlled by na (cap, valve, etc.)

WELL TESTS: Drawdown is amount water level is lowered below static level.
Was a pump test made? [ ] Yes [x] No If yes, by whom? _____
Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.
Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.
Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.

Recovery data (time taken as zero when pump turned off)(water level measured from well top to water level)

Time	Water Level	Time	Water Level	Time	Water Level

Date of test _____
Bailer test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Airtest 5-6 gal./min. with stem set at 510 ft. for 2½ hrs.
Artesian flow na g.p.m. Date _____
Temperature of water _____ Was a chemical analysis made? [ ] Yes [x] No.

CONSTRUCTION OR DECOMMISSION PROCEDURE

Formation: Describe by color, character, size of material and structure, and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information. Indicate all water encountered. (USE ADDITIONAL SHEETS IF NECESSARY.)

MATERIAL	FROM	TO
dirt	0	5
Sandstone	5	125
Sandstone (hard)	125	225
Shale	225	300
Sandstone	300	400
Shale	400	435
Sandstone	435	530

DEPT. OF ECOLOGY Received JUL 08 2005 CENTRAL REGION OFFICE

Start Date 5-26-2005 Completed Date 6-3-2005

WELL CONSTRUCTION CERTIFICATION: I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards. Materials used and the information reported above are true to my best knowledge and belief.

[x] Driller [ ] Engineer [ ] Trainee Name (Print) Mike Bach

Driller/Engineer/Trainee Signature Mike Bach

Driller or Trainee License No. #22

If trainee, licensed driller's Signature and License no. _____

Drilling Company Bachwell Drilling

Address 3340 Wilson Creek

City, State, Zip Ellensburg WA 98926

Contractor's Registration No. MIKEBDC133N4 Date 6-3-2005

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WATER WEL . REPORT

ECOLOGY Original & 1st copy Ecology 2nd copy owner 3rd copy driller

Received DEPT OF ECOLOGY OCT 0 3 2003 CENTRAL REGION OFFICE

CURRENT Notice of Intent No W149591

Unique Ecology Well ID Tag No AGM 968

Water Right Permit No

Construction/Decommission (x in circle) 139605
- O Construction
- O Decommission ORIGINAL CONSTRUCTION Notice of Intent Number

Property Owner Name Ken McKim

Well Street Address Montgomery rd lot 7

City Cle Elum County Kittitas

Location NW 1/4 1/4 NW 1/4 Sec 23 Twn 20 R 15 E W M circle one WWM

Lat/Long (s,t,r still REQUIRED) Lat Deg ____ Lat Min/Sec ____ Long Deg ____ Long Min/Sec ____

Tax Parcel No Lt 7B 201530000007

PROPOSED USE ☑ Domestic ☐ Industrial ☐ Municipal ☐ DeWater ☐ Irrigation ☐ Test Well ☐ Other

TYPE OF WORK Owner's number of well (if more than one) ____
☑ New Well ☐ Reconditioned Method ☐ Dug ☐ Bored ☐ Driven ☐ Deepened ☐ Cable ☑ Rotary ☐ Jetted

DIMENSIONS Diameter of well 8+6 inches drilled 126 ft
Depth of completed well 324 ft

CONSTRUCTION DETAILS
Casing Installed ☑ Welded 8 Diam from +2 ft to 126 ft
☑ Liner installed 4 Diam from -10 ft to 324 ft
☐ Threaded ____ Diam from ____ ft to ____ ft

Perforations ☑ Yes ☐ No
Type of perforator used ____
SIZE of perfs 12 in by 1/4 in and no of perfs 480 from 240 ft to 324 ft

Screens ☐ Yes ☑ No ☐ K Pac Location ____
Manufacturer's Name ____
Type ____ Model No ____
Diam ____ Slot Size ____ from ____ ft to ____ ft
Diam ____ Slot Size ____ from ____ ft to ____ ft

Gravel/Filter packed ☐ Yes ☑ No ☐ Size of gravel/sand ____
Materials placed from ____ ft to ____ ft

Surface Seal ☑ Yes ☐ No To what depth? 125 ft
Materials used in seal Bentonite
Did any strata contain unusable water? ☐ Yes ☐ No
Type of water? ____ Depth of strata ____
Method of sealing strata off ____

