



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"

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 Failure to do so will result in the preliminary plat being expired and no longer valid.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.