



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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REZONE APPLICATION

Z-07-08

(To change from the existing zone to another zone)

KITTTITAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CALL THE DEPARTMENT IF YOU WOULD LIKE TO SET UP A MEETING TO DISCUSS YOUR PROJECT. INCOMPLETE APPLICATIONS WILL **NOT** BE ACCEPTED.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. THE FOLLOWING ITEMS MUST BE ATTACHED TO THIS APPLICATION PACKET:

REQUIRED ATTACHMENTS

- ADDRESS LIST OF ALL LANDOWNERS WITHIN 300 FEET OF THE SITE'S TAX PARCEL. IF ADJOINING PARCELS ARE OWNED BY THE APPLICANT, THE 300 FEET EXTENDS FROM THE FARTHEST PARCEL. IF THE PARCEL IS WITHIN A SUBDIVISION WITH A HOMEOWNERS OR ROAD ASSOCIATION, PLEASE INCLUDE THE ADDRESS OF THE ASSOCIATION.
- SITE PLAN OF THE PROPERTY WITH ALL PROPOSED: BUILDINGS; POINTS OF ACCESS, ROADS, AND PARKING AREAS; SEPTIC TANK AND DRAINFIELD AND REPLACEMENT AREA; AREAS TO BE CUT AND/OR FILLED; AND, NATURAL FEATURES SUCH AS CONTOURS, STREAMS, GULLIES, CLIFFS, ETC.
- SEPA CHECKLIST

FEE:

\$1725.00 (\$1500 Rezone + \$225 SEPA) to Kittitas County Community Development Services Department

FOR STAFF USE ONLY

I CERTIFY THAT I RECEIVED THIS APPLICATION AND IT IS COMPLETE.

SIGNATURE:

Amber Green

DATE:

6-1-07

RECEIPT #

051403

NOTES:



DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

1. **Name, mailing address and day phone of land owner(s) of record:**

Name: The Ranch on Swauk Creek LLC
Mailing Address: PO Box 808
City/State/ZIP: Cle Elum, WA 98922
Day Time Phone: _____
Email Address: _____

2. **Name, mailing address and day phone of authorized agent, if different from landowner of record:**

Agent Name: Terra Design Group, Inc.
Mailing Address: PO Box 686
City/State/ZIP: Cle Elum, WA 98922
Day Time Phone: (509) 857-2044
Email Address: _____

Jeff Slothower
PO Box 1088
Ellensburg, WA 98926
(509) 925-6916
(509) 925-8093 (fax)

3. **Contact person for application (select one):**

Owner of record Authorized agent

All verbal and written contact regarding this application will be made only with the contact person.

4. **Street address of property:**

Address: Hwy 97 and Bettas Road
City/State/ZIP: Cle Elum, WA 98922

5. **Legal description of property:**

See Attachment A

6. **Tax parcel number:**

19-17-03000-0002

20-17-27030-0007

A portion of 20-17-27030-0005

A portion of 20-17-34000-0006

A portion of 20-17-34000-0002

7. **Property size:**

Total Acreage = 445.69 acres

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

Project Description / Dunford PUD

This is a Planned Unit Development of 445.69 acres.

This proposal will provide for a total of 250 units.

Project size, Location & Description of the Surrounding Area:

This proposal encompasses a total of 445.69 acres that covers a number of parcels. The current land use of these parcels includes an old agricultural barn and associated out buildings, non-irrigated agricultural/pasture land, and timbered land.

The location of this proposal is within Township 20N, Range 17E, Sections 27 & 34 and also Township 19N, Range 17E, Section 3.

Primary access for this property is via State Highway 97 at the intersection of a Kittitas County Road, Bettas Road. A secondary access will be for emergency use only and will have a breakaway gate installed to limit the use of the access to emergency uses only. There may be a third access, which may be a tunnel under Hwy 97 to allow safe access between the Ranch on Swauk Creek PUD and this proposal.

To the north of the subject proposal's boundary, the land has been divided for residential uses; there is also timber lands in this area. These adjacent properties are zoned Agricultural-3 and Forest and Range.

Directly to the east of the subject proposal are timber and rangelands; these adjacent properties are zoned forest and range; beyond that there are commercial forestlands.

Directly to the south of the subject proposal the land consists of residential uses, rangeland, and agricultural lands. All of these properties are zoned Ag-20 or Forest and Range.

