

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

Memorandum

June 22, 2020

To: Concerned Citizens and Neighbors of the Forest Ridge Performance Based Cluster Plat (LP-08-00014)

From: Lindsey Ozbolt
Planning Official, Community Development Services

RE: Response to questions and concerns regarding the current development of the Forest Ridge Performance Based Cluster Plat (LP-08-00014)

Kittitas County Community Development Services has received numerous emails and voicemails from many citizens and neighbors regarding the Forest Ridge Performance Based Cluster Plat (LP-08-00014). So that everyone receives the same information I will be addressing all questions/concerns in this one memo. Please be aware that some questions I will be deferring to other department(s), however I have provided contact information for that department and what conditions of approval they correlate with if applicable.

Below you will find the applicable codes, a project timeline/history, project narrative, attachment list (attachments included in my email), and a response to all summarized questions.

Codes

- Kittitas County Code 16.09 Performance Based Cluster Platting (this project was submitted under this code and vested to its standards. This code no longer exists in County Code)
 - SEE ATTACHED

- [RCW 58.17.140](#) Timing limitations for approval or disapproval of plats – extensions

*“(3)(a) Except as provided by (b) of this subsection, a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval *within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014*, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.” [emphasis mine]*

- Kittitas County Code [16.12.250 Expiration](#)

*“A final plat meeting all requirements of this chapter shall be submitted to the board for approval within the timeframe specified by RCW 58.17.140 . Failure to do so will result in the preliminary plat being expired and no longer valid. No further action is necessary regarding an application once the preliminary plat has expired pursuant to this chapter. Any applicant who files a written request with the administrator at least 30 days prior to the expiration date, showing that the applicant has attempted in good faith to submit the final plat within the time period and that the associated fees are paid, *shall be granted a one-year extension. Such an extension can be requested and granted five times.*” [emphasis mine]*

Project Timeline/History

- 4/24/2008 – Application Submitted
- 7/17/2009 – Application Determined Complete
- 7/30/2009 – Notice of Application (public comment period began)
- 8/14/2009 – Public comment period ended
- 9/23/2010 – SEPA (State Environmental Policy Checklist) MDNS (Mitigated Determination of Nonsignificance) was issued.
 - 10/7/2010 – Appeal period ended on the SEPA MDNS. No appeals were filed.
- 10/28/2010 – Hearing Examiner Public Hearing was held where the public was given an opportunity to provide comments/testimony.
- 11/10/2010 – Hearing Examiner issued recommendation of approval of proposed project
- 12/21/2010 – Board of County Commissioners conducted a closed record meeting to consider the proposal and the Hearing Examiner’s recommendation
 - Vote of 2-1 to grant preliminary approval, motion passed
- 12/28/2010 – Board of County Commissioners signed Resolution 2010-137 granting preliminary approval of the Forest Ridge Performance Based Cluster Plat
- 1/4/2011 – Notice of Decision was issued. No LUPA (Land Use Petition Act) appeal was filed within 21 days of the decision.
- 12/8/2017 – First county plat extension was granted
- 12/3/2018 – Second county plat extension was granted
- 12/3/2019 – Third county plat extension was granted

Project Description

A 171-lot performance based cluster plat on approximately 479 acres of land that is zoned Rural-5. The project is proposed to be served by a Group A water system and individual or community on-site septic systems. The proposed project will have access off of Columbia Avenue in Cle Elum, then a new road west on the applicant’s private property. The access road will be constructed to meet Kittitas County Road Standards. All required roadway improvements will be the responsibility of the developer. A second access route is required.

Kittitas County Code 16.09 (as it existed in 2008, the time of application submittal that this preliminary approved project is vested to) allows for Performance Based Cluster Platting to assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Public Benefit Rating System (PBRs) elements are items that are not already required by code. When a public benefit is demonstrated then bonus density points apply. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -5 zone. A minimum of twenty five percent (25%) of the area

within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090.

Elements of the Performance Based Cluster Code are as follows:

Element	Area	Bonus Points
Open space total (48%)	230.13 acres	0
Open space density bonus (40%)	191.38 acres	40 points
Commercial Forest setback area	15.18 acres	0
Stream buffer within open space	7.05 acres	0
Wetlands & buffer within open space	4.52 acres	0
Roadway within open space	12.00 acres	0
Development Area	248.32	0
Group A water system		50 points
Total	478.45 acres	90points

Total bonus density points = 90 points. Total bonus density percentage =90%
Density bonus limit in the Rural 5 zone for this proposal is 90%.

Calculations for project:

- Current zone for project is Rural 5
- Allowed density for the Rural 5 zone is 1 unit per 5 acres
- Subject parcel is a total of 478.45 acres

- Lots allowed under current zoning (Rural 5) = **478.45 acres/5 acres = 95 lots**
- **(95 lots) x (total bonus density percentage 90%) = 182 total lots for cluster plat**
 - **STAFF NOTE:** This project was eligible for up to 182 units, however it was proposed and given preliminary approval for up to 171 and is not allowed to exceed this number.

All of the conditions included with the SEPA MDNS (see attached) and the Hearing Examiner Recommendation of Preliminary Approval (see attached) are required to be met by the applicant/developer.

This project must be final platted by December 28, 2022 or it will expire. Once expired, a new application would need to be applied for and would need to meet all current county code requirements. It would also be subject to a new review process allowing for public participation.

Attached Documents

- Kittitas County Code 16.09 – Performance Based Cluster Code (version this project is vested to)
 - Kittitas County Code Ordinance 2007-022 amended the Performance Based Cluster Code creating the version of code this project is vested to.
- Deemed Complete letter
- Notice of Application
- SEPA MDNS Decision
- Notice of SEPA Action and Public Hearing
- Hearing Examiner Staff Report

- Hearing Examiner Recommendation of Approval
- Notice of Decision and Resolution 2010-137
- Application
- Revised project narrative and rating system chart – 12/29/2009

Summarized Questions/Concerns (County responses italicized)

1. Rural lots are required to be 5 acres minimum to accommodate well and septic. The advertised lot of 150 homesites plus a clubhouse and pool exceed this requirement. Please explain.
 - *You are correct that the minimum lot size for the Rural 5 zoning designation is 1 unit per 5 acres. However, as explained above under “Project Description” the KCC 16.09 Performance Based Cluster Platting (see attached) allowed for bonus density which is also described above. Therefore, this project was given preliminary plat approval for up to 171 lots that are much smaller in size than 5 acres in size consistent with the code in place at the time of processing this application. Additionally, the clubhouse and pool are recreation facilities that were encouraged as part of Performance Based Cluster Platting provisions. The applicant did not ultimately choose to obtain bonus points for providing these facilities (recreation/community center) however they are allowed to have them as they were proposed as part of their project and considered when given preliminary approval. The revised project narrative and public benefit rating system chart is attached to this email.*
2. If the hillside in question is zoned for rural single family; how is it possible to have a commercial/public application to have a clubhouse and pool. It is not an allowable use. Please advise.
 - *Please see the response to the question #1 above.*
3. If there are to be a large number of homes that are serviced only by a single road (Forest Ridge Drive) how then is this possibly still considered a rural setting? Fire and Life Safety Equipment have one road in and one road out to service approximately 180 current & future residences. This is not typical county standards, much less rural. Has the developer applied for a zone change and additional roads?
 - *KCC 16.09 Performance Based Cluster Platting is a form of land division that was allowed in the Rural 5 zone at the time this application was submitted. In order for a code to be adopted findings need to be made that it is consistent with rural character. This code found that it was consistent at the time. Later through the Growth Management Hearings Board appeals the Performance Based Cluster Platting code was repealed and replaced with the current KCC 16.09 Cluster Platting, Conservation and Agricultural Platting. Findings were also made in the Hearing Examiner Staff report, Hearing Examiner Recommended Decision and the Board of County Commissioners Resolution 2010-137 that the Forest Ridge Performance Based Cluster Plat was consistent with rural character.*
 - *Access requirements were provided as conditions of preliminary approval and can be found in Resolution 2010-137 (see attached). Specifically, conditions 16, and 23 – 25. The County Road Standards that apply to this project are the 9/6/05 edition. For more information regarding access/road requirements please contact Kittitas County Public Works at publicworks@co.kittitas.wa.us. Mark Cook is the Director of Public Works and has been included on this email.*
 - *The SEPA MDNS also provided conditions regarding transportation and are conditions 8 – 10 of the attached SEPA Action MDNS document. These conditions require re-evaluation of the transportation network based on any required changes once geotechnical analysis is complete.*

There is also a condition that the applicant shall comply with the certain construction requirements for the City of Cle Elum as explained in condition 9 of the SEPA MDNS. Please contact Kittitas County Public Works for additional information. In order for the applicant to receive final plat approval they must demonstrate that all conditions of the preliminary approval have been met. The applicant has not submitted for final plat approval as of the time of writing this email.

- *There are numerous fire and life safety conditions placed on this proposal through preliminary approval and can be found in Resolution 2010-137 (see attached). Specifically, conditions 26, 39-45. Pat Nicholson is the County Fire Marshal and has been included on this email.*
4. What is the outcome of the traffic study coming down on Columbia from 180 homes?
 - *The traffic study can be found on the Kittitas County Website here: <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> then navigating to “Long Plats”, “LP-08-00014 Forest Ridge Preliminary Plat” and finally “LP-08-00014 Forest Ridge Complete Record Indexed and Bookmarked”. The Traffic Study can be found on page 204 of the pdf document referenced. Please contact Kittitas County Public Works with questions regarding transportation.*
 5. With a proposed subdivision of this size, why is there not time and notification for public comment?
 - *As explained above in the Project Timeline section of this email, the public process occurred between 2008 and 2010 when it was granted preliminary approval. There is no additional public process for completion of this project as they are now required to obtain final plat approval by demonstrating that they have met all conditions imposed through preliminary plat approval in Resolution 2010-137 (see attached).*
 6. Who do I contact regarding road work including clearing and grading?
 - *Please contact Kittitas County Public Works at publicworks@co.kittitas.wa.us for questions regarding road work including clearing and grading.*
 7. The documentation of hearings and approvals from this project are over a decade old, are they still valid now?
 - *Yes, the preliminary approval granted by Resolution 2010-137 is still valid. Final platting must occur by December 28, 2022 or the project will expire.*
 8. Concern with limited shared road access for an extremely large development and how the current neighbors living in the areas will be negatively impacted.
 - *Please contact Kittitas County Public Works at publicworks@co.kittitas.wa.us for questions regarding road access. Also refer to question 2 above as it relates to road requirements.*
 9. Will there be new hearings before this project can proceed?
 - *There will not be new hearings for this proposal. Please see the responses to questions 5 and 7 above.*
 10. What dust control measures will be used?
 - *Resolution 2010-137 which granted preliminary approval of the Forest Ridge Performance Based Cluster Plat included two conditions regarding dust control measures, conditions 33 and 34. County standards require a water truck be available during construction to minimize dust*

emissions. For more information regarding this standard and the use of a water truck, please contact Public Works at publicworks@co.kittitas.wa.us.

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.

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.

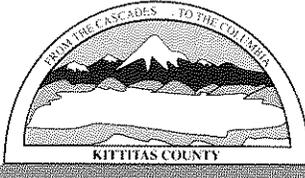
Recreation – For specific uses see KCC 17.14.

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)



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"Building Partnerships -- Building Communities"

July 17, 2009

Iron Snowshoe, LLC
c/o David Blanchard
PO Box 923
Cle Elum, WA 98922

Allison Kimball
Authorized Agent
Brookside Consulting
P.O. Box 1036
Cle Elum, WA 98922

Subject: Determination of Complete Application
Forest Ridge Preliminary Plat LP-08-00014

Dear Applicant:

Your application for the Forest Ridge Preliminary Plat was received on April 24, 2008, and has been determined complete on the date of this letter.

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

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

6. A closed-record hearing will be scheduled before the Kittitas County Board of Commissioners where final approval or denial will be given.

If you have any questions regarding this matter, please contact me at (206) 382-9540, or by e-mail at anelson@GordonDerr.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna Nelson", with a long horizontal flourish extending to the right.

Anna Nelson, AICP
Contract Planner

cc: Jeff Watson, Kittitas County Public Works



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NOTICE OF APPLICATION

Notice of Application: July 30, 2009
Application Received: April 24, 2008
Application Complete: July 17, 2009

Project Name (File Number): Forest Ridge (LP-08-00014)

Applicant: Property owner – Iron Snowshoe LLC

Location: Twelve tax parcels, located northeast of the city of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, W.M.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022.

Proposal: Landowner Iron Snowshoe LLC has submitted a Preliminary Plat application to subdivide approximately 479 acres into 171 single-family residential lots, with an average lot size of 1.67 acres. The subject property is zoned Rural-5. The project is proposed as a Performance Based Cluster Plat. Final plat approval and building permits will be required.

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

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on August 14, 2009. Any person has the right to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made. Appeal procedures can vary according to the type of decision being appealed, and are described in Kittitas County Code, Title 15A.

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

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

Designated Permit Coordinator (staff contact): Anna Nelson, Contract Planner: (206) 382-9540; email at anelson@GordonDerr.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"

NOTICE OF DECISION SEPA ACTION AND PUBLIC HEARING

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

From: Dan Valoff, Staff Planner

Date: September 23, 2010

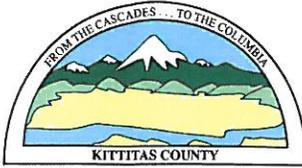
Subject: Forest Ridge Performance Based Cluster Plat (File No.: LP-08-00014)

Please find the attached Mitigated Determination of Nonsignificance (MDNS) for the above referenced project. A Notice of Application for the submitted application was mailed on July 30, 2009.

