



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"

July 31, 2019

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

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

Sent via email only

RE: Marian Meadows Development Agreement (DV-19-00001) – Transmittal of Comments

Dear Applicant,

The comment period for the Marian Meadows Development Agreement (DV-19-00001), and associated site development plan ended on Wednesday, July 24, 2019 at 5:00 pm. Community Development Services received the following public and agency comments:

| | |
|--|---------------|
| Comment Email, Russell Mau, Washington State Department of Health | June 24, 2019 |
| Comment Email, Kathryn Hayden, Washington State Department of Health | July 16, 2019 |
| Comment Email, Mike Flory, Kittitas County Building Department | June 28, 2019 |
| Comment Letter, Scott Downes, Washington Department of Fish and Wildlife | July 8, 2019 |
| Comment Letter, John R. Jensen | July 17, 2019 |
| Comment Letter, Claire Campbell | July 19, 2019 |
| Comment Letter, Scott Campbell | July 22, 2019 |
| Comment Letter, Mike Gerber, Commissioner, Easton Water District | July 22, 2019 |
| Comment Letter, Commissioners, Kittitas County Fire District # 3 | July 22, 2019 |
| Comment Letter, Patrick Dehuff, Easton School District | July 22, 2019 |
| Comment Memo, Taylor Gustafson, Kittitas County Public Works | July 23, 2019 |
| Comment Letter, Marge Bransrud | July 23, 2019 |
| Comment Letter, Teri Campbell | July 23, 2019 |
| Comment Letter, Tim Ryals | July 24, 2019 |
| Comment Memo, Jesse Cox, Kittitas County Public Health | July 24, 2019 |

Staff is currently reviewing the received comments and will be providing an additional letter which I anticipate sending by end of day August 9th discussing the next steps for the project, requesting any additional information if necessary, and providing a date that any responses to the comments received during the comment period will be due.

As you may be aware, the project planner assigned to your project, Dusty Pilkington, has accepted a new position outside of our jurisdiction and is no longer employed with Kittitas County. I will be the lead on this project until further notice. If you have any questions please do not hesitate to contact me at 509-962-7506.

Best regards,



Lindsey Ozbolt
Planning Official

Enclosure – Above listed comment letters.

From: [Hayden, Kathryn E. \(DOH\)](#)
To: [Dusty Pilkington](#)
Subject: RE: DV-19-00001 Marian Meadows Development Agreement
Date: Tuesday, July 16, 2019 3:37:51 PM
Attachments: [image001.png](#)

Dusty,

The RV park/campground's LOSS will need to be permitted through the DOH LOSS Program prior to construction. Our permitting process will require a predesign report along with a site evaluation and environmental review to determine if the LOSS is feasible. If the LOSS is feasible, an engineering report and plans and specs will need to be approved by DOH. For the outlined ownership/oversight mechanism, we will also require a detailed management plan for the LOSS, including details on the transfer of ownership from the developer to the owners association.

Kathryn Hayden, P.E.

Environmental Engineer – LOSS Program
Wastewater Management Section
Office of Environmental Health and Safety
Washington State Department of Health
kathryn.hayden@doh.wa.gov
509.329.2147



From: Mau, Russell E (DOH)
Sent: Monday, June 24, 2019 2:25 PM
To: Dusty Pilkington <dusty.pilkington@co.kittitas.wa.us>
Cc: Smits, Brenda M (DOH) <brenda.smits@doh.wa.gov>; Holly Erdman <Holly.erdman@co.kittitas.wa.us>; Hayden, Kathryn E (DOH) <kathryn.hayden@doh.wa.gov>
Subject: RE: DV-19-00001 Marian Meadows Development Agreement

Mr. Pilkington:

DOH ODW (Department of Health Office of Drinking Water) repeats the same type of comments as provided for the Marion Meadows PUD Conditional Use Permit application (PD-17-00001):

- Marian Meadows either needs to confirm connection to the existing Easton Water District (ID #427005) and then submit the design of the extension of this water system to their development for DOH ODW (Office of Drinking Water) review and approval or apply for a new Group A-Community public water system (submit the application to DOH ODW).
- The water system (Easton Water District - 427005) has capacity to serve an additional 194 connections (if all of the 194 additional connections are single family residences). DOH requires that Marian Meadows/Easton Water District submit estimated water usage quantities, so that DOH can determine that the number of new connections, that are proposed for Marian Meadows, can be served by the existing system.

The current Development Agreement, in the “DV-19-00001 Marian Meadows 2_Final Draft of agreement” document, the current submittal (under General Provisions, Section 1. The Project) states: “... Extension of the Easton Water District #3 water system”. DOH ODW does require the following specific information:

- Identify the correct water system using both the name (“Easton Water District”) and identification number (427005).
- Identify total number of water system connections or structures/buildings to be provided water – the current submittal identifies “17 parcels”, so does this mean only 17 structures are to be built.
- Agree that prior to seeking building permits, this development will submit, to DOH ODW for our review and approval, estimated water usage quantities for these 17 parcels.
- Submittal of a fully signed and executed agreement between the Easton Water District (427005) and Marian Meadows that Easton Water District will provide water to these 17 parcels for Marian Meadows.

These constitute the requirements from DOH ODW for drinking water. If these are already provided within the various documentation constituting this Development Agreement, please provide those citations, so I may directly review.

Others at DOH may have comments regarding the on-site wastewater treatment system.

Thanks,

Russell E. Mau, PhD, PE

Regional Engineer

Office of Drinking Water

Washington State Department of Health

16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216

Russell.Mau@doh.wa.gov

509-329-2116 | www.doh.wa.gov

From: Dusty Pilkington [<mailto:dusty.pilkington@co.kittitas.wa.us>]

Sent: Monday, June 24, 2019 12:00 PM

To: Kim Dawson <kim.dawson@co.kittitas.wa.us>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Johnson <patti.johnson@co.kittitas.wa.us>; Kelly Bacon <kelly.bacon@co.kittitas.wa.us>; Candie Leader <candie.leader@co.kittitas.wa.us>; 'jessica@yakama.com' <jessica@yakama.com>; 'jmarvin@yakama.com' <jmarvin@yakama.com>; 'johnson@yakama.com' <johnson@yakama.com>; 'enviroreview@yakama.com' <enviroreview@yakama.com>; ECY RE SEPA REGISTER <separegister@ecy.wa.gov>; ECY RE SEPA REGISTER <separegister@ecy.wa.gov>; Clear, Gwen (ECY) <GCLE461@ECY.WA.GOV>; White, Lori (ECY) <jowh461@ECY.WA.GOV>; 'migi461@ECY.WA.GOV' <migi461@ECY.WA.GOV>; Downes, Scott G (DFW) <Scott.Downes@dfw.wa.gov>; Nelson, Jennifer L (DFW) <Jennifer.Nelson@dfw.wa.gov>; SEPA (DAHP) <sepa@dahp.wa.gov>; 'jorgenja@cwu.edu' <jorgenja@cwu.edu>; 'helmsk@cwu.edu'