To the west of the subject proposal's boundary is Highway 97 and the Ranch on Swauk Creek Planned Unit Development. Beyond this there are a number of residential parcels including Teanaway Heights, timberlands and agricultural lands. The majority of the parcels in this area are zoned Ag-3, but there are a few zoned Ag-20 to the southwest of the subject proposal, which include the Horse Canyon Short Plat and the Horse Canyon Estates Short Plat.

Planned Unit Development

This planned unit development is planned in phases with respect to services and amenities as outlined below.

PHASE ONE (83 units)

Water: Phase One will be provided water from the Hidden Valley Group A Water System that will be serving the Hidden Valley Guest Ranch, Swauk Pines subdivision, and the Ranch on Swauk Creek Planned Unit Development. This Group A Water System is currently being expanded to include this area. The expansion of the Hidden Valley Water System will be approved by the Washington State Department of Health. This phase

will require infrastructure that will service each new lot with water. The first phase of this proposal will contain 83 units of development.

Sewage: Phase One may initially be served by multiple Community Septic Systems. The community septic systems will be designed by a Licensed Designer or Professional Engineer and approved by the Kittitas County Environmental Health Department or by the Washington State Department of Health. These community drain fields will be constructed in such a manner so that they can be absorbed into the design of the Class A Reclaimed water facility. This facility will be constructed to standards mandated by Washington State Department of Health. If the Class "A" Reclaimed Water Facility is already operational at the time Phase One of this proposal begins, then Community Septic System(s) will not be needed and the Class A Reclaimed Water Facility infrastructure will be expanded to allow the reclaimed facility to service these 83 units. This area will be included in the Class "A" Reclaimed Water facility plan that will be approved by the Washington State Department of Ecology and the Washington State Department of Health.

As the volume of sewage effluent increases through out the area that the Class "A" Reclaimed Water system serves including the Hidden Valley Guest Ranch, Swauk Pines subdivision, and the Ranch on Swauk Creek Planned Unit Development to sufficient levels (approximately 10,000 gallons per day), the Class "A" Reclaimed Water System that will serve this area will be constructed to provide for the sewage needs for this as well as the afore mentioned developments. This system is currently in the design process, and is proposed to be operational in 2009 or as required by the volume created by construction on the parcels that have been previously created.

This facility will be constructed to meet the requirements of the Washington State Department of Health and Department of Ecology. This facility will take effluent from the project and treat it to a level that meets or exceeds Class "A" Reclaimed Water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class "A" Reclaimed Water is suitable for many beneficial uses including irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire fighting/protection. The standards for Class "A" Reclaimed Water, established by Department of Health and Department of Ecology, require treatment and disinfections to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria.

The Class "A" Reclaimed Water Facility will have the same coverage area as the Group A Water System that will serve this area as well as Hidden Valley Guest Ranch, Swauk Pines subdivision, and the Ranch on Swauk Creek Planned Unit Development.

Open Space & Use: The total proposal will initially have approximately 40% of the proposal placed in open space. Phase One will begin by designating the total of 178.27 acres of open space. It will be managed as if it were designated under Kittitas County Code 16.09 as it existed on June 1, 2006. The designated open space areas will be throughout portions of tax parcel numbers 19-17-03000-0002, 20-17-34000-0002, 20-17-27030-0005, 20-17-27030-0007 and 20-17-34000-0006. The designation of this large amount of open space throughout the property will help retain the aesthetic and rural quality of the area. This open space land will continue to be used for farming and ranch purposes, for pasture land for horses, cattle and other ranch animals and include various passive and active recreational activities.

Access: The development will be accessed via Highway 97 at the Bettas Road intersection. Once on the property, roads will be developed that meet the Kittitas County Private Road Standards. This access will be designed to meander through the subject property. A secondary access will be planned and proposed for the northwest area of this proposal. This second access to Highway 97 will be located at an existing access point. This second access will be for emergency use only and will have a breakaway gate installed to limit the use of the access to emergency uses only. There may be a third access, which may be a tunnel under Hwy 97 to allow safe access between the Ranch on Swauk Creek PUD and this proposal. If, or when this occurs, the road design and tunnel design will be engineered and designed to Kittitas County Private Road Standards, the AASHTO Manual, and meet the requirements of the Washington State Department of Transportation.