NOTICE IS HEREBY given that pursuant to 43.21(C) RCW, Kittitas County Community Development Services did on September 23, 2010 make a Mitigated Determination of Non-Significance (MDNS) for Iron Snowshoe, LLC for a preliminary plat application to subdivide approximately 479 acres into 171 single-family residential lots, with an average lot size of 1.67 acres. The subject property is zoned Rural-5. The project is proposed as a Performance Based Cluster Plat. Final plat approval and building permits will be required. The subject property is comprised of twelve tax parcels, located northeast of the City of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, W.M.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022. The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926. Staff Planner: Dan Valoff.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of chapter 43.21RCW shall be commenced on or before October 7, 2010 at 5:00 p.m. to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg, WA 98926. Appeals of SEPA threshold determinations shall be consolidated with appeals of final permit approval, according to 15A.04.020, Chapter [43.21C RCW](#) and Chapter [15.04 KCC](#) (such as a decision to require particular mitigation measures or to deny a proposal). A single simultaneous hearing before one hearing body will consider the agency decision on a proposal and any environmental determinations made, with the exception of the appeal, if any, of a threshold determination of significance.

NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Hearing Examiner has been scheduled for **October 28, 2010 at 6:00 p.m.** in the Kittitas County Courthouse Auditorium, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the above address prior to the hearing. Interested persons are encouraged to verify prior to attending.



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State Environmental Policy Act

MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Landowner Iron Snowshoe LLC has submitted a Preliminary Plat application to subdivide approximately 479 acres into 171 single-family residential lots, with an average lot size of 1.67 acres. The subject property is zoned Rural-5. The project is proposed as a Performance Based Cluster Plat. Final plat approval and building permits will be required.

Proponent: Iron Snowshoe, LLC

Location: The subject property is comprised of twelve tax parcels, located northeast of the City of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, W.M.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022.

Lead Agency: Kittitas County Community Development Services

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

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

- A. This finding is based on review of the Long Plat Application submitted April 24, 2008 and the Application Supplement submitted December 29, 2009. The application includes a SEPA Environmental Checklist dated April 2008, a revised SEPA Environmental Checklist dated December 2009, correspondence with the applicant regarding voluntary mitigation measures, and the following reports or studies: *Downstream Analysis* (August 2009); a letter from Sapphire Skies to the Department of Public Health detailing water usage and status of water rights transfer (October, 2009); *Transportation Impact Analysis* (November, 2009); *Forest Ridge Streams and Wildlife Habitat Study* (December, 2009); *Forest Ridge Existing Conditions Kittitas County Critical Areas Report* (December, 2009); *Preliminary Storm Drainage Report* (December, 2009); and *Forest Ridge Geological Hazard Assessment* (August, 2010).

- B. Issuance of this threshold determination does not constitute approval of the proposal for construction. This proposal will require review and approval by Kittitas County (Building Permit and associated permits/approvals) and will be reviewed for compliance with all applicable Kittitas County codes which regulate development activities, including but not limited to the Zoning Code, Uniform Fire and Building Codes, Road Standards, Surface Water Design Manual, and the Sensitive Areas Regulations. This proposal will also require approvals by other agencies as described in the SEPA Environmental Checklist. These approvals and requirements are not inclusive, as some approvals and code requirements can only be confirmed and/or reviewed upon submittal of construction permits.
- C. Voluntary mitigation measures which the applicant will implement as part of the proposal are listed in the SEPA Environmental Checklist and include the following:
- Homes shall not be allowed to use wood burning stoves.
 - Impervious surface area will be minimized to the extent practical, with less than 11% of the project site being impervious. Native vegetation will be retained to the maximum extent feasible.
 - CCRs will be adopted to preserve native vegetation, wildlife areas, and recreational uses.
 - Construction will be limited to 7am-7pm during the summer, and 8am-6pm during the winter.
 - The applicant will work with a professional landscaper to design the site in such a way that the natural setting is preserved. Design standards will help maximize aesthetic suitability and the likelihood that the community blends within the surrounding environment.
 - Through CCRs, residents will be required to comply with Dark Skies standards. Lighting in common areas will also comply with Dark Skies standards.
 - The applicant proposes to create several pedestrian/bicycle/multi-modal trails.
 - The applicant may construct a recreational/community center that will provide opportunities for active and passive recreation.

These mitigation measures are in addition to requirements that will be implemented through Kittitas County code compliance permit review. Prior to construction permit issuance, these voluntary mitigation measures will be incorporated as conditions of development.

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

Geohazards and Landslide Areas

1. Additional Analysis: Prior to site construction, the applicant shall conduct additional geotechnical analysis to better understand the site conditions and projected impacts of the proposed development on the identified landslide area. Results of this additional analysis may result in changes to the plat layout, including changes to the number of lots, location of internal access roads, location of septic drain fields, location of stormwater facilities, open space calculations, and other site elements. The analysis shall include, at a minimum, the following activities:
 - a. Obtain 2-foot contour interval topographic data for the entire landslide area to permit a more detailed examination of geomorphological features. This topographical data shall be used in further delineation of areas on the landslide area requiring additional study, in identification of landslide features, and will improve input for refining and confirming results of the stability analysis. If new topographic data reveals areas warranting additional study, these areas shall be examined, in addition to those areas identified in

Figure 4 of the *Forest Ridge Geological Hazard Assessment* (August 19, 2010), shown below.

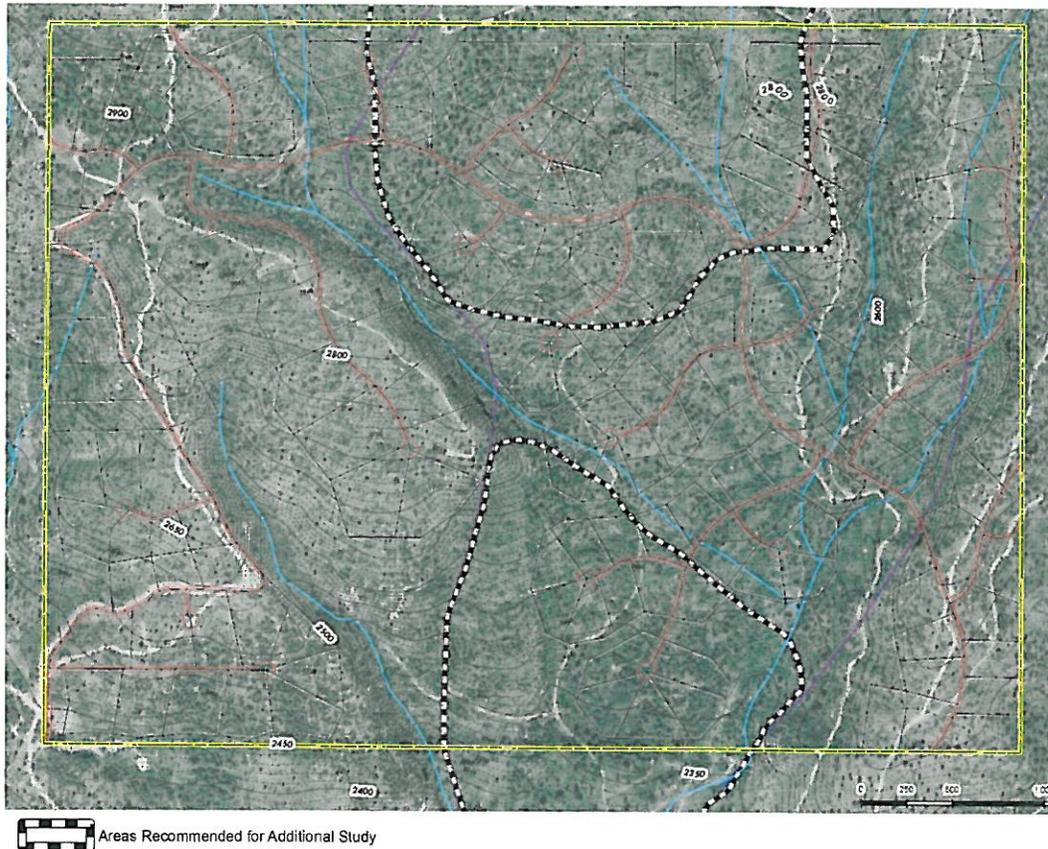


Figure 4 from Forest Ridge Geological Hazard Assessment (August 2010)

- b. Collect subsurface data in the north-central portion of the landslide where there is evidence of more recent slope movement and in the region near the toe of the landslide where stability analysis suggests potential instability under modeled conditions. Subsurface data should consist of a borehole drilling program observed by a qualified geotechnical engineer, in situ testing of soil strength, and sample collection and analysis by a geotechnical laboratory.
 - c. Using results from the two activities above refine the stability modeling for the entire mapped landslide with emphasis on the north-central portion of the landslide, where there is evidence of more recent slope movement, and in the region near the toe of the landslide, where stability analysis suggests potential instability under model conditions.
 - d. A design-level geotechnical study of the site should be completed prior to finalizing final plat development plans. Specific focus should be given to the results from refined slope stability analysis, those areas of the mapped landslide that are potentially sensitive to modification, those areas having steep slopes, and the presence of a mine hazard area mapped by Kittitas County in the southwest corner of the site.
2. Timing of Improvements: This application is subject to the current version of the Kittitas County Road Standards, dated 9/6/05. The following improvements shall be completed prior to final plat approval for each respective phase of development: earth movement, rough grading for

road alignment, installation of any necessary retaining structures, and any required mitigation to address areas of slope failure or instability. Portions of road construction that do not involve earth movement, slope stability, rough grading, or infrastructure, such as finished surfacing and roadside safety barriers, shall be completed prior to issuance of a building permit for any of the structure within this plat. In lieu of the improvements required prior to receiving a building permit, a performance bond or acceptable financial guarantee may be provided as allowed by KCC 12.01.050.

Stormwater

3. Stormwater Manual: On-site stormwater management that conforms to the specifications of the *Stormwater Management Manual for Eastern Washington* (2004) 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 site construction. 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.
4. Stormwater Management: The following recommendations listed in the *Preliminary Storm Drainage Report* (December 2009) shall be required:
 - a. Be proactive in establishing a maintenance strategy of streams, culverts, & catch basins that convey stormwater on-site.
 - b. Establish a snow removal strategy for private streets that allow the majority of the stormwater systems to still convey stormwater.
 - c. At the time of civil design, perform a backwater analysis on portions of the downstream path to determine ditch and pipe velocities and capacities for the 100-yr. storm event. This analysis will determine if upgrades to the existing downstream system are necessary.
 - d. Stabilize channels and outlets, and protect drain inlets.
 - e. Control on-site flow rates and pollutants per DOE's Stormwater Management Manual for Eastern Washington.
 - f. Maintain Best Management Practices.
5. City of Cle Elum Stormwater: The applicant shall comply with the following stormwater requirements from the City of Cle Elum:
 - a. A Balmer Canyon Drainage Study shall be performed which includes recommendations for upgrades and improvements for the entire length of the drainage, including the portion within the City of Cle Elum, based on a 25-year, 24-hour storm. This study shall be submitted along with the on-site stormwater design for approval by the County Engineer.
 - b. The Balmer Canyon culvert crossing Creekside Road shall be replaced to the specifications recommended by the drainage study, prior to final approval.
6. Grading Plan: A grading plan prepared by an engineer licensed in the state of Washington shall be presented to Public Works prior to site construction. Depending on the amount of fill to be removed from the site, a haul route and road condition analysis may be required prior to approval

of the grading plan. The grading plan shall be submitted in accordance with KCC 12.08, and shall be approved by the County Engineer.

7. Snow Removal: Prior to final plat approval, the applicant shall submit for review and approval by the County a snow removal plan and proposed locations for snow storage. Snow removal shall be the responsibility of the Homeowners Association. Locations for snow storage shall be located outside of wetland and stream areas and their buffers and shall be shown on the face of the final plat. In addition, the final plat shall include the following note:

Snow removal shall be the responsibility of the Homeowners Association. Snow storage shall be limited to those areas shown on the face of the plat and shall be located outside of wetland and stream areas and their buffers.

Transportation

8. Reevaluation at Final Design: If the final design of the project changes due to the results of additional geotechnical analysis or other reasons, the project shall be reevaluated for road construction requirements. Alterations to these requirements shall be discussed and agreed upon by Public Works and the applicant.
9. City of Cle Elum Transportation: The applicant shall comply with the following construction requirements from the City of Cle Elum:
 - a. Potholes must be repaired on Columbia Avenue from First Street to Fourth Street as required by the City of Cle Elum prior to receiving final plat approval.
 - b. A 2-inch overlay on Columbia Avenue from First Street to Fifth Street or end of existing pavement shall be constructed prior to beginning construction of Phase 5.
10. WSDOT: The *Revised Traffic Impact Analysis* (November 2009) considers the traffic impacts from both the Forest Ridge development and the nearby City Heights development, which is proposed in the City of Cle Elum and is currently under review. Based on this analysis, upon completion of just the Forest Ridge development, the Level of Service (LOS) at the intersection of SR 903 and the SR 903 Spur will be reduced to LOS C (Note: The traffic impact study erroneously refers to the intersection of SR 903 and the SR 903 Spur as the "SR 970/SR 903" intersection). Upon completion of both the Forest Ridge development and the City Heights development, the same intersection will be reduced to either a LOS D or E, depending on the approved development scenario for City Heights. According to Kittitas County Comprehensive Plan GPO 4.26, any LOS below the adopted standard of LOS C in rural areas is unacceptable; therefore, mitigation is required if a LOS below C results. The City Heights project has not yet received approval from the City of Cle Elum, and the traffic impacts of Forest Ridge alone do not cause the intersection in question to fall below LOS C. Because it is uncertain at this time what the actual impact to the SR 903/SR 903 Spur intersection will be, prior to construction of the Forest Ridge Phase 5, the developer shall reevaluate the traffic impacts of the proposed Forest Ridge development on the SR 903/SR 903 Spur intersection. If the analysis concludes that the full build out of this project result in the SR 903/SR 903 Spur intersection operating below a LOS C, then the developer of the Forest Ridge project will be required to contribute a pro rata share of the cost to construct mitigation improvements to the SR 903/SR 903 Spur intersection, as required by WSDOT, to achieve an acceptable LOS.