From: [Mike Flory](#)
To: [Dusty Pilkington](#)
Subject: RE: DV-19-00001 Marian Meadows Development Agreement
Date: Friday, June 28, 2019 12:06:24 PM
Attachments: [image001.jpg](#)

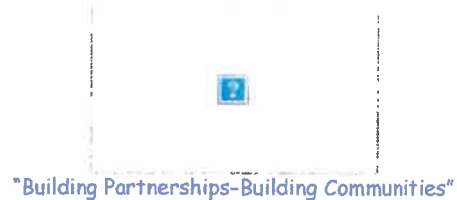
Hello Dusty,

Building has no additional comments other than what was originally proposed. All buildings must meet the current adopted IBC, IRC, IFC and Washington State adopted codes at the time of submittal.

Best regards,

Michael Flory
Certified Building Official

Kittitas County Community Development Services
411 N Ruby Street Suite 2
Ellensburg, WA 98926
mike.flory@co.kittitas.wa.us
P: 509.933.8222
F: 509.962.7682



From: Dusty Pilkington
Sent: Monday, June 24, 2019 12:00 PM
To: Kim Dawson; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; Kelly Bacon; Candie Leader; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; 'separegister@ecy.wa.gov'; 'sepaunit@ecy.wa.gov'; 'gcle461@ecy.wa.gov'; 'lowh461@ECY.WA.GOV'; 'migi461@ECY.WA.GOV'; 'Downes, Scott G (DFW)'; 'Nelson, Jennifer L (DFW)'; 'SEPA (DAHP)'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Mike Flory; Douglas Mitchell; Stacey Henderson; Steph Mifflin; 'Mau, Russell E (DOH)'; 'ben.serr@doh.wa.gov'; 'brenda.smits@doh.wa.gov'; 'becky.kennedy@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'brooksideconsulting@gmail.com'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'chelberg@usbr.gov'; 'Joanna Markell'; 'legals@kvnews.com'; Karen Hodges; Justin Turnbull; Taylor Gustafson; RichElliott; 'Michael.j.daniels3.civ@mail.mil'; 'Kimberly.peacher@navy.mil'; Pat Nicholson; Tristen Lamb; Holly Erdman; Candie Leader; 'elizabeth.torrey@dfw.wa.gov';

'brooksideconsulting@gmail.com'; 'Deborah.j.knaub@usace.army.mil'; Toni Berkshire; Jesse Cox; Jeremy Larson; 'chandod@eastonsd.org'; 'simonettam@eastonsd.org'; 'chelberg@usbr.gov'; 'lhendrix@usbr.gov'
Cc: Lindsey Ozbolt; Dan Carlson
Subject: DV-19-00001 Marian Meadows Development Agreement

Greetings. I am requesting comments on this Development Agreement. Anyone with an interest can comment, and the comment period ends July 24th, 2019. Click the links below to view information on the permit. If you have no comment on the project, please reply and inform CDS.

[DV-19-00001 Marian Meadows](#) (County)

[DV-19-00001 Marian Meadows](#) (Outside County)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx>, navigate to "Development Agreements" and then the Project File Number : **DV-19-00001**.

-

The following document is attached to this email:

DV-19-00001 Notice of Application

Please do not hesitate to contact me with any questions.

Dusty Pilkington
Planner I
Kittitas County Community Development Services
411 N Ruby St # 2, Ellensburg, WA 98926
(509) -962-7079
dusty.pilkington@co.kittitas.wa.us

Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.
message id: 38eb45916c6dcbdac24bb8719d004a14



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

South Central Region • Region 3 • 1701 South 24th Avenue, Yakima, WA 98902-5720
Telephone: (509) 575-2740 • Fax: (509) 575-2474

July 8, 2019

Dusty Pilkington
Kittitas County Community Development Services, Planner I
411 North Ruby St., Suite 2
Ellensburg, WA 98926

RE: PD-17-00001 Marian Meadows Planned Unit Development

Dear Mr. Pilkington,

Thank you for the opportunity to comment on the Marian Meadows Planned Unit Development Agreement (DA-19-00001). Washington Department of Fish and Wildlife (WDFW) previously commented on the PUD application and we appreciate that elements of those comments were incorporated into the final decision and conditions to address fish and wildlife habitat concerns. WDFW remains concerned over details to adequately address the stream typing and future ability for landowners to subdivide the large parcels to the east of the PUD.

Stream Typing

WDFW appreciates that the applicant looked at the mapped stream and provided a written assessment that it did not qualify as a typed stream. However, the information provided by Raedeke Associates, Inc. only provided a written description on the site with no pictures. It is difficult for WDFW to concur with this assessment without photos and only a written assessment. Further, as shown on the attachment, WDFW believes the typed stream is likely in the wrong location as evidenced by the discrepancy in LiDar.

WDFW requests that the applicant provide photo documentation of the stream or ability for WDFW to do an onsite concurrence of the stream assessment. WDFW also requests that the applicant use the location of the actual drainage location, as evidenced by the LiDar, rather than the potentially inaccurate mapped stream location.

Preservation of Eastern Large Lots for Wildlife Connectivity

WDFW appreciates that thought and consideration for wildlife connectivity was incorporated into the final layout of the PUD. This was achieved by keeping the area to the northeast of the power line as large lots with only a single family residence. However, in reviewing the development agreement and conditions of approval, WDFW does not see assurances that the large lots will not be subdivided in the future. Further, the development agreement application, "Community Standards and Guidelines" states that the plan is to manage these lots outside of the conditions of the PUD, further reducing assurances of future land use of these parcels.

WDFW requests that conditions be placed on these lots to prevent future subdivision of the properties. Future subdivision would likely impact wildlife habitat connectivity. WDFW had previously requested that these tracts be placed in open space as a condition of approval of the PUD, but the county stated in the PUD Approval Resolution, No. 2018-006 that "the reduced density to the east of the development, along with the corridor in the revised proposal, will provide sufficient open space". It is critical that these parcels either operate as single family residences in large lots or as registered open space.

Please contact me at (509) 457-9307 or Scott.Downes@dfw.wa.gov, to address these comments to ensure that the PUD can adequately incorporate protections for fish and wildlife habitat.