PHASE Two (83 units)

Water: Phase Two will include the next 83 units in the approved PUD. This phase will use the existing Group A Water System that was used for Phase One as it was designed to serve this proposal as well as the Hidden Valley Guest Ranch, Swauk Pines subdivision, and the Ranch on Swauk Creek Planned Unit Development. This phase will require the expansion of the infrastructure that will service each new lot with water.

Sewage: Phase Two may initially be served by a Community Septic System as volumes require. The community septic system will be designed by a Licensed Designer or Professional Engineer and approved by the Kittitas County Environmental Health Department or by the Washington State Department of Health. These community drain fields will be constructed in such a manner so that they can be absorbed into the design of the Class A Reclaimed water facility. This facility will be constructed to standards mandated by Washington State Department of Health. If the Class "A" Reclaimed Water Facility is already operational at the time Phase Two of this proposal is ready to begin, then Community Septic System(s) will not be needed and infrastructure will be expanded to allow the reclaimed facility to service these 83 units.

As the volume of sewage effluent increases to sufficient levels (approximately 10,000 gallons per day), a Class "A" Reclaimed Water System will be constructed to provide for the sewage needs for this planned unit development. This system is currently in the design process, and is proposed to be operational in 2009 as required by the volume created by construction on the parcels that have been previously created.

This facility will be constructed to meet the requirements of the Washington State Department of Health and Department of Ecology. This facility will take effluent from the project and treat it to a level that meets or exceeds Class "A" Reclaimed Water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class "A" Reclaimed Water is suitable for many beneficial uses including irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire fighting/protection. The standards for Class "A" Reclaimed Water, established by Department of Health and Department of Ecology, require treatment and disinfections to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria.

The Class "A" Reclaimed Water Facility will have the same coverage area as the Group A Water System that serves this proposal as well as the Hidden Valley Guest Ranch, Swauk Pines subdivision, and the Ranch on Swauk Creek Planned Unit Development.

Open Space and Use: The passive and active recreational activities, which will be provided in Phase One will also provide the open space for Phase Two which will also serve the completed proposal and could include a trail system throughout the subject property traveling through the development, the timbered land, designated open space areas, and the allowing connectivity to adjoining property. These trails will be for the residents of the development and adjacent lands and could allow for horse trail riding, outdoor riding areas as well as separate bicycle riding paths. The trail system may provide access for picnicking, territorial viewing locations for bird watching and other wildlife viewing within the wooded areas and within the designated open space. There may also be the possibility of formal recreation that may include a community center developed for the use of the residents of this development and could serve as a meeting place, banquet place, etc.

Access: There will be two access points to the second phase of the development. One access will be by the same access as Phase One and the second access will be off of Bettas Road leading to the remaining portion of Phase Two.

PHASE THREE (84 units)

Phase Three will include an additional 84 units. The only expansion needed for this phase will be the expansion of the infrastructure that will deliver the water services to the individual lots from the Group A Water System.

As Phase Three begins to be developed it is anticipated that the Class "A" Reclaimed Water System will be completed and operational. The infrastructure will be expanded to allow the Class A Reclaimed Water facility to service these 84 units. The Class "A" Reclaimed Water Facility will have the same coverage area as the Group A Water System that serves this proposal.

Access for Phase Three will be off of Bettas Road and Hwy 97.

Additional recreation activities may include an outdoor riding arena, a possible winter tubing hill, spa center and activity center with pool, exercise room and locker/changing rooms.

KCC 17.36.030(3): A statement relating the development plan to adjacent development and natural areas;

Currently, the uses within the subject proposal are mostly non irrigated agricultural and timber related. The property has been used for grazing/pasture land for horses, cattle and other ranch animals as it has been used in the past. There is an existing barn with associated outbuildings on the subject property. Timberlands exist on the east side of the subject property and onto adjoining parcels.

To the north of the subject proposal's boundary, the land has been divided for residential uses, there is also timber lands in this area along with lands that have commercial land use designations. Some of these adjacent properties are zoned Agricultural-3 and Forest and Range.

Directly to the east of the subject proposal are timber and rangelands; they are zoned forest and range; beyond that there are commercial forestlands.

Directly to the south of the subject proposal the land consists of residential uses, rangeland, and agricultural lands. All of these properties are zoned Ag-20, Ag-5 or Forest and Range.