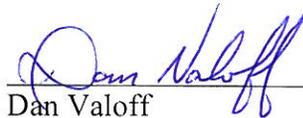
Wildlife and Habitat

11. The *Forest Ridge Streams and Wildlife Habitat Study* (December 2009) states that the Forest Ridge plat has been designed to avoid and minimize impacts to existing waterways and wildlife habitats in the study area, and that "The current design and layout of the proposed developments meet the intent and requirements of the Kittitas County Code, including the provisions for protecting waterways and riparian habitat areas" (p. 10). To ensure identified project areas remain suitable habitat for wildlife, the applicant shall submit to the County an Open Space Management Plan prior to final plat approval. This Plan shall describe the types of recreational uses and improvements allowed in the open space areas, and include a statement from a professional biologist demonstrating that the proposed uses, proposed improvements, and lot layout will avoid and minimize impacts to wildlife habitats. Approved recreational uses, as well as provisions for maintenance of any improvements shall be included in the Homeowners Association CCRs.

Light and Air Impacts

12. The following note shall be placed on the face of the final plat:
All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.
13. The following note shall be placed on the face of the final plat:
The use of wood burning stoves shall be prohibited.

**Responsible
Official:**



Dan Valoff

Title:

Staff Planner

Address:

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

Date:

September 23, 2010

This Mitigated DNS is issued under WAC 197-11-355 and WAC 197-11-390; the lead agency will not act on this proposal for 10 working days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced on or before 5:00 pm, October 7, 2010.

Pursuant to Chapter 15A.04.020 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$500.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received within 10 working days, or no later than 5:00 PM, October 7, 2010. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

FOREST RIDGE PERFORMANCE BASED CLUSTER PLAT

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Forest Ridge Performance Based Cluster Plat (LP-08-14)
DATE: October 28, 2010

I. GENERAL INFORMATION

Requested Action: Iron Snowshoe LLC, property owner, have applied for a 171-lot performance based cluster plat on approximately 479 acres of land that is zoned Rural-5. The project is proposed to be served by a Group A water system and individual or community on-site septic systems.

Location: The subject property is located northeast of the city of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, WM.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022.

II. SITE INFORMATION

Total Project Size: 479 acres
Number of Lots: 171
Zoning District: Rural-5
Domestic Water: Group A water system
Sewage Disposal: Individual/Community on-site septic systems
Power/Electricity: Puget Sound Energy
Fire Protection: Fire District #7
Irrigation District: None

Site Characteristics:

North: Vacant

South: Vacant

East: Vacant

West: Vacant

Access: The proposed project will have access off of Columbia Avenue in Cle Elum, then a new road west on the applicant's private property. The access road will be constructed to meet Kittitas County Road Standards. All required roadway improvements will be the responsibility of the developer. A second access route is required.

Zoning and Development Standards: The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting Rural-5 zones will be to minimize adverse effects on adjacent natural resource lands.

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

Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Public Benefit Rating System (PBRs) elements are items that are not already required by code. When a public benefit is demonstrated then bonus density points will apply. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of twenty five percent (25%) of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090.

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

Element	Area	Bonus Points
Open space total (48%)	230.13 acres	0
Open space density bonus (40%)	191.38 acres	40 points
Commercial Forest setback area	15.18 acres	0
Stream buffer within open space	7.05 acres	0
Wetlands & buffer within open space	4.52 acres	0
Roadway within open space	12.00 acres	
Development Area	248.32	0
Group A water system		50 points
Total	478.45 acres	90points

Total bonus density points = 90 points. Total bonus density percentage =90%

Density bonus limit in the Rural 5 zone for this proposal is 90%.

Calculations for project:

Current zone for project is Rural 5

Allowed density for the Rural 5 zone is 1 unit per 5 acres

Subject parcel is a total of 478.45 acres

Lots allowed under current zoning (Rural 5) = **478.45 acres/5 acres = 95 lots**

(95 lots) x (total bonus density percentage 90%) = 182 total lots for cluster plat

III. ADMINISTRATIVE REVIEW

Notice of Application: A complete long plat application was submitted to Community Development Services on April 24, 2008. The application was deemed complete on July 17, 2009. The Notice of Application for the preliminary plat application was issued on July 30, 2009. 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 August 14, 2009.

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

IV. COMPREHENSIVE PLAN

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

County Wide Planning Policies:

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

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

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

GPO 3.18 Provide sufficient housing units while maintaining environmental quality.

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

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

V. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on September 23, 2010. The appeal period ended on October 7, 2010 at 5:00 p.m. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

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

No public comments were submitted on this proposal at the time of staff review.

VII. PROJECT ANALYSIS

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

Comprehensive Plan Consistency:

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

Consistency with the provisions of KCC 17A Critical Areas:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found wetlands, seasonal stream areas of steep slopes and potential landslide areas on the subject properties.

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

The application contained all required elements necessary to review this proposal with the exception of soil logs, which will be required prior to final plat approval. All proposed lots meet the dimensional standards of KCC 17.30A for lots zoned Rural 5. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code for Performance Based Cluster Plats.

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

All roads are required to meet all Kittitas County Road Standards as outlined in the September 8, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Department of Ecology, Washington Department of Transportation, Washington Fish & Wildlife, Kittitas County Department of Public Works, and Environmental Health. These comments have been included as conditions of approval to address these agency concerns.

Public Comments:

No letters from the public were submitted on this proposal at the time of writing of the staff report.

VIII. RECOMMENDATION

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12 and Title 16.12 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends **approval** of the Forest Ridge Performance Based Cluster Plat; file number (LP-08-14), subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Iron Snowshoe LLC, property owner, has applied for a 171-lot performance based cluster plat on approximately 479 acres of land that is zoned Rural-5. The project is proposed to be served by a Group A water system and individual or community on-site septic systems.
2. The subject property is located northeast of the city of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, WM.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022.
3. The proposed lots range in size from one-acre to 4-acres in size. The project is proposed to be served by a Group A water system and individual or community on-site septic systems.
4. Site Information:

Total Project Size:	479 acres
Number of Lots:	171
Zoning district	Rural 5
Domestic Water:	Group A water system
Sewage Disposal:	Individual/Community on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	None
5. Site Characteristics: The area is characterized as mountain terrain.
6. Surrounding Property:
 - North: Vacant
 - South: Vacant
 - East: Vacant
 - West: Vacant

7. The Comprehensive Plan designation is Rural.
8. The subject property is zoned Rural 5, which allows for one residential unit per 5 acres and one-half acres for platted cluster subdivisions served by public water and sewer systems. All subdivision lots under five acres in size must be served by public water and sewer systems (KCC 17.30A.040).
9. A complete long plat application was submitted to Community Development Services on April 24, 2008. The application was deemed complete on July 17, 2009. The Notice of Application for the preliminary plat application was issued on July 30, 2009. 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 August 14, 2009.
10. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record.
11. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on September 23, 2010. The appeal period ended on October 7, 2010 at 5:00 p.m. No appeals were filed.
12. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group A water system and individual or community septic systems. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found wetlands, seasonal stream areas of steep slopes and potential landslide areas on the subject properties.
13. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats.
14. All roads are required to meet all Kittitas County Road Standards as outlined in the September 8, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
15. The following agencies provided comments during the comment period: Department of Ecology, Washington Department of Transportation, Washington Fish & Wildlife, Kittitas County Department of Public Works, and Environmental Health. These comments have been included as conditions of approval to address these agency concerns

Suggested Conclusions:

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

Suggested Conditions of Approval:

Platting Standards and Zoning Code:

1. Certificate of Title: A certificate of title of the property proposed to be platted shall be submitted with the final plat.
2. Lot Closures: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
3. Conditions, Covenants, and Restrictions: Prior to final plat approval, a copy of the proposed final Conditions, Covenants, and Restrictions shall be submitted to Community Development Services for review and approval.
4. Open Space Tracts: Prior to final plat approval, all areas not included in development lots shall be labeled as individual tracts. Tracts shall not be further subdivided or altered. All tracts, except the tract(s) containing the private road area, shall be labeled "Open Space.". All open space tracts shall be identified on the face of the final plat.
5. Open Space Tract Ownership and Maintenance: Open space tracts shall be jointly owned and maintained by the developer or legally responsible owner or homeowner's association or other legal entity made up of all benefited property owners.
6. Clustering of Lots: Lots shall be designed to meet the requirements of KCC 16.09.100.A relating to clustering requirements.
7. Performance Based Cluster Plat Open Space: The preliminary plat map states that 193.38 acres (or 40% of the total site) meets the definition of "Open Space" contained in Chapter 16.09.100.C (on the date of application). Prior to final plat approval, the applicant shall present to the County for review and approval a map demonstrating that at least 40% of the total plat area meets the open space requirements of Chapter 16.09. For purposes of calculating open space, the following areas shall not be included: Commercial Forest setback area; seasonal streams and their 15' buffer area; wetlands and buffers; areas where development is otherwise restricted, and private roadways within open space.
8. Final mylars shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
9. Both sheets shall reflect the Plat number: LP-08-00014.

Critical Areas:

10. Wetland Impacts: The proposed plat area contains ten wetlands. All wetland areas and their buffers shall be shown on the face of the final plat. The plat shall also contain the following note:
Development involving disturbance to wetlands may require additional County review and possible mitigation. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts shall be required to be replaced at a ratio of 2:1 for Category 2, 1.5:1 for Category 3, and 1:1 for Category 4 (KCC 17A.04.050).
11. Wetland J: The applicant's wetland biologist identifies Wetland J as a Category 2 high value wetland measuring 2,008 square feet in area. This wetland has a required minimum buffer of 25 feet according to 17A.04.020. The proposed design places Wetland J in Lots 152 and 156. A private road crosses through Wetland J and its buffer. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent

practical. Any unavoidable wetland impacts to Category 2 wetlands shall be required to be replaced at a ratio of 2 square feet created for every 1 square foot lost (KCC 17A.04.050). Impacts to buffers may be mitigated through buffer averaging, as allowed by KCC 17A.04.050. Prior to final plat approval, the applicant shall redesign the layout to prevent unavoidable impacts to Wetland J and its buffer, and submit a wetland replacement plan and/or wetland buffer averaging plan, if necessary, for County review and approval.

12. Wetland K: The applicant's wetland biologist identifies Wetland K as a Category 2 high value wetland measuring 525 square feet. The proposed design places Wetland K in Lots 151 and 152. A private road crosses through Wetland K. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts to Category 2 wetlands shall be required to be replaced at a ratio of 2 square feet created for every 1 square foot lost (KCC 17A.04.050). Prior to final plat approval, the applicant shall redesign the layout to prevent unavoidable impacts to Wetland J and its buffer, and submit a wetland replacement plan, if necessary, for County review and approval.
13. Stream Crossings: The preliminary plat map contains ten instances where private roads cross mapped streams and their buffers. It is the applicant's responsibility to obtain appropriate state permits for all stream crossings.
14. Stream Buffer Impacts: The proposed plat area contains five streams. Chapter 17A.07.010.2 establishes performance standards for buffers of streams. Type 5 streams are subject to a 15 foot building setback. All streams and their buffers shall be shown on the face of the final plat. The plat shall also contain the following note:

A 15 foot building setback is required from seasonal streams. Stream crossings may require additional permitting from state agencies.
15. Access to Lots: Some lots contain natural conditions making access from the private roads difficult. Notes shall be placed on the face of the final plat stating:

Access to some lots requires crossing a seasonal stream. Additional permitting may be required to access these lots from the private road.

Access to some lots requires crossing a critical slope area. Additional technical design may be required to access these lots from the private road.
16. The following note shall be placed on the face of the final plat:

The placement of buildings and structures on or adjacent to ascending or descending slopes steeper than 1 unit vertical in 3 units horizontal (33.3-percent slope) shall conform to the building setback requirements of current adopted building codes (IRC Section R403.1.7 and IBC Section 1805.3.1). Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official is permitted to require an investigation and recommendation of a qualified engineer to demonstrate the requirements necessary to construct a building on or adjacent to ascending or descending slopes. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity and erosion characteristics of slope material.

Stormwater and Drainage

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

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

Transportation and Infrastructure

22. Timing of Improvements: This application is subject to the current version 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 residences 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.
23. 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.
24. Second Access: A second access is required of this project. Prior to final approval for each phase, the applicant shall conduct an analysis showing whether the threshold for a second access has been met. If a second access is required, the applicant must submit to Public Works for approval a route that has easement or other access rights secured and recorded. The second access must conform to Kittitas County Road Standards and the second access requirements 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 Marshall; 2) If the second access is to be used for ingress and egress, it must meet the same standards as the first access.
25. 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 2006 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
26. 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.
27. 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.
28. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
29. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.
30. 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.
31. 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.

Air Quality

32. Dust, diesel emissions, and wood stove emissions are possible sources of air pollution from this project. The applicant shall comply with all state and County standards for air emissions and obtain any necessary air quality permits from applicable agencies.
33. According to County standards, a water truck shall be available during construction to minimize dust emissions.

Water and Sewer

34. The applicant has proposed a Group A Public Water System. Prior to final plat approval, the applicant shall submit a signed letter of agreement between the public water system purveyor or official and the land developer/owner granting delivery of potable water for the entire development. If the public water system is being developed specifically for the subdivision/plat, the water system must be approved by Washington State Department of Health (DOH), including issuance of a public water system ID number, prior to recommendation by Kittitas County Public Health Department for final plat approval.
35. Community septic systems with wastewater flows under 3,500 gallons/day are permitted by the Kittitas County Public Health Department. For flows exceeding 3,500 gallons/day, design review and approval will be needed from the Washington State Department of Health. For flows greater than 14,500 gallons/day, design review and approval will be needed from the Washington State Department of Ecology.

36. The maximum allowable slope for septic drain fields will depend on permitting agency. According to Kittitas County Code 13.04.150(5) no drain field disposal system may be designed for a site with a slope of greater than 30% grade. According to WAC 246-272A the maximum allowable slope is 45% grade.
37. Prior to final approval, the final Mylar must identify the wastewater disposal option for each lot and the locations of the proposed drain fields that do not exceed the maximum allowable slope.

