

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

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"Building Partnerships – Building Communities"

October 8, 2008

Sapphire Skies
Marisa Kosney/Dave Blanchard
206 West 1st Street
Cle Elum, WA 98922

RE: Evergreen Park Plat (P-06-13) & Back Country Resources CUP (CU-08-05)

Dear Marisa,

As you know, the Evergreen Park Plat (P-06-13) was granted Preliminary Plat approval on September 19, 2006 by the signing of Resolution No. 2006-131. One of the conditions of this Performance Based Cluster Plat was the transfer and dedication of 5.0 acres of the property to the Kittitas County Parks & Recreation District to be used as a SnoPark.

Louis Musso of Kittitas County Parks & Recreation District, authorized agent for Back Country Resources LLC, submitted an application for the proposed SnoPark (CU-08-05) on March 10, 2008 and the Board of Adjustment granted approval to the project as conditioned on June 11, 2008. However, the Conditional Use Permit has not yet been issued by Community Development Services because all of the conditions required for the project have not yet been met by the applicant and/or authorized agent.

Prior to getting final approval and signature on final mylars for the Evergreen Park Plat (P-06-13), the Conditional Use Permit for the SnoPark (CU-08-05) is required to be issued by Community Development Services. All conditions listed in the SEPA MDNS and the Findings of Fact for the SnoPark need to be met prior to issuance of the Conditional Use Permit and prior to the granting of final approval for the Evergreen Park Plat.

If you need a copy of the conditions required for the SnoPark please let me know. They can also be found on the CDS website at <http://www.co.kittitas.wa.us/cds/current>. Please let me know if you have questions or need further assistance.

Sincerely,

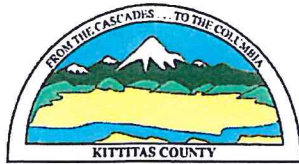
Mackenzie Moynihan
Staff Planner

cc: Project files, Kittitas County Parks & Recreation District

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE

- Project:** Back Country Conditional Use Permit (CU-08-05)
- Description:** A proposed Sno-Park off Forest Service Road #4510 via Woods & Steele Road. This project was a condition of the Evergreen Park Performance Based Cluster Plat (P-06-13), approved by Resolution No. 2006-131.
- Proponent:** Louis Musso
Kittitas County Parks & Recreation #1
PO Box 13
Cle Elum, WA 98922
Authorized agent for Back Country Resources LLC
- Location:** The proposed Evergreen SnoPark is located south of Woods & Steele Road, off Forest Service Road #4510, Cle Elum, WA 98922, and is located in a portion of Section 07, T19N, R15E, WM, in Kittitas County. Map number 19-15-07000-0028.
- Lead Agency:** Kittitas County Community Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The lead agency for this proposal has also determined that certain mitigation measures are necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS) for this project. These mitigation measures include the following:

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

I. Transportation

- A. The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the Department of Public Works, as listed in the attached memorandum.
- B. A Road Maintenance Agreement shall be required which addresses the seasonal use of the road including but not limited to snow plowing, access and maintenance of groomed trails and the ongoing general maintenance of the road. The terms of the Road Maintenance Agreement shall be accepted by the Forest Service, prior to the issuance of the Conditional Use Permit.

DARRYL PIERCY, DIRECTOR

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- C. All road work shall be completed to the satisfaction of the Forest Service prior to the issuance of the Conditional Use Permit.
- D. Forest Service Road #4510 is open to street legal vehicles only during the summer months. All terrain vehicles and non-licensed dirt bikes shall not be allowed on Forest Service Road #4510 from April to September.
- E. Forest Service Road #4510 is a groomed snowmobile trail during the winter months of October through March.
- F. Traffic within the designated Evergreen SnoPark shall flow in only one direction, as indicated clearly by properly installed and highly visible signs, in an effort to prevent traffic congestion within the dedicated 5.0 acre area.