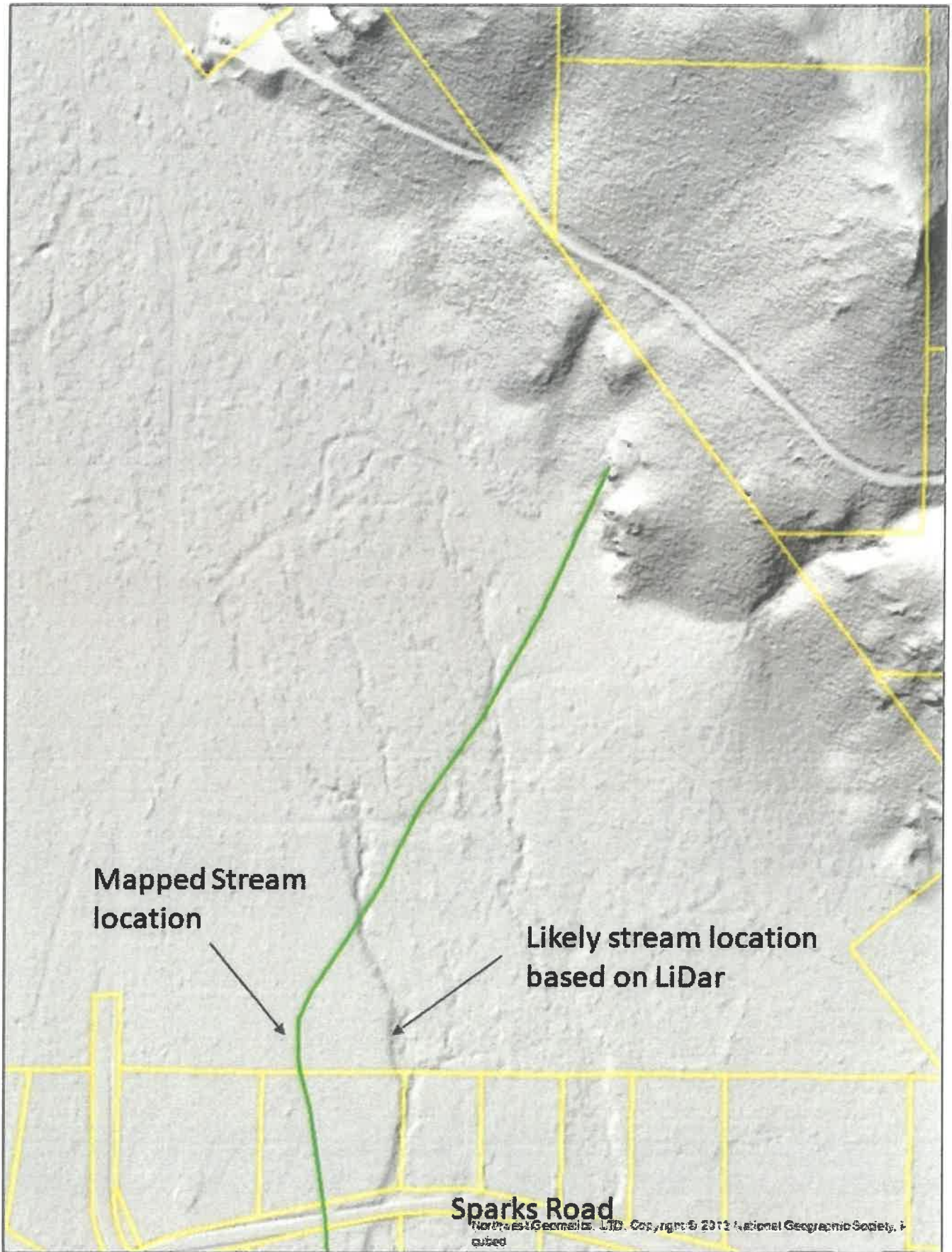
Sincerely,



Scott Downes
Area Habitat Biologist

Cc: Elizabeth Torrey, WDFW

Attachment: Marion Meadows Mapped Stream Location



July 17, 2019

Dusty Pilkington
Kittitas County Community Development Services
411 N Ruby St #2
Ellensburg, WA 98926



Kittitas County CDS

Regarding: Marion Meadows Development Agreement
Project File # DV-19-00001

COMMENT #1

The Board of Commissioners of Kittitas County's **Ordinance #2018-006 requires** the **applicant to contact Kittitas County Fire District #3** to determine appropriate mitigation measures. **These measures shall be included in the development agreement.**

To date the **applicant has not contacted** the **Fire District #3 Chief or commissioners** to discuss appropriate mitigation measures to Kittitas County Fire District #3.

Fire District #3 are **ALL volunteer** firefighters and commissioners. As these are dedicated people, but not professional, the Kittitas County **Fire Marshal should be included in ALL mitigation discussions** along with Fire District #3.

COMMENT #2

The BOC of Kittitas County's **Ordinance #2018-006 requires** the **applicant to contact** the **Easton School District** to determine appropriate **mitigation measures to be included in the development agreement. (30.3)**

To date the **applicant has not contacted** the **Easton school board or the Superintendent** to discuss appropriate mitigation to the Easton School District.

COMMENT #3

These same steps are required of the applicant in the development agreement application and the development agreement itself. **Once again as noted above these requirements have not been met.**

COMMENT #4

Page 8 of the development agreement (Sec. 19 **Covenants running with the land**) is **laughable!** Since 2006 we have been submitting comments to the county and the applicant regarding the covenants of "Easton Acres" regarding the access road to Marion Meadows.

Easton Acres covenants also run with the land.

Anything other than a single family home **REQUIRES** the **land owner (ERLC)** to request an amendment to the covenants or a vote of the remaining property owners.

To date the **applicant has NEVER contacted** the **Easton Acres property owners as required by the Easton Acres Covenants that run with the land.**

The applicant, CDS and Public Works have ignored our written comments and oral testimony regarding the violation of the Easton Acres Covenants and have been aware of this issue for nearly 14 years.

Exhibit E – Phasing and Timelines page 1 (included within this time frame will be the platting of the two lots just north of East Sparks Road and Meadows Way intersection)

These two lots as well as Meadow Way are in violation of the **Easton Acres CCR's** and need a vote of approval or amendment approved by the Easton Acres property owners.

The Easton Acres property owners should not have to endure costly legal fees because of **the County and the applicants willingness to violate and ignore the CCR's of Easton Acres.**

If the **county can require CCR's as a condition of approval** for a development application or development agreement **the county MUST recognize, enforce and abide by the CCR's.**

Be advised that the **two lots and Meadow Way itself, as an access for commercial activity, violate the CCR's of Easton Acres and is unacceptable.**

This **violation destroys the Rural Character** of the adjoining properties in Easton Acres and has a negative impact on the desirability and value of the Easton Acres properties.