Fire Safety

38. Design and construction must comply with Kittitas County Code, Kittitas County Zoning, the 2006 International Fire and Building Codes, and all other development agreements.
39. Given the provided pre-review documents, these residences will require fire flow of 100 gallons per minute for a duration of no less than 30 minutes. A reduction in required fire flow of 5- percent is allowed when the buildings are provided with an approved automatic sprinkler system.
40. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. A standpipe or hydrant system with an adequate source of water (supply), a distribution system and adequate pressure for delivery shall be installed for this plat. Hydrant spacing shall comply with International Fire Code and its appendices' requirements.
41. A separate permit and deposit shall be required for installation of a hydrant/standpipe system.
42. The Kittitas County Fire Marshal's Office will require a minimum of three (3) complete sets of plans for full review: 1) Office Copy; 2) Permit Copy; and 3) Fire Department Copy.
43. This property is currently located outside of a fire district. As such, until such time that the development is within a Fire District, all future development must meet the International Urban Wild Land Interface Code for building construction, defensible space allocation, access, etc.
44. Roads with a slope or grade greater than 12% shall not be allowed.

SEPA Mitigation

45. A Mitigated Determination of Nonsignificance (MDNS) was issued on September 23, 2010. The mitigation measures in the MDNS shall be conditions of final plat approval.
46. The following mitigation conditions from the SEPA Mitigated Determination of Non-Significance shall be noted on the face of the final plat and included in the Covenants, Conditions, and Restrictions (CC&Rs) document recorded with the final plat:
 - a. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.
 - b. The use of wood burning stoves shall be prohibited.
 - c. Snow removal shall be the responsibility of the Homeowners Association. Snow storage shall be limited to those areas shown on the face of the plat and shall be located outside of wetland and stream areas and their buffers.

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF
LP-08-14)	LAW, DECISION AND
Forest Ridge Performance Based Cluster)	CONDITIONS OF APPROVAL
Plat)	

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on October 28, 2010, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. Iron Snowshoe LLC, property owner, has applied for a 171-lot performance based cluster plat on approximately 479 acres of land that is zoned Rural-5. The project is proposed to be served by a Group A water system and individual or community on-site septic systems. (Staff report)
2. The applicant is Iron Snowshoe, LLC, 206 W. First St., Cle Elum, WA 98922. Contact is David Blanchard. (Application materials)
3. The subject property is located northeast of the city of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, WM.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022. (Staff report)
4. The proposed lots range in size from one-acre to 4-acres in size. The project is proposed to be served by a Group A water system and individual or community on-site septic systems. (Staff report)

5. Site Information:

Total Project Size:	479 acres
Number of Lots:	171
Zoning district	Rural 5
Domestic Water:	Group A water system
Sewage Disposal:	Individual/Community on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	None

(Staff report)
6. Site Characteristics: The area is characterized as mountain terrain. (Staff report)
7. Surrounding Property:

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

(Staff report)
8. The Comprehensive Plan designation is Rural. (Staff report)
9. The subject property is zoned Rural 5, which allows for one residential unit per 5 acres and one-half acres for platted cluster subdivisions served by public water and sewer systems. All subdivision lots under five acres in size must be served by public water and sewer systems (KCC 17.30A.040). (Staff report)
10. A complete long plat application was submitted to Community Development Services on April 24, 2008. The application was deemed complete on July 17, 2009. The Notice of Application for the preliminary plat application was issued on July 30, 2009. 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 August 14, 2009. (Staff report)
11. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the “Land Use Action” sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record. (Staff report)
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 September 23, 2010. The appeal period ended on October 7, 2010 at 5:00 p.m. No appeals were filed. (Staff report)
13. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group A water system and individual or community septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found wetlands, seasonal stream areas of steep slopes and potential landslide areas on the subject properties. (Staff report)
 14. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats. (Staff report)
 15. All roads are required to meet all Kittitas County Road Standards as outlined in the September 8, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Staff report)
 16. The following agencies provided comments during the comment period: Department of Ecology, Washington Department of Transportation, Washington Fish & Wildlife, Kittitas County Department of Public Works, and Environmental Health. These comments have been included as conditions of approval to address these agency concerns. (Staff report)
 17. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval. (Hearing Examiner finding based on the record)
 18. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)
 19. The Kittitas County Community Development Services recommended approval of this permit, subject to the recommended conditions of approval. (Public hearing record)
 20. An open record public hearing after due legal notice was held on October 28, 2010. (Open record public hearing testimony)
 21. The following documents were admitted as Exhibits at the open record hearing:
 - 21.1 Exhibit 1: Long Plat Application & Environmental Checklist
 - 21.2 Exhibit 2: Affidavit of Posting

- 21.3 Exhibit 3: Letter of Complete Application
- 21.4 Exhibit 4: Letter from Sapphire Skies re: Explanation of Water Rights use for projects 7/14/09
- 21.5 Exhibit 5: Notice of Application
- 21.6 Exhibit 6: Affidavit of Mailing & Publication
- 21.7 Exhibit 7: Memo from Kittitas Co. Public Works 7/17/09
- 21.8 Exhibit 8: Memo from Kittitas Co. Environmental Health 7/31/09
- 21.9 Exhibit 9: Comment letter from Kittitas Co. Fire Marshal's Office 8/24/09
- 21.10 Exhibit 10: Comment letter from WDF&W 8/14/09
- 21.11 Exhibit 11: Comment letter from Dept. of Ecology 8/27/09
- 21.12 Exhibit 12: Sapphire Skies letter responding to WDF&W comments 8/19/09
- 21.13 Exhibit 13: Sapphire Skies letter responding to Dept. of Ecology comments 8/31/09
- 21.14 Exhibit 14: Comment letters from Kittitas Co. Public Health 1/11/09 & 9/30/09
- 21.15 Exhibit 15: Sapphire Skies letter responding to Public Health's comments 10/21/09
- 21.16 Exhibit 16: Letter to Iron Snowshoe LLC from Anna Nelson, CDS Contract Planner re: early notice EIS 10/28/09
- 21.17 Exhibit 17: Preliminary Storm Drainage Report 12/14/09
- 21.18 Exhibit 18: Downstream Analysis 8/1/09
- 21.19 Exhibit 19: Stream & Wildlife Habitat Study
- 21.20 Exhibit 20: Critical Areas Report 12/15/09
- 21.21 Exhibit 21: Revised Transportation Impact Analysis 11/19/09
- 21.22 Exhibit 22: Revised SEPA Checklist date stamped 12/29/09
- 21.23 Exhibit 23: Revised Plat Drawings 12/2009
- 21.24 Exhibit 24: Road Plan & Profile date stamped 12/29/09
- 21.25 Exhibit 25: Abandoned Mine Lands Report 11/17/09
- 21.26 Exhibit 26: Revised Forest Ridge Narrative & Public Benefit Rating System Chart date stamped 12/29/09
- 21.27 Exhibit 27: Letter from Sapphire Skies re: supplemental information submitted 12/28/09
- 21.28 Exhibit 28: Comment letter from WSDOT 2/4/10
- 21.29 Exhibit 29: 2/16/10 Memo from Public Works re: Stormwater issues
- 21.30 Exhibit 30: 3/4/10 letter from Brookside Consulting re: response to Public Works stormwater issues
- 21.31 Exhibit 31: 3/26/10 Public Works memo re: responses to comments
- 21.32 Exhibit 32: Comment letter from WSDOT 4/26/10
- 21.33 Exhibit 33: Forest Ridge Geological Hazards Assessment 8/19/10
- 21.34 Exhibit 34: Memo from Public Works 9/8/10
- 21.35 Exhibit 35: SEPA MDNS issued 9/21/10
- 21.36 Exhibit 36: Notice of Decision SEPA Action & Public Hearing
- 21.37 Exhibit 37: Hearing Examiner Staff Report

- 21.38 Exhibit 38: October 28, 2010, letter from Dr. Bonnie Reay of Cle Elum City Council to the Hearing Examiner
- 21.39 Exhibit 39: September 15, 2010, Kittitas County request for public records with attachment
- 21.40 Exhibit 40: November 9, 2009, letter from Mandy Weed to Catherine Clerf with attachments related to a public disclosure request
- 21.41 Exhibit 41: Transcript of handwritten statement of Catherine Clerf at September 21, 2010, Board of County Commissioner meeting
- 21.42 Exhibit 42: Series of emails between Christina Wollman, Kittitas County Public Works, Matt Morton, City of Cle Elum, Jim Leonhard and Jan Olivier from September 8, 2010, through September 14, 2010
(Open record public hearing record)
22. Testifying on behalf of the applicant was Shawn Northrup. Mr. Northrup testified that he is the owner of the property and the applicant. Mr. Northrup indicated that the applicant agreed with all of the proposed conditions of approval stated within the staff report as well as the Mitigated Determination of Nonsignificance. He stated that the project would utilize pedestrian paths within the open space, would comply with dark sky ordinances and would prohibit wood stoves as a primary means of heating.
(Open record public hearing testimony)
23. Also testifying on behalf of the applicant was Mark Kirkpatrick. Mr. Kirkpatrick testified that the stormwater system will be designed to withstand a 100-year storm event. It will be designed to account for both rain and snow events and will provide retention for stormwater up to a 25-year storm event. He stated that the plat map had multiple dark shaded areas which represent potential location of stormwater ponds and bioswales. (Open record public hearing testimony)
24. Mr. Northrup returned to testify concerning off-site traffic mitigation measures.
(Open record public hearing testimony)
25. Mr. Northrup also represented that the project will have a second access point during Phase 1. Regarding off-site improvements, Mr. Northrup acknowledged that Forest Ridge will be required to participate with Columbia Street (Cle Elum) mitigation when required to do so by traffic volume generated by the development. (Open record public hearing testimony)
26. No member of the public testified in favor of the project. (Open record public hearing testimony)
27. Testifying in opposition to the project were the following persons:

- 27.1 Bonnie Reay: Dr. Reay represented that she was testifying on behalf of the Cle Elum City Council and the City of Cle Elum. Dr. Reay is a current member of the Cle Elum City Council.

Dr. Reay's testimony is found in Exhibit 38.

Although Dr. Reay testified that the City of Cle Elum was not involved in discussion of off-site mitigation measures, the applicant submitted Exhibit 42, documenting City of Cle Elum Public Works' involvement in suggesting mitigation measures for this project as late as September, 2010.

- 27.2 Catherine Clerf: Also testifying in opposition to the project was Catherine Clerf. Ms. Clerf submitted Exhibits 39, 40 and 41. Ms. Clerf had concerns as to egress through this northeast corner of the project area and whether or not this was for future development to the property to the north of the subject property. Ms. Clerf also echoed Dr. Reay's comments as to why an environmental impact statement was not required. Ms. Clerf had concerns over wetlands identified as J and K and testified that no development should occur on those wetlands. She was curious as to whether or not this project area is within a fire district as there was conflicting information within the application materials and the Mitigated Determination of Nonsignificance. Finally, Ms. Clerf testified that none of the roads within the development should be greater than 12% grade.
- 27.3 Diedra Link: Ms. Link testified that in her opinion GPO 3.1 had not been met. She testified that 6,000 lots had approved for development within Kittitas County in the last four years and that this was more than adequate inventory of lots for projected residential growth within the County.
- 27.4 Kevin Daily: Mr. Daily also testified in opposition to the project. His personal concerns related to stormwater, roads, multiple unresolved issues and fire protection. He stated that his land was to the southwest of the project area and is not within Fire District No. 7. He also testified as to easement problems concerning the applicant and Mr. Daily's property and how difficult it has been to resolve those issues. He questioned how more significant unresolved issues for this project will be resolved when, as he put it, even his simple issue could not be resolved.

(Open record public hearing testimony)

28. In rebuttal, Mark Kirkpatrick testified for the applicant that of the 478 acres within the project area, only 79 acres drained towards the City of Cle Elum through Balmers Canyon while the remainder of the property drained through Steiners Canyon. He also testified that the impervious surface of the project would be between 12% and

15% of the entire site. The point of this testimony was that 85% to 88% of the property would be pervious allowing for the rain and snow to be naturally absorbed into the ground according to the soil's capacity. (Open record public hearing testimony)

29. Mr. Northrup also provided additional testimony. Mr. Northrup recognized that there was a written public comment received from Scott Huish that was not referenced in the staff report. Mr. Northrup also testified that there were meetings between the applicant, the County and the City of Cle Elum Public Works & Planning Departments regarding this project. Mr. Northrup submitted Exhibit 42 as evidence of the City of Cle Elum's participation in the development of mitigation measures and off-site project mitigation measures for the project. Mr. Northrup testified that the road access point on the northeast portion of the project is required by certain easements upon which the subject property is required to protect. He testified that Wetlands J and K are protected through the proposed conditions of approval. Mr. Northrup testified that while the project area is not currently within Fire District No. 7, approval is imminent. Mr. Northrup testified that the problem regarding Mr. Daily's property involved what Mr. Northrup termed as "floating" easements that go through the subject property according to prior forest and logging requirements. Mr. Northrup stated that they will move the road back onto the project boundary. He also testified that the final stormwater plan and build-out will prevent water from flowing from the project area onto Mr. Daily's land. (Open record public hearing testimony)
30. The applicant has requested performance based increases in bonus density based upon the public benefit rating system. (Open record public hearing testimony)
31. The applicant is proposing 191.38 acres of open space (40% of project) allowing for 40 bonus points. (Open record public hearing testimony)
32. The applicant is proposing a Group A water system which allows for 50 points. (Open record public hearing testimony)
33. This allows for a total of 90 points and a total bonus density percentage of 90% which ultimately allows for 182 total lots for this cluster plat. (Open record public hearing)
34. In the event that a Group A water system is not developed, those points shall not be awarded. In the event the applicant does not provide for a minimum of 191.38 acres of open space, then those 40 points will not be allowed. (Open record public hearing)
35. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located. (Hearing Examiner finding based on the record)

36. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval. (Hearing Examiner finding based on the record)
37. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities. (Hearing Examiner finding based on the record)
38. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference. (Hearing Examiner finding based on the record)

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this recommended decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interest will be served by approval of this proposal.
5. 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.
6. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.
7. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.
8. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.
9. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.

10. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
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-08-14, Forest Ridge Performance Based Cluster Plat, be **APPROVED** subject to the following Recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.

Platting Standards and Zoning Code:

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

7. Clustering of Lots: Lots shall be designed to meet the requirements of KCC 16.09.100.A relating to clustering requirements.
8. Performance Based Cluster Plat Open Space: The preliminary plat map states that 193.38 acres (or 40% of the total site) meets the definition of “Open Space” contained in Chapter 16.09.100.C (on the date of application). Prior to final plat approval, the applicant shall present to the County for review and approval a map demonstrating that at least 40% of the total plat area meets the open space requirements of Chapter 16.09. For purposes of calculating open space, the following areas shall not be included: Commercial Forest setback area; seasonal streams and their 15’ buffer area; wetlands and buffers; areas where development is otherwise restricted, and private roadways within open space.
9. Final mylars shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
10. Both sheets shall reflect the Plat number: LP-08-00014.

Critical Areas:

11. Wetland Impacts: The proposed plat area contains ten wetlands. All wetland areas and their buffers shall be shown on the face of the final plat. The plat shall also contain the following note:
Development involving disturbance to wetlands may require additional County review and possible mitigation. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts shall be required to be replaced at a ratio of 2:1 for Category 2, 1.5:1 for Category 3, and 1:1 for Category 4 (KCC 17A.04.050).
12. Wetland J: The applicant’s wetland biologist identifies Wetland J as a Category 2 high value wetland measuring 2,008 square feet in area. This wetland has a required minimum buffer of 25 feet according to 17A.04.020. The proposed design places Wetland J in Lots 152 and 156. A private road crosses through Wetland J and its buffer. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts to Category 2 wetlands shall be required to be replaced at a ratio of 2 square feet created for every 1 square foot lost (KCC 17A.04.050). Impacts to buffers may be mitigated through buffer averaging, as allowed by KCC 17A.04.050. Prior to final plat approval, the applicant shall redesign the layout to prevent unavoidable impacts to Wetland J and its buffer, and submit a wetland replacement plan and/or wetland buffer averaging plan, if necessary, for County review and approval.

13. Wetland K: The applicant's wetland biologist identifies Wetland K as a Category 2 high value wetland measuring 525 square feet. The proposed design places Wetland K in Lots 151 and 152. A private road crosses through Wetland K. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts to Category 2 wetlands shall be required to be replaced at a ratio of 2 square feet created for every 1 square foot lost (KCC 17A.04.050). Prior to final plat approval, the applicant shall redesign the layout to prevent unavoidable impacts to Wetland J and its buffer, and submit a wetland replacement plan, if necessary, for County review and approval.
14. Stream Crossings: The preliminary plat map contains ten instances where private roads cross mapped streams and their buffers. It is the applicant's responsibility to obtain appropriate state permits for all stream crossings.
15. Stream Buffer Impacts: The proposed plat area contains five streams. Chapter 17A.07.010.2 establishes performance standards for buffers of streams. Type 5 streams are subject to a 15 foot building setback. All streams and their buffers shall be shown on the face of the final plat. The plat shall also contain the following note:
A 15 foot building setback is required from seasonal streams. Stream crossings may require additional permitting from state agencies.
16. Access to Lots: Some lots contain natural conditions making access from the private roads difficult. Notes shall be placed on the face of the final plat stating:
Access to some lots requires crossing a seasonal stream. Additional permitting may be required to access these lots from the private road.

Access to some lots requires crossing a critical slope area. Additional technical design may be required to access these lots from the private road.
17. The following note shall be placed on the face of the final plat:
The placement of buildings and structures on or adjacent to ascending or descending slopes steeper than 1 unit vertical in 3 units horizontal (33.3-percent slope) shall conform to the building setback requirements of current adopted building codes (IRC Section R403.1.7 and IBC Section 1805.3.1). Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official is permitted to require an investigation and recommendation of a qualified engineer to demonstrate the requirements necessary to construct a building on or adjacent to ascending or descending slopes. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity and erosion characteristics of slope material.

Stormwater and Drainage

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

Transportation and Infrastructure

23. Timing of Improvements: This application is subject to the current version 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 residences 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.
24. 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.

25. Second Access: A second access is required of this project. Prior to final approval for each phase, the applicant shall conduct an analysis showing whether the threshold for a second access has been met. If a second access is required, the applicant must submit to Public Works for approval a route that has easement or other access rights secured and recorded. The second access must conform to Kittitas County Road Standards and the second access requirements 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 Marshall; 2) If the second access is to be used for ingress and egress, it must meet the same standards as the first access.
26. 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 2006 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
27. 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.
28. 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.
29. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

30. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.
31. 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.
32. 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.

Air Quality

33. Dust, diesel emissions, and wood stove emissions are possible sources of air pollution from this project. The applicant shall comply with all state and County standards for air emissions and obtain any necessary air quality permits from applicable agencies.
34. According to County standards, a water truck shall be available during construction to minimize dust emissions.

Water and Sewer

35. The applicant has proposed a Group A Public Water System. Prior to final plat approval, the applicant shall submit a signed letter of agreement between the public water system purveyor or official and the land developer/owner granting delivery of potable water for the entire development. If the public water system is being developed specifically for the subdivision/plat, the water system must be approved by Washington State Department of Health (DOH), including issuance of a public water system ID number, prior to recommendation by Kittitas County Public Health Department for final plat approval.
36. Community septic systems with wastewater flows under 3,500 gallons/day are permitted by the Kittitas County Public Health Department. For flows exceeding 3,500 gallons/day, design review and approval will be needed from the Washington State Department of Health. For flows greater than 14,500 gallons/day, design review and approval will be needed from the Washington State Department of Ecology.
37. The maximum allowable slope for septic drain fields will depend on permitting agency. According to Kittitas County Code 13.04.150(5) no drain field disposal

system may be designed for a site with a slope of greater than 30% grade. According to WAC 246-272A the maximum allowable slope is 45% grade.

38. Prior to final approval, the final Mylar must identify the wastewater disposal option for each lot and the locations of the proposed drain fields that do not exceed the maximum allowable slope.

Fire Safety

39. Design and construction must comply with Kittitas County Code, Kittitas County Zoning, the 2006 International Fire and Building Codes, and all other development agreements.
40. Given the provided pre-review documents, these residences will require fire flow of 100 gallons per minute for a duration of no less than 30 minutes. A reduction in required fire flow of 5- percent is allowed when the buildings are provided with an approved automatic sprinkler system.
41. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. A standpipe or hydrant system with an adequate source of water (supply), a distribution system and adequate pressure for delivery shall be installed for this plat. Hydrant spacing shall comply with International Fire Code and its appendices' requirements.
42. A separate permit and deposit shall be required for installation of a hydrant/standpipe system.
43. The Kittitas County Fire Marshal's Office will require a minimum of three (3) complete sets of plans for full review: 1) Office Copy; 2) Permit Copy; and 3) Fire Department Copy.
44. This property is currently located outside of a fire district. As such, until such time that the development is within a Fire District, all future development must meet the International Urban Wild Land Interface Code for building construction, defensible space allocation, access, etc.
45. Roads with a slope or grade greater than 12% shall not be allowed.

SEPA Mitigation

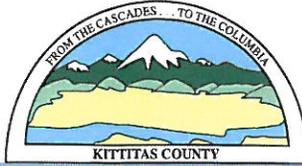
46. A Mitigated Determination of Nonsignificance (MDNS) was issued on September 23, 2010. The mitigation measures in the MDNS shall be conditions of final plat approval.

47. The following mitigation conditions from the SEPA Mitigated Determination of Non-Significance shall be noted on the face of the final plat and included in the Covenants, Conditions, and Restrictions (CC&Rs) document recorded with the final plat:
- a. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.
 - b. The use of wood burning stoves shall be prohibited.
 - c. Snow removal shall be the responsibility of the Homeowners Association. Snow storage shall be limited to those areas shown on the face of the plat and shall be located outside of wetland and stream areas and their buffers.

Dated this 10th day of November, 2010.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp



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"

NOTICE OF DECISION

To: Interested Parties (KCC 15A.06)
Applicant

From: Dan Valoff, Staff Planner

Date: January 4, 2011

Subject: Forest Ridge Performance Based Cluster Plat (LP-08-14)

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that on December 28, 2010 the Kittitas County Board of County Commissioners granted preliminary plat approval for Forest Ridge Performance Based Cluster Plat (LP-08-14) located northeast of the City of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, WM.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022.

Copies of the Kittitas County Board of Commissioners Resolution 2010-137 and related file documents may be examined at Kittitas County Community Development Services, 411 N. Ruby Suite 2, Ellensburg, WA 98926. (509) 962-7506.

Issuance of this land use decisions may be appealed by parties with standing, by filing a land use petition in Superior Court, and serving said petition on all required parties pursuant to RCW 36.70C and KCC 15A.08, within twenty-one days of the issuance of the land use decision.

If you have any questions, please do not hesitate to contact our office at (509) 962-7506.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

PRELIMINARY PLAT APPROVAL
FOREST RIDGE PERFORMANCE BASED CLUSTER PLAT (LP-08-00014)

RESOLUTION

NO. 2010- 137

WHEREAS, according to Kittitas County Code Chapter 16, relating to the Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing was held by the Kittitas County Hearing Examiner on October 28, 2010 for the purpose of considering a preliminary plat known as the Forest Ridge Performance Based Cluster Plat and described as follows:

A 171-lot performance based cluster plat on approximately 479 acres of land that is zoned Rural-5, located northeast of the City of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, WM.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022. Proponent: Iron Snowshoe, LLC, 206 W. First St., Cle Elum, WA 98922. Contact is David Blanchard.

WHEREAS, public testimony was heard from those persons present; 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 platting; and,

WHEREAS, the Hearing Examiner recommended approval of said proposed subdivision; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on December 21, 2010 to consider the Hearing Examiner's recommendation on this matter; and,

WHEREAS, the Kittitas County Board of Commissioners make the following FINDINGS OF FACT and CONCLUSIONS AT LAW concerning said proposed preliminary plat:

1. Iron Snowshoe LLC, property owner, has applied for a 171-lot performance based cluster plat on approximately 479 acres of land that is zoned Rural-5. The project is proposed to be served by a Group A water system and individual or community on-site septic systems.
2. The subject property is located northeast of the city of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, WM.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022.
3. A complete long plat application was submitted to Community Development Services on April 24, 2008. The application was deemed complete on July 17, 2009. The Notice of Application for the preliminary plat application was issued on July 30, 2009. This notice was published in the official

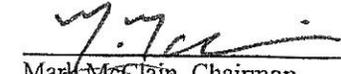
county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on August 14, 2009.

4. Community Development Services issued a Mitigated Determination of Non-Significance (MDNS) on September 23, 2010. No appeals were filed.
5. The Hearing Examiner conducted an open record hearing on October 28, 2010 to consider this matter where testimony was heard. On November 10, 2010 the Hearing Examiner issued a recommendation of preliminary plat approval subject to conditions for the Forest Ridge Performance Based Cluster Plat (LP-08-00014).
6. The Board of County Commissioners conducted a closed record meeting on December 21, 2010 for the purpose of considering the preliminary plat known as the Forest Ridge Performance Based Cluster Plat (LP-08-00014). A motion was made and seconded that the preliminary plat be approved, the motion carried with a vote of 2 to 1 with Commissioner Crankovich voting against the proposal.
7. The Board of County Commissioners finds that additional conditions are not necessary to protect the public's interest.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby grants preliminary plat approval to the Forest Ridge Performance Based Cluster Plat (LP-08-00014) and adopts the Kittitas County Land Use Hearing Examiner's Recommended Finds of Fact, Conclusions of Law, Decision and Conditions of Approval (See Exhibit A) and the same hereby is, approved with the proposed development configuration (See Exhibit B).

DATED this 28th day of December, 2010 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



Mark McClain, Chairman



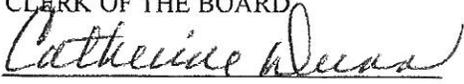
Paul Jewell, Vice Chairman

OPPOSED

Alan A. Crankovich, Commissioner



ATTEST:
CLERK OF THE BOARD

Dep


Catherine Deas

APPROVED AS TO FORM:

Julie A Kjorsvik

Greg Zempel WSBA #19125

Exhibit "A"

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF
LP-08-14)	LAW, DECISION AND
Forest Ridge Performance Based Cluster Plat)	CONDITIONS OF APPROVAL
)	

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on October 28, 2010, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. Iron Snowshoe LLC, property owner, has applied for a 171-lot performance based cluster plat on approximately 479 acres of land that is zoned Rural-5. The project is proposed to be served by a Group A water system and individual or community on-site septic systems. (Staff report)
2. The applicant is Iron Snowshoe, LLC, 206 W. First St., Cle Elum, WA 98922. Contact is David Blanchard. (Application materials)
3. The subject property is located northeast of the city of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, WM.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022. (Staff report)
4. The proposed lots range in size from one-acre to 4-acres in size. The project is proposed to be served by a Group A water system and individual or community on-site septic systems. (Staff report)

5. Site Information:

Total Project Size:	479 acres
Number of Lots:	171
Zoning district	Rural 5
Domestic Water:	Group A water system
Sewage Disposal:	Individual/Community on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	None

(Staff report)
6. Site Characteristics: The area is characterized as mountain terrain. (Staff report)
7. Surrounding Property:

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

(Staff report)
8. The Comprehensive Plan designation is Rural. (Staff report)
9. The subject property is zoned Rural 5, which allows for one residential unit per 5 acres and one-half acres for platted cluster subdivisions served by public water and sewer systems. All subdivision lots under five acres in size must be served by public water and sewer systems (KCC 17.30A.040). (Staff report)
10. A complete long plat application was submitted to Community Development Services on April 24, 2008. The application was deemed complete on July 17, 2009. The Notice of Application for the preliminary plat application was issued on July 30, 2009. 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 August 14, 2009. (Staff report)
11. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record. (Staff report)
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 September 23, 2010. The appeal period ended on October 7, 2010 at 5:00 p.m. No appeals were filed. (Staff report)

13. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group A water system and individual or community septic systems. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found wetlands, seasonal stream areas of steep slopes and potential landslide areas on the subject properties. (Staff report)
14. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats. (Staff report)
15. All roads are required to meet all Kittitas County Road Standards as outlined in the September 8, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Staff report)
16. The following agencies provided comments during the comment period: Department of Ecology, Washington Department of Transportation, Washington Fish & Wildlife, Kittitas County Department of Public Works, and Environmental Health. These comments have been included as conditions of approval to address these agency concerns. (Staff report)
17. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval. (Hearing Examiner finding based on the record)
18. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)
19. The Kittitas County Community Development Services recommended approval of this permit, subject to the recommended conditions of approval. (Public hearing record)
20. An open record public hearing after due legal notice was held on October 28, 2010. (Open record public hearing testimony)
21. The following documents were admitted as Exhibits at the open record hearing:
 - 21.1 Exhibit 1: Long Plat Application & Environmental Checklist
 - 21.2 Exhibit 2: Affidavit of Posting
 - 21.3 Exhibit 3: Letter of Complete Application
 - 21.4 Exhibit 4: Letter from Sapphire Skies re: Explanation of Water Rights use for projects 7/14/09
 - 21.5 Exhibit 5: Notice of Application
 - 21.6 Exhibit 6: Affidavit of Mailing & Publication
 - 21.7 Exhibit 7: Memo from Kittitas Co. Public Works 7/17/09

- 21.8 Exhibit 8: Memo from Kittitas Co. Environmental Health 7/31/09
- 21.9 Exhibit 9: Comment letter from Kittitas Co. Fire Marshal's Office 8/24/09
- 21.10 Exhibit 10: Comment letter from WDF&W 8/14/09
- 21.11 Exhibit 11: Comment letter from Dept. of Ecology 8/27/09
- 21.12 Exhibit 12: Sapphire Skies letter responding to WDF&W comments 8/19/09
- 21.13 Exhibit 13: Sapphire Skies letter responding to Dept. of Ecology comments 8/31/09
- 21.14 Exhibit 14: Comment letters from Kittitas Co. Public Health 1/11/09 & 9/30/09
- 21.15 Exhibit 15: Sapphire Skies letter responding to Public Health's comments 10/21/09
- 21.16 Exhibit 16: Letter to Iron Snowshoe LLC from Anna Nelson, CDS Contract Planner re: early notice EIS 10/28/09
- 21.17 Exhibit 17: Preliminary Storm Drainage Report 12/14/09
- 21.18 Exhibit 18: Downstream Analysis 8/1/09
- 21.19 Exhibit 19: Stream & Wildlife Habitat Study
- 21.20 Exhibit 20: Critical Areas Report 12/15/09
- 21.21 Exhibit 21: Revised Transportation Impact Analysis 11/19/09
- 21.22 Exhibit 22: Revised SEPA Checklist date stamped 12/29/09
- 21.23 Exhibit 23: Revised Plat Drawings 12/2009
- 21.24 Exhibit 24: Road Plan & Profile date stamped 12/29/09
- 21.25 Exhibit 25: Abandoned Mine Lands Report 11/17/09
- 21.26 Exhibit 26: Revised Forest Ridge Narrative & Public Benefit Rating System Chart date stamped 12/29/09
- 21.27 Exhibit 27: Letter from Sapphire Skies re: supplemental information submitted 12/28/09
- 21.28 Exhibit 28: Comment letter from WSDOT 2/4/10
- 21.29 Exhibit 29: 2/16/10 Memo from Public Works re: Stormwater issues
- 21.30 Exhibit 30: 3/4/10 letter from Brookside Consulting re: response to Public Works stormwater issues
- 21.31 Exhibit 31: 3/26/10 Public Works memo re: responses to comments
- 21.32 Exhibit 32: Comment letter from WSDOT 4/26/10
- 21.33 Exhibit 33: Forest Ridge Geological Hazards Assessment 8/19/10
- 21.34 Exhibit 34: Memo from Public Works 9/8/10
- 21.35 Exhibit 35: SEPA MDNS issued 9/21/10
- 21.36 Exhibit 36: Notice of Decision SEPA Action & Public Hearing
- 21.37 Exhibit 37: Hearing Examiner Staff Report
- 21.38 Exhibit 38: October 28, 2010, letter from Dr. Bonnie Reay of Cle Elum City Council to the Hearing Examiner
- 21.39 Exhibit 39: September 15, 2010, Kittitas County request for public records with attachment
- 21.40 Exhibit 40: November 9, 2009, letter from Mandy Weed to Catherine Clerf with attachments related to a public disclosure request
- 21.41 Exhibit 41: Transcript of handwritten statement of Catherine Clerf at September 21, 2010, Board of County Commissioner meeting

21.42 Exhibit 42: Series of emails between Christina Wollman, Kittitas County Public Works, Matt Morton, City of Cle Elum, Jim Leonhard and Jan Olivier from September 8, 2010, through September 14, 2010
(Open record public hearing record)

22. Testifying on behalf of the applicant was Shawn Northrup. Mr. Northrup testified that he is the owner of the property and the applicant. Mr. Northrup indicated that the applicant agreed with all of the proposed conditions of approval stated within the staff report as well as the Mitigated Determination of Nonsignificance. He stated that the project would utilize pedestrian paths within the open space, would comply with dark sky ordinances and would prohibit wood stoves as a primary means of heating. (Open record public hearing testimony)
23. Also testifying on behalf of the applicant was Mark Kirkpatrick. Mr. Kirkpatrick testified that the stormwater system will be designed to withstand a 100-year storm event. It will be designed to account for both rain and snow events and will provide retention for stormwater up to a 25-year storm event. He stated that the plat map had multiple dark shaded areas which represent potential location of stormwater ponds and bioswales. (Open record public hearing testimony)
24. Mr. Northrup returned to testify concerning off-site traffic mitigation measures. (Open record public hearing testimony)
25. Mr. Northrup also represented that the project will have a second access point during Phase 1. Regarding off-site improvements, Mr. Northrup acknowledged that Forest Ridge will be required to participate with Columbia Street (Cle Elum) mitigation when required to do so by traffic volume generated by the development. (Open record public hearing testimony)
26. No member of the public testified in favor of the project. (Open record public hearing testimony)
27. Testifying in opposition to the project were the following persons:
 - 27.1 Bonnie Reay: Dr. Reay represented that she was testifying on behalf of the Cle Elum City Council and the City of Cle Elum. Dr. Reay is a current member of the Cle Elum City Council.

Dr. Reay's testimony is found in Exhibit 38.

Although Dr. Reay testified that the City of Cle Elum was not involved in discussion of off-site mitigation measures, the applicant submitted Exhibit 42, documenting City of Cle Elum Public Works' involvement in suggesting mitigation measures for this project as late as September, 2010.

27.2 Catherine Clerf: Also testifying in opposition to the project was Catherine Clerf. Ms. Clerf submitted Exhibits 39, 40 and 41. Ms. Clerf had concerns as to egress through this northeast corner of the project area and whether or not this was for future development to the property to the north of the subject property. Ms. Clerf also echoed Dr. Reay's comments as to why an environmental impact statement was not required. Ms. Clerf had concerns over wetlands identified as J and K and testified that no development should occur on those wetlands. She was curious as to whether or not this project area is within a fire district as there was conflicting information within the application materials and the Mitigated Determination of Nonsignificance. Finally, Ms. Clerf testified that none of the roads within the development should be greater than 12% grade.

27.3 Diedra Link: Ms. Link testified that in her opinion GPO 3.1 had not been met. She testified that 6,000 lots had approved for development within Kittitas County in the last four years and that this was more than adequate inventory of lots for projected residential growth within the County.

27.4 Kevin Daily: Mr. Daily also testified in opposition to the project. His personal concerns related to stormwater, roads, multiple unresolved issues and fire protection. He stated that his land was to the southwest of the project area and is not within Fire District No. 7. He also testified as to easement problems concerning the applicant and Mr. Daily's property and how difficult it has been to resolve those issues. He questioned how more significant unresolved issues for this project will be resolved when, as he put it, even his simple issue could not be resolved.

(Open record public hearing testimony)

28. In rebuttal, Mark Kirkpatrick testified for the applicant that of the 478 acres within the project area, only 79 acres drained towards the City of Cle Elum through Balmers Canyon while the remainder of the property drained through Steiners Canyon. He also testified that the impervious surface of the project would be between 12% and 15% of the entire site. The point of this testimony was that 85% to 88% of the property would be pervious allowing for the rain and snow to be naturally absorbed into the ground according to the soil's capacity. (Open record public hearing testimony)

29. Mr. Northrup also provided additional testimony. Mr. Northrup recognized that there was a written public comment received from Scott Huish that was not referenced in the staff report. Mr. Northrup also testified that there were meetings between the applicant, the County and the City of Cle Elum Public Works & Planning Departments regarding this project. Mr. Northrup submitted Exhibit 42 as evidence of the City of Cle Elum's participation in the development of mitigation measures and off-site project mitigation measures for the project. Mr. Northrup testified that the road access point on the northeast portion of the project is required by certain easements upon which the subject

property is required to protect. He testified that Wetlands J and K are protected through the proposed conditions of approval. Mr. Northrup testified that while the project area is not currently within Fire District No. 7, approval is imminent. Mr. Northrup testified that the problem regarding Mr. Daily's property involved what Mr. Northrop termed as "floating" easements that go through the subject property according to prior forest and logging requirements. Mr. Northrup stated that they will move the road back onto the project boundary. He also testified that the final stormwater plan and build-out will prevent water from flowing from the project area onto Mr. Daily's land. (Open record public hearing testimony)

30. The applicant has requested performance based increases in bonus density based upon the public benefit rating system. (Open record public hearing testimony)
31. The applicant is proposing 191.38 acres of open space (40% of project) allowing for 40 bonus points. (Open record public hearing testimony)
32. The applicant is proposing a Group A water system which allows for 50 points. (Open record public hearing testimony)
33. This allows for a total of 90 points and a total bonus density percentage of 90% which ultimately allows for 182 total lots for this cluster plat. (Open record public hearing)
34. In the event that a Group A water system is not developed, those points shall not be awarded. In the event the applicant does not provide for a minimum of 191.38 acres of open space, then those 40 points will not be allowed. (Open record public hearing)
35. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located. (Hearing Examiner finding based on the record)
36. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval. (Hearing Examiner finding based on the record)
37. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities. (Hearing Examiner finding based on the record)
38. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference. (Hearing Examiner finding based on the record)

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this recommended decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interest will be served by approval of this proposal.
5. 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.
6. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.
7. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.
8. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.
9. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.
10. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
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-08-14, Forest Ridge Performance Based Cluster Plat, be **APPROVED** subject to the following Recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.

Platting Standards and Zoning Code:

2. Certificate of Title: A certificate of title of the property proposed to be platted shall be submitted with the final plat.
3. Lot Closures: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
4. Conditions, Covenants, and Restrictions: Prior to final plat approval, a copy of the proposed final Conditions, Covenants, and Restrictions shall be submitted to Community Development Services for review and approval.
5. Open Space Tracts: Prior to final plat approval, all areas not included in development lots shall be labeled as individual tracts. Tracts shall not be further subdivided or altered. All tracts, except the tract(s) containing the private road area, shall be labeled "Open Space.". All open space tracts shall be identified on the face of the final plat.
6. Open Space Tract Ownership and Maintenance: Open space tracts shall be jointly owned and maintained by the developer or legally responsible owner or homeowner's association or other legal entity made up of all benefited property owners.
7. Clustering of Lots: Lots shall be designed to meet the requirements of KCC 16.09.100.A relating to clustering requirements.
8. Performance Based Cluster Plat Open Space: The preliminary plat map states that 193.38 acres (or 40% of the total site) meets the definition of "Open Space" contained in Chapter 16.09.100.C (on the date of application). Prior to final plat approval, the applicant shall present to the County for review and approval a map demonstrating that at least 40% of the total plat area meets the open space requirements of Chapter 16.09. For purposes of calculating open space, the following areas shall not be included: Commercial Forest setback area; seasonal streams and their 15' buffer area; wetlands and buffers; areas where development is otherwise restricted, and private roadways within open space.

9. Final mylars shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
10. Both sheets shall reflect the Plat number: LP-08-00014.

Critical Areas:

11. Wetland Impacts: The proposed plat area contains ten wetlands. All wetland areas and their buffers shall be shown on the face of the final plat. The plat shall also contain the following note:
Development involving disturbance to wetlands may require additional County review and possible mitigation. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts shall be required to be replaced at a ratio of 2:1 for Category 2, 1.5:1 for Category 3, and 1:1 for Category 4 (KCC 17A.04.050).
12. Wetland J: The applicant's wetland biologist identifies Wetland J as a Category 2 high value wetland measuring 2,008 square feet in area. This wetland has a required minimum buffer of 25 feet according to 17A.04.020. The proposed design places Wetland J in Lots 152 and 156. A private road crosses through Wetland J and its buffer. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts to Category 2 wetlands shall be required to be replaced at a ratio of 2 square feet created for every 1 square foot lost (KCC 17A.04.050). Impacts to buffers may be mitigated through buffer averaging, as allowed by KCC 17A.04.050. Prior to final plat approval, the applicant shall redesign the layout to prevent unavoidable impacts to Wetland J and its buffer, and submit a wetland replacement plan and/or wetland buffer averaging plan, if necessary, for County review and approval.
13. Wetland K: The applicant's wetland biologist identifies Wetland K as a Category 2 high value wetland measuring 525 square feet. The proposed design places Wetland K in Lots 151 and 152. A private road crosses through Wetland K. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts to Category 2 wetlands shall be required to be replaced at a ratio of 2 square feet created for every 1 square foot lost (KCC 17A.04.050). Prior to final plat approval, the applicant shall redesign the layout to prevent unavoidable impacts to Wetland J and its buffer, and submit a wetland replacement plan, if necessary, for County review and approval.
14. Stream Crossings: The preliminary plat map contains ten instances where private roads cross mapped streams and their buffers. It is the applicant's responsibility to obtain appropriate state permits for all stream crossings.
15. Stream Buffer Impacts: The proposed plat area contains five streams. Chapter 17A.07.010.2 establishes performance standards for buffers of streams. Type 5 streams

are subject to a 15 foot building setback. All streams and their buffers shall be shown on the face of the final plat. The plat shall also contain the following note:

A 15 foot building setback is required from seasonal streams. Stream crossings may require additional permitting from state agencies.