PUMP Manufacturer's Name ____
Type ____ H P ____

WATER LEVELS Land surface elevation above mean sea level ____ ft
Static level 95 ft below top of well Date ____
Artesian pressure ____ lbs per square inch Date ____
Artesian water is controlled by ____ (cap valve etc)

WELL TESTS Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☐ No If yes by whom? ____
Yield ____ gal /min with ____ ft drawdown after ____ hrs
Yield ____ gal /min with ____ ft drawdown after ____ hrs
Yield ____ gal /min with ____ ft drawdown after ____ hrs
Recovery data (time taken as zero when pump turned off)(water level measured from well top to water level)

Time	Water Level	Time	Water Level	Time	Water Level

Date of test ____
Bailer test ____ gal /min with ____ ft drawdown after ____ hrs
Airtest 12 gal /min with stem set at 320 ft for 24 hrs
Artesian flow ____ g p m Date ____
Temperature of water ____ Was a chemical analysis made? ☐ Yes ☐ No

CONSTRUCTION OR DECOMMISSION PROCEDURE
Formation Describe by color character size of material and structure and the kind and nature of the material in each stratum penetrated with at least one entry for each change of information Indicate all water encountered (USE ADDITIONAL SHEETS IF NECESSARY)

MATERIAL	FROM	TO
top Soil	0	10
Gray Shell with clay	10	33
white Black sandstone	33	124
Shell with clay	124	144
gray shell with clay	144	170
Coil shell	170	174
gray shell with clay	174	200
white Black sandstone	200	215
Coil shell	215	218
Clay Shell gray	218	220
Hard gray Rock	220	222
gray Shell with clay	222	255
white Black sandstone	255	280
Shell gray Hard	280	290
white sandstone Black	290	295
Shell Brown	295	304
white Black sandstone	304	324

Start Date 9-2-03 Completed Date 9-9-03

WELL CONSTRUCTION CERTIFICATION I constructed and/or accept responsibility for construction of this well and its compliance with all Washington well construction standards Materials used and the information reported above are true to my best knowledge and belief

☑ Driller ☐ Engineer ☐ Trainee Name (Print) Mike Morefield

Drilling Company Water Man Well Drilling Inc.

Driller/Engineer/Trainee Signature ____

Address 106 Berriman lane

Driller or Trainee License No 2361

City State Zip Selah Wa 98942

If trainee, licensed driller's Signature and License no Mike Morefield 2361

Contractor's Registration No WATERWD022DB 9/12/03 Date

Ecology is an Equal Opportunity Employer ECY 050 1 20 (Rev 4/01)

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The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

File Original with Department of Ecology
Second Copy - Owner's Copy
Third Copy - Driller's Copy 99110

WATER WELL REPORT
STATE OF WASHINGTON

Notice of Intent W113546
UNIQUE WELL I D # AFH666
Water Right Permit No

(1) OWNER Name Ben Goldie Address P.O. Box 305 Little R. ranch Cle Elum

(2) LOCATION OF WELL County Kittitas NE 1/4 NW 1/4 Sec 25 T 20 N R 15 WM

(2a) STREET ADDRESS OF WELL (or nearest address)

TAX PARCEL NO

(3) PROPOSED USE ☒ Domestic ☐ Industrial ☐ Municipal ☐ Irrigation ☐ Test Well ☐ Other ☐ DeWater

(4) TYPE OF WORK Owner's number of well (if more than one)
☒ New Well Method ☐ Dug ☐ Bored ☐ Deepened ☐ Cable ☐ Driven ☐ Reconditioned ☒ Rotary ☐ Jetted ☐ Decommission

(5) DIMENSIONS Diameter of well 10, 6 inches
Drilled 140 feet Depth of completed well 180 ft

(6) CONSTRUCTION DETAILS
Casing Installed
☒ Welded 6" Diam from 0 ft to 75 ft
☒ Liner installed 4" Diam from -6 ft to 140 ft
☐ Threaded Diam from ft to ft