If Kittitas County Commissioners, CDS & Public Works are willing to allow this violation to go forward **we have little faith in the CCR's listed in Ordinance 2018-006, the development agreement application or DV-19-00001 or the enforcement of it.**

COMMENT #5

Exhibit F 48 – Discusses problems with blockage of Sparks Road. This situation most generally happens in the winter months during periods of snowfall.

The applicant shall develop and submit an alternative site access plan of one or more options for County review that could be used by residents.

Both alternatives suggested by the applicant involve private property and Bonneville power lines roads none of which are maintained in the winter and have locked gates installed by the property owners.

The **blockage of Sparks Road creates a serious Life and Safety issue as there is NO ACCESS for Fire or Medical Emergencies response.**

This situation also prevents the majority of Fire District #3 volunteers from responding to the Fire Station. **Adding the Density of Marion Meadows to the situation with no adequate alternative for immediate Fire, Medical or Law Enforcement response is IRRESPONSIBLE AT BEST.**

COMMENT #6

Exhibit F 48 - Discusses implementation of a road improvement district (RID).

The current properties on East and West Sparks Road are Rural in nature.

Any expectation of the County to implement a RID on the rural property owners because you have made a decision to approve a high density development will be met with opposition. The **impacts of allowing urban density into a RURAL AREA must NOT be put on the backs of the existing rural community.**

COMMENT #7

WATER - Exhibit C seems to **include 2 NULL and VOID resolutions from Water District #3.**

One is from 2004 and the other from 2009. **Per the Water District Commissioners BOTH documents have been rescinded.**

I attended a meeting of Water District 3 Commissioners on Tuesday, July 16, 2019 and was informed by the commissioners that there is **NO CURRENT AGREEMENT** as of this date.

COMMENT #8

MAIL SERVICE – Development Agreement Application **11.10.4 Mail Service** states **mitigation measures proposed in the EIS.**

COMMENT #8 - continued

The Development Agreement does NOT address this issue.

COMMENT #9

Development Agreement page 2 of Exhibit E – Phasing and Time Line, Large Parcel Home sites.

If these parcels are to be re-platted and tied to the property to the south they should be removed from the PUD.

This acreage was used in the formula to allow the density proposed for Marion Meadows.

If the plan is to re-plat this property Marion Meadows needs to revert back to 5 ACRE RURAL PARCELS.

I hereby request that **DV-19-00001 BE REJECTED or AMMENDED** to address these issues.

Respectfully submitted,



John R Jensen
PO Box 602
3910 E Sparks Rd
Easton, WA 98925

July 19, 2019



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

Kittitas County CDS

Board of Commissioners,

Marian Meadows owned by Easton Ridge Land Company, LLC and its developer Martens Enterprises are not following the rules you imposed.

They did not notify adjacent property owners. They did not contact the fire department. They are not proposing a plan to enter and exit the development through any existing county roads.

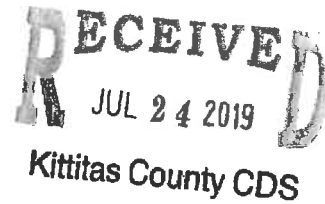
Please ensure they obey your directions.

Sincerely,

A handwritten signature in blue ink that reads "Claire Campbell". The signature is written in a cursive, flowing style.

Claire Campbell
P.O. Box 666
Easton, WA 98925

July 22, 2019



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

To Whom It May Concern,

I would like to bring to your attention a complete and total disregard for County directives by the Marian Meadows land owner, Easton Ridge Land Company, LLC and its developer Martens Enterprises, LLC.

NOTIFICATION

Per your June 3, 2019 letter on Item #2, according to the KCC 15A.030.060, a Notice of Application will be sent to the public (adjacent landowners) and this was not done. This is a direct violation of your directives.

ILLEGAL SINGLE ACCESS

Per your June 3, 2019, letter to Martens Enterprises, LLC (attached) you instructed the developer in Item #1 to post the property by the applicant on the street frontage. The "street" you are allowing to be designated is not a "street" but rather a private road to access an HOA Lot 1 and Lot 2 with covenants. Instead the former Commissioners and County Road Division allowed said "street" to be paved, named and a stop sign installed – all of which is illegal. **Marian Meadows does not have legal access to this planned development.**

EGRESS

There needs to be two ways out of this development. The development IS LANDLOCKED! Private ownership on all four sides. Now they are proposing a second exit down Bonneville power lines and out private land owned by Ellensburg Cement Products.

I recommend the current Board of Commissioners assign an expert to look back 10 years on this parcel and I assure you that you will notice former members of the Commission and County Road allowed this single access illegally. I assure you, this entire "street" and intersection is illegal and needs to be restored back to its original intent.

FIRE PROTECTION CONCERNS

The land owner and developer have never reached out to the Kittitas County Fire District 3 which is deliberate and calculated because they know this development lacks proper legal egress. They know the department lacks a ladder truck to suppress fires in a 2-story Townhome and RV "Storage" Garage yet still show it on their design plan. They know the current fire station has three hazards preventing on-time response (train crossing between the fire station and the development plus congested freeway Exit 70, congested gas station (last services until the summit and closure in the winter).

SCHOOL CONCERNS

The school cannot support an increase in attendance for a development of this size. With King County housing prices growing, the developer is not accurately forecasting attendance and the County bears the responsibility to validate these numbers on behalf of citizens of Easton and our school children.

Thank you for listening to my concerns,


Scott Campbell
PO Box 700
Easton, WA 98925

July 22, 2019

To: **Dusty Pilkington**
Designated Permit Coordinator

From: **Mike Gerber**
Commissioner
Kittitas County Water District #3 (Easton Water District)

Subject: **Public Comment on DV-19-00001**
Marian Meadows Development Agreement

Mr. Pilkington,

After review of the current application and supporting documentation, the Commissioners of the Easton Water District are providing the following comments for inclusion in the public record.