16. Access to Lots: Some lots contain natural conditions making access from the private roads difficult. Notes shall be placed on the face of the final plat stating:
Access to some lots requires crossing a seasonal stream. Additional permitting may be required to access these lots from the private road.

Access to some lots requires crossing a critical slope area. Additional technical design may be required to access these lots from the private road.
17. The following note shall be placed on the face of the final plat:
The placement of buildings and structures on or adjacent to ascending or descending slopes steeper than 1 unit vertical in 3 units horizontal (33.3-percent slope) shall conform to the building setback requirements of current adopted building codes (IRC Section R403.1.7 and IBC Section 1805.3.1). Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official is permitted to require an investigation and recommendation of a qualified engineer to demonstrate the requirements necessary to construct a building on or adjacent to ascending or descending slopes. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity and erosion characteristics of slope material.

Stormwater and Drainage

18. This project will require a NPDES Construction Stormwater General Permit from the Washington State Department of Ecology. This permit requires that the SEPA checklist fully disclose anticipated activities, including building, road construction, and utility placements. Obtaining a permit is at least a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.
19. The NPDES permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
20. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be effective to prevent soil from being carried into surface water by storm water runoff. Sand, silt, and soil will damage aquatic habitat and are considered pollutants.

21. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.
22. Best management practices must be used to prevent any sediment, oil, gas, or other pollutants from entering surface or ground water.

Transportation and Infrastructure

23. Timing of Improvements: This application is subject to the current version 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 residences 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.
24. 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.
25. Second Access: A second access is required of this project. Prior to final approval for each phase, the applicant shall conduct an analysis showing whether the threshold for a second access has been met. If a second access is required, the applicant must submit to Public Works for approval a route that has easement or other access rights secured and recorded. The second access must conform to Kittitas County Road Standards and the second access requirements 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 as the first access.
26. 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 2006 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
27. 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.
28. 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.
29. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
30. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.
31. 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.
32. 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.

Air Quality

33. Dust, diesel emissions, and wood stove emissions are possible sources of air pollution from this project. The applicant shall comply with all state and County standards for air emissions and obtain any necessary air quality permits from applicable agencies.
34. According to County standards, a water truck shall be available during construction to minimize dust emissions.

Water and Sewer

35. The applicant has proposed a Group A Public Water System. Prior to final plat approval, the applicant shall submit a signed letter of agreement between the public water system purveyor or official and the land developer/owner granting delivery of potable water for the entire development. If the public water system is being developed specifically for the subdivision/plat, the water system must be approved by Washington State Department of Health (DOH), including issuance of a public water system ID number, prior to recommendation by Kittitas County Public Health Department for final plat approval.
36. Community septic systems with wastewater flows under 3,500 gallons/day are permitted by the Kittitas County Public Health Department. For flows exceeding 3,500 gallons/day, design review and approval will be needed from the Washington State Department of Health. For flows greater than 14,500 gallons/day, design review and approval will be needed from the Washington State Department of Ecology.
37. The maximum allowable slope for septic drain fields will depend on permitting agency. According to Kittitas County Code 13.04.150(5) no drain field disposal system may be designed for a site with a slope of greater than 30% grade. According to WAC 246-272A the maximum allowable slope is 45% grade.
38. Prior to final approval, the final Mylar must identify the wastewater disposal option for each lot and the locations of the proposed drain fields that do not exceed the maximum allowable slope.

Fire Safety

39. Design and construction must comply with Kittitas County Code, Kittitas County Zoning, the 2006 International Fire and Building Codes, and all other development agreements.
40. Given the provided pre-review documents, these residences will require fire flow of 100 gallons per minute for a duration of no less than 30 minutes. A reduction in required fire flow of 5- percent is allowed when the buildings are provided with an approved automatic sprinkler system.
41. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. A standpipe or hydrant system with an adequate source of water (supply), a distribution system and adequate pressure for delivery shall be installed for this plat. Hydrant spacing shall comply with International Fire Code and its appendices' requirements.
42. A separate permit and deposit shall be required for installation of a hydrant/standpipe system.
43. The Kittitas County Fire Marshal's Office will require a minimum of three (3) complete sets of plans for full review: 1) Office Copy; 2) Permit Copy; and 3) Fire Department

Copy.

44. This property is currently located outside of a fire district. As such, until such time that the development is within a Fire District, all future development must meet the International Urban Wild Land Interface Code for building construction, defensible space allocation, access, etc.
45. Roads with a slope or grade greater than 12% shall not be allowed.

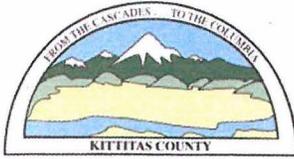
SEPA Mitigation

46. A Mitigated Determination of Nonsignificance (MDNS) was issued on September 23, 2010. The mitigation measures in the MDNS shall be conditions of final plat approval.
47. The following mitigation conditions from the SEPA Mitigated Determination of Non-Significance shall be noted on the face of the final plat and included in the Covenants, Conditions, and Restrictions (CC&Rs) document recorded with the final plat:
 - a. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.
 - b. The use of wood burning stoves shall be prohibited.
 - c. Snow removal shall be the responsibility of the Homeowners Association. Snow storage shall be limited to those areas shown on the face of the plat and shall be located outside of wetland and stream areas and their buffers.

Dated this 10th day of November, 2010.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp



KITTTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

LONG PLAT APPLICATION

LP-08-00214

(To divide lot into 5 or more lots)

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

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

REQUIRED ATTACHMENTS

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

OPTIONAL ATTACHMENTS

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

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

FEES:

\$200 plus \$10 per lot for Public Works Department;
 \$625 plus \$75 per hour over 12.5 hours for Environmental Health Department;
 \$2000 for Community Development Services Department, PLUS \$400 if SEPA Checklist is required
 *One check made payable to KCCDS

FOR STAFF USE ONLY

APPLICATION RECEIVED BY:
(CDS STAFF SIGNATURE)

X [Signature]

DATE:

4.24.08
11:45 AM

RECEIPT #

7105

RECEIVED



NOTES:

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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

1. Name, mailing address and day phone of land owner(s) of record:
Landowner(s) signature(s) required on application form.

Name: Iron Snowshoe, LLC.
Mailing Address: PO Box 923
City/State/ZIP: Cle Elum, WA 98922
Day Time Phone: (509) 674-6828
Email Address: _____

2. Name, mailing address and day phone of authorized agent (if different from land owner of record):
If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.

Agent Name: Same as Above
Mailing Address: _____
City/State/ZIP: _____
Day Time Phone: _____
Email Address; _____

3. Street address of property:

Address: TBD Creekside Road
City/State/ZIP: Cle Elum, WA 98922

4. Legal description of property:

See sheet 6 of the attached Preliminary Plat Map

5. Tax parcel number(s): See sheet 1 of the attached map

6. Property size: 478.45 (acres)

7. Narrative project description: Please include the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):

This is a 478.45 acre preliminary plat containing 171 lots. The project is located north of Cle Elum off of Creekside Road in Sect. 24, T20N., R15E., W.M. Water will be from a Class A water system. Sewage disposal will be from onsite individual septic systems.

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

9. What County maintained road(s) will the development be accessing from? Columbia Ave (Cle Elum)

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

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

Signature of Authorized Agent:

(REQUIRED if indicated on application)

X Ann Snowbace LLC

David Paul

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

X Ann Snowbace LLC

David Paul

Date:

April 21, 2008

Date:

April 21, 2008



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

PLEASE NOTE: This is a fill-in-and-print PDF form. It cannot be edited and saved to your hard drive unless you have the full version of Adobe Acrobat. If you are not using the full version you must complete this form and then print it, or print it and complete it by hand.

CDS@CO.KITTITAS.WA.US
Office (509) 962-7506
Fax (509) 962-7682

SEPA ENVIRONMENTAL CHECKLIST FEE \$400.00

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 of your proposal are significant, requiring preparation of 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 (part D).

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 area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Forest Ridge Performance Based Cluster Plat

2. Name of applicant:

Iron Snowshoe, LLC, a Washington limited liability company

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

206 W. First St., Cle Elum, WA 98922

(509) 674-6828

Contact: David Blanchard

4. Date checklist prepared:

April 21, 2008

5. Agency requesting checklist:

Kittitas County Community Development Services

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

Project to be completed in up to eight (8) phases to be constructed. Phases will be designed primarily to enable the applicant to complete infrastructure in phases and to time construction to match market conditions. All requisite infrastructure (including two means of access where a road will serve more than 40 lots) for each phase will be constructed prior to obtaining approval to release that phase.

Timing for completion of each phase may depend upon market, but expectation is to release one to two phases each year.

Approximately 50% of the proposed trails and associated amenities will be completed prior to the completion of the fourth (4th) phase, with the remainder being completed by the end of the seventh (7th) phase.

A community recreation center will be completed prior to the end of the seventh phase.

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

No.

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

A SEPA Checklist was prepared in conjunction with rezoning of the property in 2006 from Forest and Range 20 to R-5.

A Transportation Analysis of the impacts of the project is being undertaken by the applicant in an effort to assist the County with the SEPA analysis.

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

Preliminary approval was granted for a boundary Line Adjustment (BLA-07-136) but final approval not yet granted.

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

- **Kittitas County preliminary plat approval**
- **Kittitas County/State Department of Health approval of Septic Systems**

- **Kittitas County/State Department of Health approval of Group A water system**
- **Kittitas County Conservancy Board Approval of Change Application for Water Right once we exceed 14 lots served by an exempt groundwater well**
- **(Potentially) Hydraulic Project Approval from Dept. of Fish and Wildlife for construction of bridge/culvert allowing crossing over seasonal creeks.**
- **Franchise Agreement from Kittitas County for installation of water transmission line.**

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

The property consists of approximately 479+- acres located in Section 24, T20N, R15 E, in Kittitas County. The proposed cluster plat would provide 171 single family residential homesites (avg of 1.67 acre homesite), preserve critical areas, and set aside over 193 acres of the property as open space for perpetuity. The proposal will provide for numerous passive recreational opportunities including multi-modal trails, large open expanses for passive and active recreation, critical area enhancement, and a private community recreation center.

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

Parcels A-1 through A-4, B-1 through B-4, C-1, C-2, D-1, and D-2 of the survey recorded Oct. 27, 2005 under Auditors File No. 20051027005, in Book 31 of Surveys, pages 224-225, Kittitas County, all in Section 24, T20N, R15 E., W.M. Kittitas County, Washington.

B. ENVIRONMENTAL ELEMENTS

1. Earth

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

The site is hilly with varied terrain with it generally sloping up from southeast to northwest . Approximately 8% of the site contains slopes that are 30% or greater.

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

Approximately 35%

- 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.

Glacial till, sandy loam, cobbles

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None observable.

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

Cut and fill will generally be balanced on-site.

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

No, The area appears stable, and best management practices will be undertaken in conjunction with all clearing and construction activities.

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

Approximately 50 acres will be impervious or semi-impervious surface. This estimate assumes 8,000 square feet of impervious improvements on each lot and 15 acres of roadway improvements.

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

Best management practices will be employed, and a storm water pollution prevention plan will be prepared and implemented prior to and during construction activities. Erosion control likely will include silt fence, straw check dams, retention/detention and covering of exposed soils.

2. Air

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

Dust and noise typically associated with construction of private roads and infrastructure for residential plats. All dust and noise will be within limits of applicable County regulations.

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

None known.

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

Compliance with State and County standards for emissions;

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 stream or river it flows into.

Two unnamed seasonal creeks Creeks/ditches are dry in late summer, and do not appear to be connected to any stream or river within a ¼ mile.

- 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.

Two to three crossings over the seasonal creeks for Trail and Road access

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

Culverts may be placed in seasonal creeks in order to allow construction of private road across ditch. Up to 2000 cubic yards of fill may be needed for such improvement.

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

A permitted surface water withdrawal will be made offsite and piped to the property.

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

No.

- 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.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

Yes. Iron Snowshoe, LLC will serve the project with a Group A water system. Any lots not served by an exempt groundwater well will be supplied and supported by a surface water right which the applicant currently owns or controls. With approval of the preliminary plat, Iron Snowshoe will prepare a Comprehensive Water plan to identify the total water need for the project.

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

Each homesite will be served by a combination of on-site septic system, and community systems, constructed and permitted in accordance with applicable regulations.

c. Water runoff (including stormwater):

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

An approved stormwater system complying with all applicable County regulations will be constructed to handle runoff from the project. Most runoff likely will be associated with the creation of impervious surface. The stormwater system will be designed to infiltrate or discharge into an appropriate source. The stormwater system will be designed to insure no adverse impact on adjacent properties or infrastructure.

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

Waste materials will only enter water through approved septic systems.

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

Impervious surface area will be minimized to the extent practical, with less than 11% of the project site being impervious. Native vegetation will be retained to the maximum extent feasible. If needed, a professionally engineered storm water system will be designed and constructed to serve the project and eliminate potential impacts of runoff.

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: cattail, buttercup, bullrush, skunk cabbage, other

_____ water plants: water lily, eelgrass, milfoil, other

_____ other types of vegetation

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

Vegetation will be removed in order to construct infrastructure, including storm drainage and private roadways. Some vegetation may be removed in conjunction with constructing recreational trails, but the trails will primarily wind through the trees and retain native vegetation and topography as much as feasible.

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

None known.

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

The applicant, with the assistance of a landscaping firm knowledgeable about native plants in the area, will assist in the design and planning for the project. The concept for Forest Ridge is one that embraces nature and seeks to create a feel where homes are nestled within the natural surroundings.

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, songbirds**
mammals: **deer, bear, elk,**
fish: **none.**

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

None.