II. Water

- A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.
- B. Erosion control measures shall be in place prior to any grading or clearing of the area; this includes the use of silt fencing, straw check dams and the covering of exposed soils.
- C. Runoff from stormwater and snow melt shall be directed towards existing on-site drainage sources and shall not be allowed to flow onto country road right-of-ways.
- D. There shall be no groundwater withdrawal to serve the Evergreen SnoPark.

III. Recreation

- A. The Evergreen SnoPark shall be in operation only during the months of October through March and shall be closed and gated during the months of April through September.
- B. The Evergreen SnoPark shall be open to the general public for use during the months of October through March.
- C. The Evergreen SnoPark shall operate only during the hours of 8:00 am to 8:00 pm.
- D. Resolution No. 2006-131, approving the Evergreen Park Plat (P-06-13), clearly defines "SnoPark" as a designated parking area for vehicles transporting or using snowmobiles and specifically identifies the transfer of 5.0 acres to be used as a SnoPark only (Page 5, #23).

IV. Noise

- A. It is the responsibility of the Kittitas County Parks & Recreation Department to create noise dampening structures to assist in lowering the amount of noise impact on neighboring residences. It is not the responsibility of neighboring residents to dampen the noise from this project.
- B. All county noise ordinances shall apply to this project.
- C. Construction activities shall comply with KCC 9.45 (Noise).

V. Aesthetics

- A. Signs shall be placed around the property, properly identifying directions, exits, parking areas, rules, and operating hours of the facility. The signs shall be tall enough to be seen by the public over the high amounts of snowfall during the winter months.
- B. The entire 5.0 acres identified as the Evergreen SnoPark shall be fenced and wildlife friendly fencing shall be utilized. Fencing plans shall be submitted to the Department of Fish & Wildlife and approved prior to issuance of the Conditional Use Permit.

VI. Public Safety

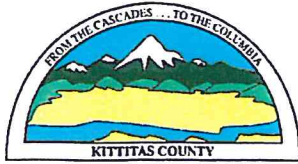
- A. The Evergreen SnoPark shall provide for not more than 60 parking stalls.
- B. The Evergreen SnoPark shall be maintained by the Kittitas County Parks & Recreation District.
- C. During the months of April through September, service and maintenance vehicles from the Kittitas County Parks & Recreation District shall be allowed within the park boundaries between the hours of 7:00 am and 7:00 pm for the purpose of maintaining and servicing the area from winter use.
- D. It is the responsibility of the applicant to ensure that there is adequate horizontal clearance to allow for emergency vehicles to have access to the entire SnoPark area, as needed.

VII. Environmental Health

- A. Appropriate solid waste services shall be provided for proper disposal/removal of waste material and proof that said services are in place shall be provided to Community Development Services prior to issuance of a Conditional Use Permit.
- B. Portable toilets, dumpsters and other sanitary waste receptacles shall be serviced on a regular schedule and this schedule shall be demonstrated in writing from the service management agency prior to issuance of a Conditional Use Permit.
- C. Waste material, including runoff materials such as oil, from engines and vehicles shall be treated on-site and shall not be allowed to flow onto USFS right-of-ways or County road right-of-ways.
- D. There shall be no power, water or sewer services to serve the 5.0 acres dedicated to the Evergreen SnoPark. If there are to be future phases to this project, additional Public Hearing before the Board of Adjustment shall be required.

VIII. Cultural Archaeology & Historic Preservation

- A. If any items of possible cultural or historic significance are encountered during construction activities, work shall be immediately halted with the area and a large enough perimeter established in order to maintain the integrity of the site. Kittitas County Community Development Services, the Washington State Department of Archaeology & Historic Preservation and the Yakama Nation, as relevant, shall be immediately consulted.



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Findings of Fact

Back Country Conditional Use Permit
CU-08-05

The following general findings have been prepared by the Community Development Services Department Staff for consideration by the Board of Adjustment in rendering its decision on this matter. These findings may be used to reasonably support a recommendation in favor of or against this proposal; however additional findings may also be necessary.