1. **Kittitas County Ordinance 2018-006**
 - a. **Section 11.5 and 31.4: To our knowledge, no review by Washington Department of Health (DOH) and/or Easton Water District (District) has been completed at this time. In reviewing the documents we noted that the developer has estimated that 120 ERU's will be required to serve the proposed development which is consistent with previous discussions between the developer and District. In reviewing the Estimated Water Usage document in exhibit "F" the Commissioner's have questions regarding the 23.92 ERU's identified as "Additional ERU's set aside for other uses."**
 - b. **Section 11.5.1.3 and 31.4.3 requires the developer to submit "documentation and engineering design for proposed water extension to DOH." At this time, the District has not seen any of these documents. However, the District is aware that the developer is working to complete the required documents for review and approval by DOH and/or the District.**
2. **Exhibit "F" Conditions:**
 - a. **The Easton Water District Resolution dated 03/09/2004 establishing a special connection charge for the proposed development was repealed on 04/11/2017 by District Resolution 041117 (attached). There has been no further discussion between the District and the developer regarding connection charges and or a developer**

extension agreement. This Resolution is again referenced in the developer comments Exhibit "C" Fire Related Elements as Exhibit C(3).

3. Exhibit "E" Phasing

- a. The proposed phasing and timelines related to the District, and as submitted by the developer, have not been reviewed and/or agreed to by the District at this time. We expect that when the developer is ready, the District will be notified, and negotiation of an agreement will commence.

Respectfully submitted on behalf of the Commissioners,



Mike Gerber

Commissioner

Easton Water District

EASTON WATER DISTRICT

RESOLUTION 041117-02

AMENDING RESOLUTION 030904-2

**WHEREAS: Easton Water District repealed the above resolution,
as being null and void.**

This resolution pertained to the Development of
Parcels located within Sec. 1, T20N, R13E W.M.
Known as Marion Meadows.

IN WITNESS WHEREOF:

Motion passed by the board of Commissioners on 4/11/17.

Signature  Terry Hill, President/Commissioner

Signature  Tom Pentin , Commissioner

Signature  Jeff Lowrey, Commissioner

Attest:

Tom Pentin

Signature  Commissioner/Secretary



**Kittitas County Fire District #3
PO Box 52, Easton, WA 98925**

MEMORANDUM

RECEIVED
JUL 24 2019
Kittitas County CDS

Date: July 22, 2019
To: Dusty Pilkington
Kittitas County Community Development Services
From: Kittitas County Fire District 3 Board of Commissioners
Subject: Marion Meadows Development Agreement
Project File # DV-19-00001

The Kittitas County Fire District #3 Commissioners concerns:

The Board of Commissioners of Kittitas County's Ordinance #2018-006 requires the applicant to contact our District to determine appropriate mitigation measures for this project. It was also required that the applicant properly notify the District of the application and public hearing.

To this date, no contact nor notification has been received by the District from this applicant. The District was notified via a third party of the upcoming public hearing. We Commissioners believe the applicant has not been forthcoming and their actions are being deliberate and calculated by not following your requirements. We would hope their application be denied until their plan allows for a proper analysis and timeliness for mitigation of issues with our District and the Fire Marshall.

**Respectfully,
Cynthia McLaughlin, Board Chair
Leonard Lopez, Commissioner
Terri Campbell, Commissioner**



Easton School District No. 28

P. O. Box 8

1893 Railroad Street

Easton, Washington 98925

(509) 656-2317 fax (509) 656-2585

www.easton.wednet.edu

RECEIVED
JUL 24 2019

Kittitas County CDS

RECEIVED
JUL 24 2019

Kittitas County CDS

July 22, 2019

To: Kittitas County Community Development Services

Re: Project File Number DV-19-00001, Marian Meadows Development Agreement

Attn: Dusty Pilkington

Dear Kittitas County Community Development Services,

On behalf of Easton School District No. 28 (the "District") I am providing written comments on the above referenced application (the "Application"), submitted by Martens Enterprises, LLC (the "Developer"). Exhibit B of the Application indicates that: "[m]itigation for the foregoing shall be met by a mitigation fee of \$500 per unit for a total of 89 units..." The District strongly protests the inclusion of a mitigation fee of \$500 per unit in the Application. As described below, that proposed fee is both insufficient to meet capital expenses caused by the Developer's Project (defined below) and violates Kittitas County Ordinance No. 2018-006 and the Settlement Agreement between Developer, Kittitas County (the "County"), and the District.

Background

As you may know, the Developer intends to develop approximately 445 acres of rural land in Kittitas County, within the District's boundaries, and to plat 89 lots (the "Project"). The Project will result in an increase in enrollment in Easton public schools that is beyond the District's current capacity. In addition to being unable to adequately support the increase in students, negative impacts of the Project on the District also include the potential loss of small school funding (requiring a significant increase in school levies and bonds), the need to expand school facilities, and the need to secure additional busses, bus drivers, and bus facilities. On December 22, 2016, the Developer filed an application with Kittitas County for a planned unit development (PD-17-00001), a conditional use permit (CU-17-00001), and a long plat (LP-17-00001), all in furtherance of the Project. On May 1, 2018, the Kittitas Board of County Commissioners passed Ordinance 2018-006 (the "Ordinance"), approving these permits with conditions -- including a condition of approval to include adequate mitigation measures in a subsequent development agreement to address the negative impacts on the District.

The District had grave concerns over the adequacy of mitigation proposed by the Developer and the meaning of the Ordinance's condition of approval. The District filed a petition for review of the Ordinance under the Land Use Petition Act in Kittitas County Superior Court, Cause No. 18-2-00177-6. The petition claimed error and sought additional assurances regarding the District's

role in determining the proportionate share of mitigation that the Developer would provide to mitigate the impacts to the District. This matter was ultimately resolved through a Settlement Agreement, entered into by the District and the Developer on November 20, 2019 (the "Settlement Agreement") (see attached). Through the Settlement Agreement the parties agreed to engage in negotiations to determine acceptable and proportionate mitigation measures related to any impacts of the Project on the District. The Settlement Agreement also required the parties to negotiate in good faith using best efforts to share and obtain relevant information on the impacts of the Project to the District.

Conditions from Ordinance 2018-006

The Ordinance included a condition that the Developer must enter into a development agreement with the County that would include a requirement for the Developer to provide proportionate mitigation for impacts of the Project on the District, requiring that the impacts be mitigated to the satisfaction of the County. This condition is specifically required by Conclusions of Law No. 1 and No. 30.3, and is echoed in Conclusion of Law No. 2: "The final PUD development plan shall not be approved until a development agreement has been approved in accordance with Condition #1."

In addition, Conclusion of Law No. 30.3 requires that the Developer shall contact the District to develop the mitigation measures. Similarly, Finding of Fact No 11.4.4 reads: "The applicant [Developer] shall contact the School District [District] to enter into discussions to develop acceptable mitigation measures to accommodate the increased student population. Mitigation measures shall be included in the Development Agreement."