Perforations ☒ Yes ☐ No
Type of perforator used ~~SAW~~ Skillsaw
SIZE of perforations 6" Long in by 1/8 Wide in
102 perforations from 140 ft to 180 ft

Screens ☐ Yes ☒ No ☐ K-Pac Location
Manufacturer's Name
Type Model No
Diam Slot Size from ft to ft
Diam Slot Size from ft to ft

Gravel/Filter packed ☐ Yes ☒ No ☐ Size of gravel/sand
Material placed from ft to ft

Surface seal ☒ Yes ☐ No To what depth? 18 ft
Material used in seal Bentonite
Did any strata contain unusable water? ☐ Yes ☐ No
Type of water? Depth of strata
Method of sealing strata off

(7) PUMP Manufacturer's Name
Type HP

(8) WATER LEVELS Land-surface elevation above mean sea level ft
Static level 36 ft below top of well Date 7/6/01
Artesian pressure lbs per square inch Date
Artesian water is controlled by (Cap, valve etc.)

(9) WELL TESTS Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☐ No If yes, by whom?
Yield gal/min with ft drawdown after hrs
Yield gal/min with ft drawdown after hrs
Yield gal/min with ft drawdown after hrs
Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)

Time	Water Level	Time	Water Level	Time	Water Level

Date of test
Bailer test gal/min with ft drawdown after hrs
Airtest 15 gal/min with ft drawdown after hrs
Artesian flow g p m Date
Temperature of water Was a chemical analysis made? ☐ Yes ☐ No

(10) WELL LOG or DECOMMISSIONING PROCEDURE DESCRIPTION
Formation Describe by color, character, size of material and structure, and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information Indicate all water encountered

MATERIAL	FROM	TO
Clay Soil	0	7
Brown Cemented Gravel	7	29
Grey Cemented Gravel & Shale	29	75
Grey Granite	75	90
Grey Shale	90	104
Black Shale with Water	104	109
	109	120
Grey Shale		
White Sandrock & Grey Shale	120	148
Broken Shale with Water	148	154
Grey Shale	154	165
Black Shale & Sandrock	165	180

DEPT OF ECOLOGY Received AUG 01 2001 CENTRAL REGION OFFICE

Work Started 7/5/01 Completed 7-18-01

WELL CONSTRUCTION CERTIFICATION

I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards Materials used and the information reported above are true to my best knowledge and belief

Type or Print Name Bill Bolvard License No 0997
(Licensed Driller/Engineer)

Trainee Name License No
Drilling Company Water Man Well Drilling
(Signed) License No 1335
(Licensed Driller/Engineer)
Address 106 Berriman In Selah Wa 98
Contractor's Registration No WATERWD022DB 7/20/01

(USE ADDITIONAL SHEETS IF NECESSARY)

Ecology is an Equal Opportunity and Affirmative Action employer For special accommodation needs, contact the Water Resources Program at (360) 407-6600 The TDD number is (360) 407-6006

ECY 050-1-20 (11/98)

The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

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GeoDatum Inc
SURVEY-CIVIL-STRUCTURAL

1505 NW Mall Street, Issaquah, WA 98027
Ph: (425) 837-8083 Fx: (425) 837-0583
contactus@geodatum.com

Lot Closure Report for: Big Buck Ridge Plat

Lot Name:	Lot 1
Lot Area (Acres):	1.00
Lot Perimeter:	880.80
Closing Direction:	N90°00'00"E
Closing Distance:	0.0000

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	682322.2917	1534536.8731	S89°12'23"E	290.40
	682318.2695	1534827.2452	S00°47'37"W	75.91
	682242.3667	1534826.1938	S00°47'37"W	74.09
	682168.2839	1534825.1676	N89°12'23"W	241.17
	682171.6242	1534584.0208	N89°12'23"W	49.23
	682172.3061	1534534.7955	N00°47'37"E	92.39
	682264.6872	1534536.0752	N00°47'37"E	57.61
End	682322.2917	1534536.8731		

Error of Closure	1 : 0
Departure in Y (Northing):	-0.0000
Departure in X (Easting):	0.0000

Lot Name:	Lot 2
Lot Area (Acres):	1.00
Lot Perimeter:	838.56
Closing Direction:	N90°00'00"E
Closing Distance:	0.0000