To the west of the subject proposal's boundary is Highway 97 and the Ranch on Swauk Creek Planned Unit Development. Beyond this there are a number of residential parcels including Teanaway Heights, timber lands and agricultural lands. The majority of the parcels in this area are zoned Ag-3, but there are a few zoned Ag-20 to the southwest of the subject proposal, which include the Horse Canyon Short Plat and the Horse Canyon Estates Short Plat.

The property that contains this proposal has been used for agricultural type uses and is mostly zoned Agriculture-5, which was approved through Ordinance 2005-37 (Attachment P); a portion of the property is currently zoned Agriculture-3 (Attachment D).

By using the Planned Unit Development zoning option, this proposed project will bring this land into conformance with the adjacent land uses, which are mostly residential and recreational in nature.

The planned unit development zoning option allows for the unique flexibility of creating development concepts with minimal impacts to the land and surrounding properties. These concepts allow for the continuation of the traditional uses of the property and adjacent properties, while preserving the rural character of the area.

The following uses are allowed in the Agriculture – 3 and Agriculture - 5 zones which will not be allowed under the Planned Unit Development zone thus reducing the chance that activities on the property will be materially detrimental to the adjacent properties:

- Public utility buildings, pumping plants and substations;
- Commercial greenhouses and nurseries;
- Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of a public street or highway;
- Airport;
- Processing of products produced on the premises;
- Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;

- Gas and oil exploration and construction;
- Room and board lodging involving no more than four boarders or two bedrooms;
- Feed mills, canneries and processing plants for agricultural products;
- Kennels;
- Livestock sales yard;
- Sand and gravel excavation, provided that noncommercial excavation shall be permitted for on-site use without a conditional use permit;
- Stone quarries;
- Auction sales or personal property, other than livestock;
- Log sorting yard;
- Feedlot. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulation contained herein;
- Home occupations which involve outdoor work or activities or which produce noise, such as engine repair;
- Day care facilities;
- Farm labor shelters, provided that:
 - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
 - b. The shelters must conform with all applicable building and health regulations;
 - c. The number of shelters shall not exceed four per twenty acre parcel;
 - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
 - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements.

The above uses will not be allowed in this Planned Unit Development thereby protecting the adjacent properties and the properties in the immediate vicinity from uses allowed within the current zoning of the property.

This planned unit development will incorporate the designation a minimum of 178.27 acres of open space throughout the property. This open space land will continue to be used for farming and ranch purposes, for pasture land for horses, cattle and other ranch animals and include various passive and active recreational activities. This open space will also preserve and allow the continued use of recreational activities to occur within the area. Furthermore the open space designation will provide for further protection of the old Dunford Barn that is located on this property along with the preservation of the 1 acre McCallum Cemetery site.

KCC 17.36.030(4): A statement of the developer's intent with regard to providing landscaping and retention of open spaces;

Landscaping of portions of the project will be designed to use naturally occurring vegetation where applicable and continue pasture and hay production on a portion of the open space. Some landscaping around the recreation areas of the property will use vegetation that is not naturally occurring. The Covenants, Conditions and Restrictions will include the entire proposal's acreage and will require that the bulk of the landscaping be native vegetation with in the developed portions of the property, which will also provide for more open space that could be incorporated with trails and used to support habitat for native wildlife. This planned unit development proposal will designate a minimum of 40% of the land into open space for perpetuity, constituting a minimum of 178.27 acres.

KCC 17.36.030(5): A statement outlining future land ownership patterns within the development including homeowners associations if planned;

This Planned Unit Development will consist of a mix of ownerships, individual lot owners, community owned land, owners with an undivided interest in the land, and jointly owned land. As allowed under the planned

unit development, ownership may range from all residential uses, multifamily residences to condominiums where there could be undivided interest in the underlying property and associated open space and other amenities associated with said attached and detached housing. At this time, it is planned that there will be one all encompassing Homeowners Association for this proposal.

KCC 17.36.030(6): Proposed water supply, storage and distribution system, sewage disposal/treatment plan, solid waste collection plan;

Water:

Within this Planned Unit Development there will be three phases of development. As stated above the Hidden Valley Group A Water System will be expanded to serve this entire proposal with water.