Steps Necessary for School Mitigation

The District strongly protests the proposed \$500 per unit mitigation as inadequate to address the negative impacts of the Project. Based on the District's calculations (using census data and standard generation factor calculations) substantially more mitigation is required for each additional unit created by the Project to address direct impacts of the Project. Simply put, the Developer's proposed mitigation would compromise the District's ability to educate the students of Easton.

The Developer has not contacted the District regarding the proposed mitigation for the Project, and there has been no attempt by the Developer to enter into good faith negotiations on adequate mitigation as required by both the Ordinance and the Settlement Agreement. Multiple attempts by the District to begin negotiations subsequent to the Settlement Agreement were unsuccessful. In order for the Project to provide acceptable and proportionate mitigation to the School District as required, the Developer must, as a starting point, meet with the District to negotiate the matter. The inclusion of a \$500 per unit mitigation fee without the District's input as a public agency directly impacted by the Project is a violation of the Ordinance and the Settlement Agreement.

For the foregoing reasons, the District formally requests that the Application, as written, be denied.

Please contact me at (509) 656-2317 with any questions on the above matter. Additionally, the District has not yet had an opportunity to provide comments at a public hearing on the matter as provided for in the Notice of Application received in relation to the Application, and has received no information on when this hearing will occur.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Dehuff".

Patrick Dehuff, Ed.D.

Easton School District Superintendent



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Community Development Services
FROM: Taylor Gustafson, Environmental/Transportation Planner
DATE: July 23, 2019
SUBJECT: Public Works Review of DV-19-00001 Marian Meadows

The following are conditions of approval:

Engineering:

1. Specify the quantity of campsites and RV sites.
2. Identify access to Lot 19 on the RV layout illustration.
3. Pursuant to Ordinance No. 2018-006, Public Works' condition of approval 11.3.9 requires a right-of-way (ROW) with sufficient width to allow for the storage of snow within that space without impacting the travel lanes.
4. The second RV Layout Illustration and RV commercial maps show a fire lane of 14'. Fire lane must be 16'.
5. Private roads shall comply with the design requirements of 12.04.070 & 12.04.080 Table 4-4 of the Kittitas County 2015 Road Standards.
6. The extension off Meadows Way illustrates one access. A second access is required if more than 30 (thirty) lots/units will use the private road per 12.01.095.
7. The Airport Safety Zone Map is unclear. Provide a legend defining each color.
8. Phasing is unclear. Clarify the specific phases in numeric order.
9. How can the water tank construction be independent of Marian Meadows development as it is a critical part of the development's infrastructure? Please explain.
10. Define the new commercial and recreational traffic impacts.

Water:

1. The included materials do not indicate that the conditions identified in Ordinance 2018-006 have been met. Pertinent comments from Ordinance 2018-006 include:
 - The Department of Health requires that: Marian Meadows/Easton Water District shall confirm an intended connection to the Easton Water District, and then submit estimated water usage quantities, so that DOH can determine whether the precise number of new

Page 1 of 2

connections that are proposed for Marian Meadows can be served by the existing system, or apply for a new Group A Community public water system with the DOH Office of Drinking Water.

- Kittitas County Environmental Health requires that the applicant must provide written documentation from the water purveyor indicating the water district commits the appropriate number of connections for the entire project (made therefore unavailable to any other lots) prior to final signoff.
- 2. In Exhibit F – Conditions, section 31.4.1 indicates that the Marian Meadows/Easton Water district shall confirm an intended connection to the Easton Water District and then submit estimate water usage quantities. The application is not clear about the estimated water usage quantities, in part because 31.4.1 B ERU analysis is not included (Table 4 from DOH 337-066 document is attached, with design flow rates for campgrounds, but the included materials do not clearly identify the quantity of water needed for the RC park and campground, not the RV retail and service.
- 3. Material provided should also be clear if the application covers the 33 residential units proposed in the application, or the 89 residential units identified in Ordinance 2018-006). Neither is there documentation demonstrating that the Easton Water district is able to provide connection. The attached certificate of water availability expired on 5/17/2018 and the included Kittitas County Water District No 3 resolution, signed 3/9/2004 is also expired. Documentation supporting the acceptance of the water purveyor for the projects, phasing, and timelines identified in Exhibit E (looped water line and water tank) is needed.

Survey:

Required Corrections

Development Agreement Page 12

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

Marge Brandsrud
PO Box 638
Easton, WA 98925

July 23, 2019

Kittitas County Community Development Services
Attn: Dusty Pilkington
411 N Ruby ST, Suite 2
Ellensburg, WA 98926

RE: Request for Development Agreement to Marian Meadows Estates (DV-19-00001)

Dear Dusty,

Please pass my comments on DV-19-00001 to the Commissioners for consideration. Thank you.

The following comments are intended to assist Kittitas County Commissioners in their understanding, discussion and decision making in regard to proposed Development agreement between Kittitas County and Easton Ridge Land Company as it will apply to the proposed Marian Meadows Estates PUD and associated development application.

Page one, Recital three of the proposed resolution references 15A.11.020 and Exhibit D Marian Meadows Community Standards and Guidelines. I offer the following comments on these documents.

15A.11.020 General requirements.

Kittitas County may enter into a development agreement with a person having ownership or control of real property within the county's jurisdiction.

A development agreement **must set forth the development standards** and other provisions that shall apply to and govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement.

A development agreement shall be consistent with applicable county development regulations, except as such development regulations have been modified by the development standards contained in the agreement. **This does not require modification of development regulations it only allows modification.**

A development agreement does not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on July 23, 1995, or adopted under separate authority, that includes some or all of the development standards provided in subsection E of this section.

For purposes of this chapter, **"development standards"** include, but are not limited to:

Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

Mitigation measures, development conditions, and other requirements under Chapter 43.21C RCW;

Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

Road and sidewalk standards;

Affordable housing;

Water, sewer, storm drainage and other infrastructure requirements;

Parks and open space preservation;

Phasing;

Development review processes, procedures and standards for implementing decisions, including methods of reimbursement to the county for review processes;

A build-out or vesting period for applicable development standards;

Process for amending the development agreement; and any other appropriate development requirement or procedure.

A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety. (Ord. 2000-07; Ord. 98-10, 1998)

Exhibit D Marian Meadows Community Standards and Guidelines

Section 1 Building Types

6. I would suggest adding language that the developer have oversight of building standards if “standards” are specified to include Kittitas County Building Code.

Section 2 Building Oversight

2 (f). The phrase “unless specifically addressed within this section” should be deleted. Unless there is a very specific, designed and engineered item identified all construction should comply with or exceed KCC.