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	682467.1330	1535019.3256	N88°38'56"W	190.01
	682471.6133	1534829.3684	S00°47'37"W	153.36
	682318.2680	1534827.2443	S00°47'37"W	75.91
	682242.3653	1534826.1929	S88°38'56"E	190.01
	682237.8850	1535016.1501	N00°47'37"E	229.27
End	682467.1330	1535019.3256		

Error of Closure	1 : 0
Departure in Y (Northing):	0.0000
Departure in X (Easting):	0.0000

Lot Name:	Lot 3
Lot Area (Acres):	1.00
Lot Perimeter:	838.56
Closing Direction:	N90°00'00"E
Closing Distance:	0.0000

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	682467.1330	1535019.3256	S00°47'37"W	229.27
	682237.8850	1535016.1501	S88°38'56"E	190.01
	682233.4047	1535206.1072	N00°47'37"E	229.27
	682462.6527	1535209.2828	N88°38'56"W	190.01
End	682467.1330	1535019.3256		

Error of Closure 1 : 0
Departure in Y (Northing): 0.0000
Departure in X (Easting): 0.0000

Lot Name: Lot 4
Lot Area (Acres): 1.00
Lot Perimeter: 838.56
Closing Direction: N90°00'00"E
Closing Distance: 0.0000

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	682242.3644	1534826.1938	S88°38'56"E	190.01
	682237.8841	1535016.1510	S00°47'37"W	229.27
	682008.6361	1535012.9754	N88°38'56"W	190.01
	682013.1164	1534823.0183	N00°47'37"E	80.63
	682093.7387	1534824.1350	N00°47'37"E	74.55
	682168.2815	1534825.1676	N00°47'37"E	74.09
End	682242.3644	1534826.1938		

Error of Closure 1 : 0
Departure in Y (Northing): -0.0000
Departure in X (Easting): 0.0000

Lot Name: Lot 5
Lot Area (Acres): 1.00
Lot Perimeter: 838.56
Closing Direction: N90°00'00"E
Closing Distance: 0.0000

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	682004.1550	1535202.9306	N88°38'56"W	190.01
	682008.6353	1535012.9734	N00°47'37"E	229.27
	682237.8833	1535016.1490	S88°38'56"E	190.01
	682233.4030	1535206.1061	S00°47'37"W	229.27
End	682004.1550	1535202.9306		

Error of Closure 1 : 0
Departure in Y (Northing): 0.0000
Departure in X (Easting): 0.0000

Lot Name: Lot 6
Lot Area (Acres): 1.00
Lot Perimeter: 843.99
Closing Direction: S89°13'42"W
Closing Distance: 0.0071

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	681753.0015	1535199.4516	N00°47'37"E	251.18
	682004.1574	1535202.9306	N88°38'56"W	190.01
	682008.6377	1535012.9734	S00°47'37"W	207.40
	681801.2576	1535010.1008	S75°42'11"E	45.39
	681790.0486	1535054.0850	S75°42'11"E	150.02
End	681753.0016	1535199.4587		

Error of Closure: 1 : 118054
Departure in Y (Northing): -0.0001
Departure in X (Easting): -0.0071

Lot Name: Lot 7
Lot Area (Acres): 1.00
Lot Perimeter: 851.23
Closing Direction: N87°25'04"W
Closing Distance: 0.0032

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	682013.1155	1534823.0183	S88°38'56"E	190.01
	682008.6352	1535012.9755	S00°47'37"W	207.40
	681801.2551	1535010.1028	N75°42'11"W	114.35
	681829.4935	1534899.2944	N75°42'11"W	169.67
	681871.3931	1534734.8793	N22°49'25"E	98.09
	681961.8030	1534772.9279	N44°18'41"E	71.71
End	682013.1154	1534823.0215		

Error of Closure: 1 : 267720
Departure in Y (Northing): 0.0001
Departure in X (Easting): -0.0032

Lot Name: Lot 8
Lot Area (Acres): 1.00
Lot Perimeter: 837.35
Closing Direction: N16°49'00"W
Closing Distance: 0.0137