Sewage:

Initially, Community Septic System(s) may serve the proposal. The community septic system(s) will be designed by a Licensed Designer or Professional Engineer and approved by the Kittitas County Environmental Health Department or by the Washington State Department of Health. These community drain fields will be constructed in such a manner so that they can be absorbed into the design of the Class "A" Reclaimed water facility that will service this proposal. This facility will be constructed to standards mandated by Washington State Department of Health. If the Class "A" Reclaimed Water Facility is already operational at the time Phase One of this proposal begins, then Community Septic System(s) will not be needed and infrastructure will be expanded to allow the reclaimed facility to service the units.

As the volume of sewage effluent increases to sufficient levels (approximately 10,000 gallons per day), a Class "A" Reclaimed Water System will be constructed to provide for the sewage needs for this planned unit development as well as the Hidden Valley Guest Ranch, Swauk Pines subdivision, and the Ranch on Swauk Creek Planned Unit Development. This system is currently in the design process, and is proposed to be operational in 2009 as required by the volume created by construction on the parcels that have been previously created.

This facility will be constructed to meet the requirements of the Washington State Department of Health and Department of Ecology. This facility will take effluent from the project and treat it to a level that meets or exceeds Class "A" Reclaimed Water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class "A" Reclaimed Water is suitable for many beneficial uses including irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire fighting/protection. The standards for Class "A" Reclaimed Water, established by Department of Health and Department of Ecology, require treatment and disinfections to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria.

KCC 17.36.030(7): Documentation from the planning department that environmental review (SEPA) has been completed;

SEPA will be completed as part of this Planned Unit Development request. Also a Sepa has been completed on portions of this project that was rezoned to Agriculture-5 (September 7, 2005).

KCC 17.36.030(8): Statement of planned residential (housing) densities expressed in terms of living units per building and per net acre (total acreage minus dedicated rights-of-ways).

The proposed density for the project is 250 units or 1 unit per 1.8 acres.

9. What is the present zoning district?

Agricultural - 3

Agricultural – 5

10. What is the zoning district requested?

Planned Unit Development

11. Applicant for rezone must demonstrate that the following criteria are met (attach additional sheets as necessary):

A. The proposed amendment is compatible with the comprehensive plan.

This rezone is consistent with the Rural Lands (Chapter 8) of the Kittitas County Comprehensive Plan, which allows for a variety of rural densities ranging from 3 acres to 20 acres.

The property is within the land use designation of “Rural Lands” as described in Chapter 8 of the comprehensive plan. The proposed rezone meets the general policies and objectives of the Rural designation of the Kittitas County Comprehensive Plan, specifically:

- GPO 8.13 dealing with rural sprawl caused by large lot zoning.
- GPO 8.5, 8.9, 8.11 & 8.13. The rezone also complies with non-resource agricultural land and rural residential policies.
- GPO 8.30 and 8.46, 8.47, 8.49, 8.50, 8.51, 8.53, 8.56, 8.60.

GPO 3.14: “Designate high-density residential land use zones such as PUDs, cluster development, and MPRs outside of Urban Growth Areas and Urban Growth Nodes.”

(Please see Attachment G for complete wording of the GPOs).

According to RCW 36.70A.030(16)(Attachment F): “Rural Development refers to development outside of the urban growth area and outside agricultural, forest and mineral resource lands designated pursuant to RCW 36.70A.170.” The subject properties being rezoned are not designated as resource lands. RCW 36.70A.030(16) states, “Rural development can consist of a variety of uses and residential densities, including clustered residential development.”

Is also consistent with the Kittitas County County-Wide Planning Policies, which allow PUD’s in the rural areas. See Attachment H

The proposed rezone is compatible with the Kittitas County Comprehensive Plan.

B. The proposed amendment bears a substantial relation to the public health, safety or welfare.

Though this application is only required to show a substantial relationship to one of the above, this project bears a substantial relationship to each of the following:

In regards to the Public Health; the county has adopted the high population projections as provided by the Washington State Office of Financial Management to guide growth in the county for the next twenty years (Attachment N). These projections provide for substantial growth in the county outside of the cities, the UGAs and the UGNs.

One of the main concerns in regards to Public Health in the county, expressed by Kittitas County Citizens, the Department of Ecology, the County, and Upper County Cities, is the continued development of unmonitored, untested and uncontrolled exempt wells. Every new exempt well that is drilled increases the possibility of aquifer pollution, reduction of the usable aquifer, and the possibility to interfere with existing water rights.