Section 2 Attached Townhome residential

3. There is no indication on any application documents describing the number of residential units provided by the Town House element of the proposal. Currently the proposal indicates a PUD density of 89 parcels. Information provided by CDS at the Kittitas County Commissioner’s Hearings define density as residential units. This definition of density requires each residential unit in the town houses to be included in the density calculation. A clear calculation of the PUD “density” must be included in the Development Agreement in order for the County to be in compliance with its own Code.

Section 2

3 (e). The phrase “**unless specifically addressed within this section**” should be deleted. Unless there is a very specific, designed and engineered item identified all construction should comply with or exceed KCC.

Section 2

4 (b). “**These parcels will not be subject to automated fire suppression requirements**” careful consideration of this standard is a must. The heavily timbered slopes of these parcels if ignited would quite possibly a catastrophic event. The Roslyn City water shed is very near these parcels. Not only the Marian Meadows Estates and the community surrounding it would be affected by a fire, but the City of Roslyn, Community of Ronald and the Suncadia Resort would likely be in grave danger due to their proximity and the upslope movement associated with wildfire. Buildings on these parcels absolutely must require fire suppression systems.

Section 2

4 (g). The phrase “**unless specifically addressed within this section**” should be deleted. Unless there is a very specific, designed and engineered item identified all construction should comply with or exceed KCC.

Section 2

*. “**These parcels will be treated uniquely due to their size, recreational/ tourism possibilities**”. This propose of the 4 large parcels is stated to be for a single family residence with associated out buildings. The reference to recreation/tourism must be eliminated from this document. The phrase recreation/tourism indicates an intent to allow commercial services or uses for non PUD property owners. It would not seem realistic to view residents of the PUD as tourists.

Section 2

5 (c). Use of onsite septic should be more specific.

Section 2

6. RV Complex

A. Storage Units

(a) “Setbacks – 15’ form natural buffer areas” – Natural buffer area specifications are not Included in Exhibit D - Community Standards and Guidelines. Natural buffer areas must be identified in this document. The makeup of “Natural Buffer areas” should be in compliance with a Fire Management Plan. I do not believe that a 15’ set back is adequate for buildings which are intended to contain flammable an explosive materials (gasoline. Diesel and propane). There is no public safety inspection requirement in place for inspection of private property. The layout of the RV Storage units further complicates the potential for a catastrophic event. The units are either connected or in close proximity to each other and are in the airport safety zone.

(e) “storage operations focusing on Recreational Vehicle Storage” – Recreational Vehicle is not defined in this document. Whether intended for storage in these units, or not, recreational vehicles can include

boats, snowmobiles, motorcycles, side by sides, four wheelers, jet skis and others. While a travel trailer or Motorhome can contain gasoline, diesel and propane, additional motorized recreational vehicles are often fueled using portable gas containers which in a public setting would require proper storage in an approved FLAMMABLE storage cabinet. Again there is no provision in law for fire safety inspections of private property. I believe the storage units could be a public safety hazard without guaranteed stringent oversight.

(h) Overnight and human habitation of recreational vehicle storage units are restricted by condition 41 page 32 of Kittitas County Ordinance 2018-006

(i) **“Outside storage would be limited, seasonal and ***”**. I do not see any description which demonstrates there is outside storage for the RV Complex. The application specifically states there will be not outside storage. Would this statement be a request for additional uses not included in original application? **Item 4.4 General Provisions page 4** of the proposed Resolution for a Development Agreement between Kittitas County and the applicant states **“Ownership within SCRVR is limited to interior storage spaces and does not allow for exterior storage.**

(j) **“ Storage unit use would be limited to free and simple ownership, tenants and guest” Condition 40 of Kittitas County Ordinance 2018-006 states “ The recreational vehicle storage units shall be for the exclusive use of recreational vehicle storage unit owners and shall not be rented to. Or used by, any other person for any amount of time.** Tenants and guests would not be allowed to use the recreational vehicle storage units therefore the language in this document must be corrected to be in compliance with the ordinance. Keep in mind that allowed uses in a PUD other than residential are restricted to parcel owners within the PUD and are not to serve the public. Allowing public use of PUD amenities would be a violation of code and would require revocation of the Conditional Use Permit. This statement also applies to **Exhibit F- Conditions Page 2 item 40)** in which the applicant indicates CC&R’s will provide restrictions limiting use to ownership and inferring such a restriction would appear to be a violation and restriction on private property rights. CC&R’S offer little assurance of continued compliance and can be changed easily especially if the majority parcel owner is the developer. As far as violating private property rights, I believe a Conditional Use Permit is a use that is conditioned upon existing code and in this case a Development Agreement. If the applicant believes this condition violates private property rights perhaps the application should be withdrawn until such time Washington State laws and Kittitas County Code are in agreement with the applicants beliefs.

Note: Finding of fact 36.1 page 23 of Kittitas County Ordinance 2018-006 mid paragraph – “the campground and recreational vehicle storage areas are for the use of property owners only, and not to be sold, rented, leased or otherwise used by nonresident public. I believe this statement indicates the intention of County Commissioners is to restrict ownership and use of the RV Complex and campground to PUD residents. Documents presented by the applicant are vague on this subject and must be presented with a clear statement regarding ownership and use of the RV Complex and campground which is clear and in compliance with the ordinance. Such language which reflects use as stated in the above referenced finding of fact must be included in any document moving forward.

Section 2

6. RV Complex

B RV Commercial Applications

Finding of fact 36.2 page 23 of Kittitas County Ordinance 2018-006 third sentence “There is a proposed recreational service center, but it is likewise a small scale and intended to service the recreational vehicles for the units stored on site.” I believe it is necessary for this requirement to be restated in the development agreement and a program put in place to assure compliance. In addition a strong statement that the CUP will be null and void if this condition is violated.

General Comments

I would like to remind the Commissioners that this proposal has been an ongoing extending more than a decade. Although the applicant has made substantial improvements to the proposal there are still outstanding issues which must be resolved.

Schools are addressed in condition 30.3 page 29 of Kittitas County Ordinance 2018-006. The final two sentences of the paragraph state “The applicant shall contact Easton School District and develop mitigation measures. Mitigation measures shall be included in the development agreement. The mitigation offered in the attachment to the propose development agreement was not mitigated with the school district and is unacceptable. (It is shameful, immoral and disgusting.) CDS and the County Attorney can say well that is what the EIS says. That statement is nothing more a lack of ability to understand or care about the school funding and facilities requirements. Any agreement between the applicant and the School District must be based on real facts not an opinion that all the County has to do is exert minimum effort and say that’s the way it is. A development agreement is intended to mitigate and come to an agreement that will allow public facilities to continue operations without forcing existing residents to absorb the cost of additional facilities which new development will require. This item must go back and require sincere mitigation between the applicant and the School District.