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	682093.7414	1534824.1351	N89°12'23"W	241.17
	682097.0818	1534582.9882	S00°47'37"W	186.03
	681911.0696	1534580.4116	S00°47'37"W	0.32
	681910.7496	1534580.4072	S75°42'11"E	159.41
	681871.3838	1534734.8801	N22°49'25"E	98.09
	681961.7937	1534772.9287	N44°18'41"E	71.71
	682013.1060	1534823.0223	N00°47'37"E	80.63
End	682093.7283	1534824.1391		

Error of Closure: 1 : 61142
Departure in Y (Northing): 0.0131
Departure in X (Easting): -0.0040

GeoDatum Inc
SURVEY - CIVIL - STRUCTURAL

Lot Name:	Lot 9
Lot Area (Acres):	1.00
Lot Perimeter:	962.80
Closing Direction:	N09°21'12"W
Closing Distance:	0.0159

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	681946.8549	1534438.7621	N00°25'27"E	319.15
	682265.9962	1534441.1248	S89°12'23"E	94.96
	682264.6809	1534536.0757	S00°47'37"W	92.39
	682172.2998	1534534.7960	S89°12'23"E	49.23
	682171.6179	1534584.0213	S00°47'37"W	74.55
	682097.0750	1534582.9887	S00°47'37"W	186.03
	681911.0629	1534580.4121	S00°47'37"W	0.32
	681910.7429	1534580.4076	N75°42'11"W	0.07
	681910.7602	1534580.3398	N75°42'11"W	146.10
End	681946.8392	1534438.7647		
Error of Closure		1 : 60531		
Departure in Y (Northing):		0.0157		
Departure in X (Easting):		-0.0026		

Lot Name:	Lot 10
Lot Area (Acres):	1.00
Lot Perimeter:	904.05
Closing Direction:	N05°34'33"E
Closing Distance:	0.0060

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	681946.8549	1534438.7621	S00°25'27"W	324.08
	681622.7838	1534436.3629	S87°39'46"E	140.09
	681617.0708	1534576.3364	N00°47'37"E	293.71
	681910.7526	1534580.4045	N75°42'11"W	0.07
	681910.7699	1534580.3366	N75°42'11"W	146.10
End	681946.8489	1534438.7615		
Error of Closure		1 : 149979		
Departure in Y (Northing):		0.0060		
Departure in X (Easting):		0.0006		

Lot Name:	Lot 11
Lot Area (Acres):	1.00
Lot Perimeter:	877.45
Closing Direction:	N86°26'41"E
Closing Distance:	0.0048

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	681617.0742	1534576.3400	S84°38'59"E	155.49
	681602.5756	1534731.1526	N00°47'37"E	268.84
	681871.3899	1534734.8762	N75°42'11"W	159.41
	681910.7557	1534580.4033	S00°47'37"W	293.71

End	681617.0739	1534576.3352
Error of Closure		1 : 182695
Departure in Y (Northing):		0.0003
Departure in X (Easting):		0.0048

Lot Name:	Lot 12
Lot Area (Acres):	1.00
Lot Perimeter:	881.17
Closing Direction:	S37°18'21"E
Closing Distance:	0.0058

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	681871.3931	1534734.8777	S00°47'37"W	268.84
	681602.5789	1534731.1541	S84°38'59"E	63.57
	681596.6513	1534794.4471	S69°19'13"E	108.05
	681558.4942	1534895.5354	N00°47'37"E	271.03
	681829.4982	1534899.2893	N75°42'11"W	169.67
End	681871.3977	1534734.8742		
Error of Closure		1 : 151687		
Departure in Y (Northing):		-0.0046		
Departure in X (Easting):		0.0035		

Lot Name:	Lot 13
Lot Area (Acres):	1.00
Lot Perimeter:	885.85
Closing Direction:	N45°18'30"E
Closing Distance:	0.0045

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	681801.2553	1535010.1018	N75°42'11"W	114.35
	681829.4937	1534899.2933	S00°47'37"W	271.03
	681558.4897	1534895.5394	S69°19'13"E	165.17
	681500.1610	1535050.0673	N00°47'37"E	289.91
	681790.0432	1535054.0828	N75°42'11"W	45.39
End	681801.2521	1535010.0986		
Error of Closure		1 : 194829		
Departure in Y (Northing):		0.0032		
Departure in X (Easting):		0.0032		