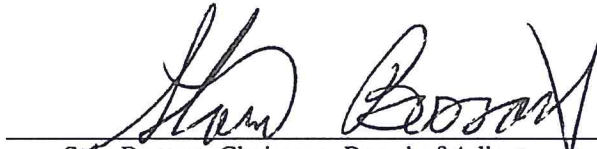
1. The Board of Adjustment finds that Kittitas County did, on March 10, 2008, deem complete a Conditional Use Permit application, submitted by Louis Musso of Kittitas County Parks & Recreation #1, authorized agent for Back Country Resources LLC, landowner, for the construction and operation of a 5.00 SnoPark in the Rural-3 zone. The property is located in a portion of Section 07, T19N, R15E, WM, in Kittitas County. Map number 19-15-07000-0028.
2. The Board of Adjustment finds that the proposed SnoPark was planned as a condition of approval for the 45.00 acre Evergreen Park Performance Based Cluster Plat (P-06-13), which was approved by Resolution No. 2006-131 (pg. 5, #23).
3. The Board of Adjustment finds that per requirement of Kittitas County Code 15A.03.110, all project actions that are not administratively processed must have a Land Use Action sign posted at the site of the project. On March 25, 2008, the project site was posted and the signed affidavit of posting was returned to CDS.
4. The Board of Adjustment finds that a Notice of Application was published in the official county newspaper of record, the Daily Record, on March 28, 2008 and in the Northern Kittitas County Tribune on April 3, 2008. Said notice was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties on March 28, 2008. The last day to submit written comments was Monday, April 14, 2008 at 5:00pm.
5. The Board of Adjustment finds that pursuant to 43.21C RCW, Kittitas County Community Development Services did, on May 13, 2008, issue a SEPA Determination of Non-Significance. The last day to appeal this decision was Wednesday, May 28, 2008. No appeals were received.
6. The Board of Adjustment finds that a public hearing was held on June 11, 2008 to consider this matter and testimony was taken from those persons present who wished to be heard. The Board also finds that due notice of this hearing was given as required by law, and the necessary inquiry has been made into the public interest to be served by the proposed use.
7. The Board of Adjustment finds that the proposed operation of a SnoPark is listed as a Conditional Use for the Rural-3 zone per Kittitas County Code 17.30.030(2).
8. The Board of Adjustment finds that a road maintenance agreement shall be required which addresses the seasonal use of the road including but not limited to snow plowing, access and maintenance of groomed trails and the ongoing general maintenance of the road. The terms of the Road Maintenance Agreement shall be accepted by the Forest Service prior to the issuance of the Conditional Use Permit.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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9. The Board of Adjustment finds that the proposed Evergreen SnoPark shall be in operation and open to the general public only during the months of October through March and shall be closed and gated during the months of April through September. The hours of operation during the winter months shall be 8:00am to 8:00pm. Only service and maintenance vehicles shall be allowed within the SnoPark boundaries during the closed months.
10. The Board of Adjustment finds that the entire 5.0 acres identified as the Evergreen SnoPark shall be fenced and wildlife friendly fencing shall be utilized. Fencing plans shall be submitted to the Department of Fish & Wildlife and approved prior to issuance of the Conditional Use Permit.
11. The Board of Adjustment finds that all mitigations contained within the SEPA Mitigated Determination of Non-Significance, as issued on May 13, 2008, shall be conditions of approval of this Conditional Use Permit and the Conditional Use Permit shall not be issued until proof that all conditions have been met have been received by Community Development Services.
12. The Board of Adjustment finds that additional conditions **are not** necessary to protect the public's interest.



Stan Bossart, Chairman, Board of Adjustment



Date

IX. SEPA Review

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced within 10 working days (on or before 5:00 PM, Wednesday, May 28, 2008).

Responsible Official: 
Mackenzie Moynihan

Title: Staff Planner

Address: Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506 FAX 962-7682

Date: May 13, 2008

Pursuant to Chapter 15A.07 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 no later than 5:00 PM, May 28, 2008. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.