Fire District Mitigation. I do not believe any mitigation has taken place between the Fire District and the applicant to date. Ordinance 2018-006 made a requirement that such mitigation take place.

Water Although DOH has approved a sufficient number of hook ups I do not believe the applicant has come to an agreement for service and facilities improvements.

Ordinance 2018-006 Findings of Fact

34.1.1.6 Second paragraph – The proposal meets the underlying density for the Rural-5 zone. If the applicant provides support for fire, hospital and school services as a part of a development agreement, impacts to rural levels of services will be mitigated for consistency with this GPO; (GPO 8.33)

I know the record is large on this proposal, but I urge careful consideration on this document. I have found many statements that are difficult to clearly associate with the intent of the proposal. The number if attachments and exhibits tend to be confusing and make it difficult to see all of the details as one clear picture.

I would ask for definitions to some of the new “labels” being applied to the proposal.

Silver Creek Recreational Vehicle Resort:

RV Condominium:

I do not see definitions in County Code for a Recreational Vehicle Resort or a RV Condominium.

Unfortunately due to personal responsibilities I do not have enough time to continue my comments.
Thank you for considering my comments.

Sincerely,

Marge Brandsrud

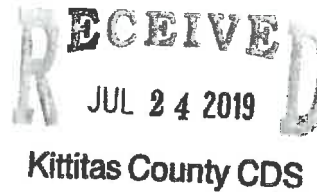
dbrandsrud@comcast.net

PO Box 638

Easton, WA 98925

July 23, 2019

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



To Board of Commissioners,

Marian Meadows land owner, Easton Ridge Land Company, LLC and its developer Martens Enterprises, LLC are hoping the new Board of Commissioners don't catch on to all they have done thus far to Easton.

There has been no notification to adjacent homeowners of this public comment period. Why? It's because they always get away with it.

The access to this development is not legal. This property was dirt a few years ago and all of a sudden the former Board of Commissioners and County Roads allowed them to pave it, install a stop sign last year and name the street. Please research how that was even allowed.

The fire department is across the highway and then across the train tracks. During the winter Exit 70 is closed and hundreds of car and semi's litter the roadway. We cannot get out and if we can't get out, the fire department and ambulance can't get to us and them. How can you allow two story Townhomes and RV garages when we don't even have a ladder truck to protect them? How are we going to keep the RV garage from being lived in using propane, electricity and other things that ignite? The developer said the owners will take their RV out of the garage and to a camp site and I guarantee you that won't happen, especially through feet of snow in the winter. They will huddle in a closed building and use their propane furnace without ventilation.

This development will bring 200+ cars, thousands of times per day, driving down this chip-seal road. This road was not meant for all this – yes, its old chip seal NOT pavement!

Thank you for all you do to protect us!

A handwritten signature in blue ink, appearing to be "Terri Campbell". The signature is stylized and somewhat scribbled.

Terri Campbell, POBox 700, Easton, WA 98925

RECEIVED
JUL 24 2019

Kittitas County CDS

Dusty Pilkington
Kittitas County Community Development
Services 411 - N Ruby St #2
Ellensburg Wash 98926

I would like to bring to your attention a few things. The first subject is Easton Ridge land company is required to do mitigation measures with The Easton school District and The Kittitas County Fire District #3 which has not been done. Also Easton Ridge land company has no current agreement with The Water District. The next subject I would like to bring to your attention is Easton Ridge land company talks about covenants codes keeping owners inline with Marin Meadows rules. I do not see how this is possible when Easton Ridge land company does not acknowledge them themselves. Proof of this is Easton Ridge land company purchased a three acre lot in Easton Acres which has its own covenants codes as landowners in Easton Acres they did not follow their own covenants codes proof of this is as landowners in Easton Acres they should know about get a vote from all the owners in Easton Acres approving the subdividing of the lot and the installation of a road over it.

Easton Acres has informed Kittitas County of the COVDENE COADS, being violated even before the adoption of the roads by the county so with this being said I can not see how Easton Ridge land company is going to enforce COVDENE COADS when they cannot honor the ones in place. Easton infrastructure or maybe a better term is the lack of a infrastructure Easton has no police the roads can not handle this kind of traffic increase just this week the overpass and on & off ramps we're blocked due to an I-90 closure same type of closure I-90 has when it snows blocks everything it shut down everything even emergency equipment also there is no post office for Marian meadows the one that is here is full also I see no real snow removal plan for Marian meadows. There is also the issue of MARIAN meadows using a residential road for commercial use to access the rock quarry in the back of the development.

I would also like to point out some concerns of mine and that is the legal posting of this application. I see no map of the project no description of the project no time line of the project as I understand it you need. These items for a correct posting of a project. I also called Kittitas County for a copy of the project I was told I could only have a copy if I paid for it seems like it should be free so with all the items I have mentioned above Easton Acres and the surrounding area even knowing all the project goals.

So how I see this project and with my own personal past experience with Marran Meadows and Easton Ridge land company is just a picture of lot layouts and a lot of maybe this maybe that what I do know is Marran Meadows came out of negotiations with cluster housing permitting and commercial permitting and with no solid development plan. That I could see with out a plan of what was being built Easton Ridge land company can do anything they want.

my closing comment on this application for Marian Meadows and Easton Ride land company is the fact that no mitigations with the Easton school, Kitfitas Pico District #3, the mail service, has been finalized yet and the fact that Easton Ride land company has not tried to resolve the issue with Broken covenants codes with Easton Acres. And the fact that to me this application looks like a grab all the rezoning we can now so we can do what we want later. I would like to see this project return back to three acre lots and protect the rural community that it is in.

I hereby request that this application DV-19-00001 be rejected or amended to address these issues.

Respectfully submitted.

Tim Ryals
P.O. Box 498
3780 E Sparks Road
Easton Wash 98925

Development Agreement Application Comments

To: Dusty Pilkington, Planning Official

From: Jesse Cox, Environmental Health Supervisor

Date: July 24, 2019

RE: DV-19-00001

Thank you for the opportunity to comment on the above mentioned project regarding water and septic requirements to comply with Kittitas County Public Health Department's Environmental Health requirements.

Findings

On Site Sewage

- Residential lots will be served by an On-site septic system.
- The RV complex will be served with a Large On-Site System designed to DOH standards with DOH oversight.
- Prior to any development on the steeper eastern slopes, a sewage disposal master plan shall be submitted to Kittitas County Environmental Health.

Water

- The applicant's plan for domestic water is to connect to the Easton Water District system for the future homes.

A Additional Information Required

No information is required for further review