Lot Name:	Lot 14
Lot Area (Acres):	1.00
Lot Perimeter:	902.69
Closing Direction:	S24°01'08"E
Closing Distance:	0.0062

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	681500.1631	1535050.0661	S69°19'13"E	155.12
	681445.3834	1535195.1916	N00°47'37"E	22.75

	681468.1313	1535195.5067	N00°47'37"E	284.90
	681753.0039	1535199.4527	N75°42'11"W	150.02
	681790.0510	1535054.0790	S00°47'37"W	289.91
End	681500.1688	1535050.0636		

Error of Closure 1 : 145210
Departure in Y (Northing): -0.0057
Departure in X (Easting): 0.0025

Lot Name: Open Space 1
Lot Area (Acres): 1.50
Lot Perimeter: 1197.83
Closing Direction: N73°09'35"E
Closing Distance: 0.0074

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	682474.5915	1534703.0946	N88°38'56"W	260.45
	682480.7327	1534442.7170	S00°25'27"W	214.74
	682265.9986	1534441.1273	S89°12'23"E	94.96
	682264.6833	1534536.0782	N00°47'37"E	57.61
	682322.2878	1534536.8761	S89°12'23"E	290.40
	682318.2655	1534827.2483	N00°47'37"E	153.36
	682471.6108	1534829.3724	N88°38'56"W	64.36
	682473.1284	1534765.0303	N88°38'56"W	30.98
	682473.8589	1534734.0589	N88°38'56"W	30.98
End	682474.5894	1534703.0875		

Error of Closure 1 : 161868
Departure in Y (Northing): 0.0021
Departure in X (Easting): 0.0071

Lot Name: Open Space 2
Lot Area (Acres): 0.41
Lot Perimeter: 631.44
Closing Direction: N90°00'00"E
Closing Distance: 0.0000

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	682168.2839	1534825.1677	N89°12'23"W	241.17
	682171.6243	1534584.0208	S00°47'37"W	74.55
	682097.0814	1534582.9883	S89°12'23"E	241.17
	682093.7411	1534824.1351	N00°47'37"E	74.55
End	682168.2839	1534825.1677		

Error of Closure 1 : 0
Departure in Y (Northing): 0.0000
Departure in X (Easting): 0.0000

Lot Name: Open Space 3
Lot Area (Acres): 9.09
Lot Perimeter: 2559.00
Closing Direction: S22°41'43"W
Closing Distance: 0.0150

GeoDatum Inc
SURVEY - CIVIL - STRUCTURAL

Course Data:(Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	681602.5757	1534731.1540	N84°38'59"W	155.49
	681617.0743	1534576.3414	N87°39'46"W	140.09
	681622.7873	1534436.3680	S00°25'27"W	452.26
	681170.5396	1534433.0199	S00°25'58"W	14.74
	681155.8001	1534432.9085	S73°18'17"E	788.37
	680929.3159	1535188.0457	N00°47'37"E	516.13
	681445.3964	1535195.1945	N69°19'13"W	155.12
	681500.1760	1535050.0690	N69°19'13"W	165.17
	681558.5048	1534895.5411	N69°19'13"W	108.05
	681596.6620	1534794.4528	N84°38'59"W	63.57
End	681602.5895	1534731.1598		

Error of Closure 1 : 170827
Departure in Y (Northing): -0.0138
Departure in X (Easting): -0.0058

KITTITAS COUNTY CDS
411 N Ruby Suite #2
ELLENSBURG, WA 98926

CRB 111-3

CASH RECEIPT

Date 6/20/07 051826

Received From Rebecca Argus

Address 1140 Big Buck Ridge Rd / PO Box 785

Cle Elum WA 98922

Dollars $ 2690.00

For Long Plat App (340.00) PW, (625.00) EH, (1500.00) DS (225.00) SEPA

BIG BUCK RIDGE PLAT

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID	2690	00	CHECK	2690	00
BALANCE DUE			MONEY ORDER ☐ CREDIT CARD ☐		

By X

1