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

No.

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

More than 190 acres will be dedicated as perpetual open space and left substantially in their natural state.

6. Energy and natural resources

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

Electric, natural gas, wood stoves, solar, and propane energy all are potential sources for serving residential units. It is expected that the majority of energy will be provided by electric and propane sources.

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

No.

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

None.

7. Environmental health

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

None known. The property is subject to common fire danger just as other rural property in Upper Kittitas County. Requisite fire access, including secondary accesses will be provided for the development.

- 1) Describe special emergency services that might be required.

The project does not present any unique needs in terms of emergency services. Standard emergency services for rural areas will be appropriate.

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

CCRs will be adopted to preserve native vegetation, wildlife areas, and recreational uses. The applicant will provide its own water right to serve the project. Low-impact septic systems will serve the project.

b. Noise

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

None

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

Short term noise associated with installation of infrastructure will occur, but will be well within acceptable noise thresholds as established by the County. Construction noise typically associated with single family residential construction will occur over time. The applicant will include in its CCRs and impose upon its contractors restrictions on the hours of construction (i.e. 7am-7pm in

summer; 8am-6pm in winter). Residential traffic traveling at speeds under 35 mph, and passive recreational uses will present negligible noise once houses are constructed.

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

All noise associated with the proposal will comply with applicable County noise standards. Construction will be restricted to 7am-7pm during the summer, and 8am-6 pm during the winter.

Significant buffering will exist through preservation of open space and native vegetation.

8. Land and shoreline use

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

The property is zoned R-5, but generally undeveloped. Commercial Forest to the North and Forest and Range to the East and West.

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

No.

c. Describe any structures on the site.

None.

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

No.

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

R-5.

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? If so, specify.

Some steep slopes. See Critical Areas Checklist and attachments.

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

171 single family homes at full build-out. (Assuming an average of 2.5 people per home: 475 people)

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

None.

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

Not applicable.

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

The applicant has engaged a highly respected, environmentally conscientious landscaping and land planning consultant to assist in the design elements and layout of the project.

Additionally, with assistance from the land planner, the applicant will adopt CCRs designed to maximize compatibility of the project with the surrounding land uses and environment.

9. Housing

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

171 single-family units are anticipated. The applicant’s goal is to create a range of housing, but it is expected that the housing will generally be geared towards a livable, middle income community.

At this time, we would like to reserve the right for either future landowners or the current landowner, to apply for a Zoning Structural Setback Variance. This would concern those parcels within the 200’ setback of the Commercial Forest Zone per KCC 17.30A.055. Where the setback is not feasible, all development will comply with KCC 17.57.050(2).

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

None/NA.

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

The project will create housing opportunities for people living and recreating in to Upper Kittitas County.

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?

**The CCRs will establish a maximum height of 35 feet.
Exterior building materials will be primarily wood, stone, and other products that are aesthetically pleasing and blend with the surrounding environment.**

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

The entire ~480 acres is, and for years has been, privately owned and occasionally logged. Construction of a single-family residential community within this area will modify the viewshed for

people living south of the property/south of Cle Elum. The development, however, would not obstruct any views.

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

Impacts will be insignificant, given the enactment of CCRs, a professionally designed landscape and site plan intended to preserve the natural setting, designation of buffers, and most importantly, the perpetual preservation of more than 140 acres of natural or open space in perpetuity. Design standards will help maximize aesthetic suitability and the likelihood that the community blends within the surrounding environment.

11. Light and glare

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

Basic residential night lighting for pathfinding and safety.

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

No.

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

City lights and surrounding lights are not likely to adversely impact the residential development.

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

Through CCRs, residences will be required to comply with Dark Skies standards. Lighting in common areas will also comply with Dark Skies standards.

12. Recreation

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

Hiking, mountain biking, walking, and snowmobiling are common recreational activities in the immediate vicinity. No formal recreational opportunities exist. Much of the recreational activities that occur within the vicinity are on private property/commercial forest.

Suncadia is within close proximity and provides numerous recreational opportunities. National Forest is also nearby, providing recreational opportunities.

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

No.

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

The proposal will create perpetual recreational opportunities within the 480-acre project. Over 190 acres will be set aside in perpetuity as open space, for residents and guests to enjoy.

The applicant also proposes to create several pedestrian/bicycle/ multi-modal trails.

The applicant may construct a recreational/community center that will provide opportunities for active and passive recreation.

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.

No.

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

None.

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

N/A.

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.

See site plan submitted with application. The project will be accessible via at least two public road connections, which access may include the following, all of which would be constructed to meet County Road standards for projects serving more than 40 homesites (unless otherwise noted).

- 1) Columbia (then new road west on applicant's private property)**
- 2) Columbia (then new road east on applicant's private property)**
- 3) Secondary access via 6th Avenue via BPA**
- 4) Secondary access only via Montgomery (would require a variance from the County Road standards for an approximately 320-foot segment of roadway).**
- 5) Secondary access via Shaft Street**

The applicant reserves the right to designate additional accesses.

A Transportation Study of proposed traffic impacts at the proposed intersections is underway.

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

The proposal will create perpetual recreational opportunities within the 480-acre project. Over 190 acres will be set aside in perpetuity as open space, for residents and guests to enjoy.

The applicant also proposes to create several pedestrian/bicycle/ multi-modal trails.

The applicant may construct a recreational/community center that will provide opportunities for active and passive recreation.

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.

No.

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

None.

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

N/A.

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 project will be accessible via Columbia Street. The extension of Columbia St. will be improved to City Standards up to the circled area as shown on the attached Secondary Access exhibit. This will eliminate any need to access the site via Montgomery St.

A Transportation Study of proposed traffic impacts at the proposed intersections is underway.



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

No.

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

Each single-family residence would be required to provide its own parking on the homesite. A small parking area, consistent with County parking requirements would be provided to serve the planned community/recreational center. No other parking would be permitted within the development.

- 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).

At least two accesses for the proposal will be improved to meet the County's private road standards. Internal roads with the project would be constructed to applicable standards for private roads serving more than 40 units.

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

No.

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

Up to 1,710 trips per day may be associated with the project at full build-out. Full-build out is not expected to occur, however, for four to ten years.

The applicant is undertaking a traffic study of the impacts of the proposed development.

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

Internal road design and access points will be designed, with the help of a traffic engineer, to maximize efficiency and safety. Roads will be improved to applicable County standards for private roads. The applicant will engage in mitigation that is reasonably necessary to mitigate, and reasonably proportional to, the impacts that the transportation study reveals that the development will actually cause.

15. Public services

- 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.

Somewhat. The need for fire protection exists even in the predevelopment condition, and the presence of residences is unlikely to increase significantly the fire danger. The need for emergency medical services will increase slightly given the additional residents, but the added expense of such services likely will be offset with the tax revenues. The same can be said with respect to police protection and schools.

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

Payment of taxes and assessments.

16. Utilities

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

No utilities currently exist at the site. Telephone and electric will be extended to the site. Water will be provided by the applicant. Refuse collection will be provided by contract with private refuse companies. Individual septic systems, or a group septic system/drainfield will serve each home.

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

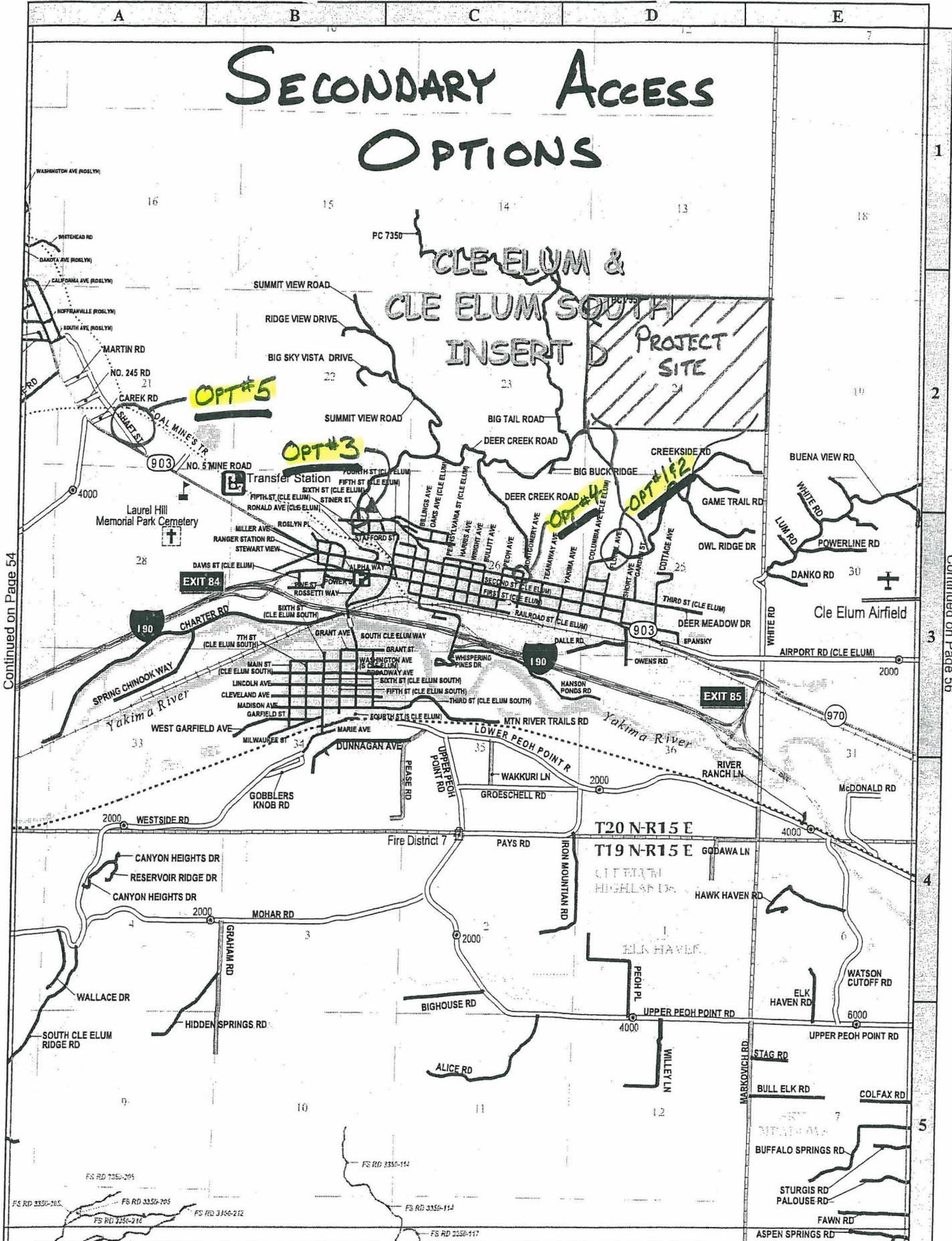
Each homesite will be served by an individual or group septic system, and will receive water through a Group A water system. The applicant will handle extending the electric and telephone services to the residences, with service to be provided by local utility companies.

C. SIGNATURE

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

Signature: *Darryl Sausage LLC*
Date Submitted: *April 21, 2008*

SECONDARY ACCESS OPTIONS



Continued on Page 54

Continued on Page 56

“Forest Ridge”
Performance Based Cluster Plat – Narrative

The proposed development includes a subdivision of approximately 478.45 acres into 171 single-family residential lots pursuant to KCC Chapter 16.09 Performance Based Cluster Platting. Lot sizes will range from approximately 1.0 acre to 4.0 acres and will be developed in four phases as follows:

<u>Phase</u>	<u>Estimated Timeline</u>
Phase I – 14 lots	2010 – 2011
Phase II – 32 lots	2011 – 2012
Phase III – 14 lots	2012 – 2013
Phase IV – 22 lots	2013 – 2014
Phase V – 21 lots	2014 - 2015
Phase VI – 29 lots	2015 – 2016
Phase VII – 16 lots	2016 – 2017
Phase VIII – 23 lots	2017 - 2018



Total: 51 lots 8 years

- A Non-Expanding Group A water system is proposed to serve the development and either each lot will be provided sanitary sewage disposal by individual on-site septic systems or community systems will be designed where feasible.
- Interior roadways will be private roads, connecting to Columbia Street.
- Approximately 191.38 acres of open space will be provided and may include private trails.
- Please refer to the attached spreadsheet for a complete summary of the Performance Based Cluster Plat Ratings Systems Chart.

PUBLIC BENEFIT RATINGS SYSTEMS CHART

Base Acreage:	478.45	Open Space Required (40%):	191.38 ac.
Base Lot Yield:	96	Net Open Space Provided (40%):	230.13 ac.
Max. Bonus Lots:	86	Water Supply:	Group A
Max. Lot Yield:	182	Sanitary Sewer:	Individual/Community Septic
Proposed Lot Yield:	171	Zoning:	Rural-5

Element	Points Available	Points Awarded	Comments
Transportation			
Additional ROW Width	0	0	Not applicable for Rural lands
Connectivity	25	0	Connectivity of easements is pre-existing
Multi-Modal Access	25	0	Site is not adjacent to public recreation lands
Streetscape Design Standards	0	0	Not applicable for Rural lands
Open Space			
50% of site for 25 years	0	0	Not applicable for Rural lands
40% - 80% in perpetuity	40	40	191.38 minimum
Wildlife Habitat			
Connectivity to Wildlife Corridors	15	0	Site is not adjacent to existing corridors
Critical Areas Enhancement	10	0	None proposed
Health and Safety			
Connection to Municipal Water	0	0	Not applicable for Rural lands
Connection to Group A	50	50	A Group A system is proposed
Connection to Group B	25	0	
Connection to Sewage System	0	0	Not applicable for Rural lands
Community Septic System	10	0	Combination of individual and community
Reclaimed Water System	50	0	None proposed
Recreation			
Passive (private or public)	5 or 10	0	No passive recreation facilities are proposed
Active (private or public)	10 or 20	0	Trails may be constructed within the open space area
Formal (private or public)	10 or 25	0	Community Area proposed
TOTAL	90	90	Of 100 total points scored, only 80 have been applied to the bonus.