This entire proposed project will be placed within and served by the Hidden Valley water system, which is a Group A Water System that currently meets the Department of Health’s requirements and has been approved by the Department of Health. The applicant of this proposal has ownership of both ground and surface Senior

Water Rights. A small portion of these water rights will be used to provide for the domestic water needs of this proposal. Group A Public Water Systems provide greater public health protection than individual exempt wells or Group B water systems due to increased federal and state testing requirements. By approving this application, a portion of the county's projected growth will be directed from other rural areas of the county where multiple individual exempt wells could be drilled to serve multiple homes and population, to this area where a Group A Water System already exists. This redirection of the population growth from areas that may require the development of individual exempt wells to an area served by an existing and approved Class A Water System with Senior Water Rights bears a substantial relation to the public, health, safety, or welfare.

Another of the main concerns regarding Public Health in the county is that with the continued growth in the rural areas of the county, there is an increase in use of individual septic systems that could pollute the aquifer and/or surface waters of the Upper Yakima River basin. Kittitas County Citizens, County Government, Washington State Department of Health, Washington State Department of Ecology, and the Upper County Cities have expressed this view. An additional benefit to the Public Health is that this project provides a reduction of individual septic systems constructed throughout the county by providing community drain fields followed by a Class A Reclaimed Water Facility.

A Class "A" Reclaimed Water System will be constructed to provide for the sewage needs for this planned unit development. This system is currently in the design process, and is proposed to be operational 2009 as required by the volume created by construction on the parcels that have been previously created.

This facility will be constructed to meet the requirements of the Washington State Department of Health and Department of Ecology. This facility will take effluent from the project and treat it to a level that meets or exceeds Class "A" Reclaimed Water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class "A" Reclaimed Water is suitable for many beneficial uses including irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire fighting/protection. The standards for Class "A" Reclaimed Water, established by Department of Health and Department of Ecology, require treatment and disinfections to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria.

The Class "A" Reclaimed Water Facility will have the same coverage area as the Group A Water System, which includes the Hidden Valley Guest Ranch, Swauk Pines subdivision, the Ranch on Swauk Creek Planned Unit Development and this proposal.

This project provides at least three Public Safety benefits:

1. This proposal will be using an expanded Group A Water System. The water system is called the Hidden Valley Group A Water System and will be designed with enough capacity to serve the Hidden Valley Guest Ranch, Swauk Pines subdivision, the Ranch on Swauk Creek Planned Unit Development and this current proposal. The infrastructure will need to be expanded to provide water service to this proposal.
2. The Hidden Valley Water System will be designed to provide fire protection to the Hidden Valley Guest Ranch, Swauk Pines subdivision, and the Ranch on Swauk Creek Planned Unit Development and the current proposal. Approval of this application will allow the redirection of a portion of the projected population growth from other rural areas of the county which has no fire suppression storage, no ability to deliver fire fighting water, and no fire hydrants to an area that will provide fire hydrants with adequate fire flows.
3. In addition, this proposal will provide safe year round access for health and personal safety emergencies on paved and well maintained private roads. Under Kittitas County Road Standards, the roads for this proposal must meet or exceed private road standards and will be constructed to a higher standard and provide greater public safety than is typically found in other rural areas of the county. These improved roads not only reduce the risks to individual users, but also reduce the risks to the community at large. This is because county resources such as police, fire, and ambulances are able to serve these residences more efficiently than the same number of residential units spread out over a larger area of three to twenty acre tracts in other rural portions of the county.

There is a higher potential for fire to get out of hand in an area without adequate water supplies or without

easy access than there is in an area that meets or exceeds the State and County requirements for fire flows and road access. Any of the above mentioned components of the project by themselves meets the criteria for providing Public Safety benefits and combined, provide a standard that cannot be achieved in many other areas of the rural county.

The Public Welfare of the county will also be benefited by approval of this proposal. As stated above, the County has adopted the high population projections as provided by the Washington State Office of Financial Management. These projections provide for substantial growth in the county outside of the Cities, UGAs and UGNs. The county, through its adoption of the Kittitas County Comprehensive Plan, has provided for growth within the Rural Lands of the county. With the adoption of the current population projections, the county has determined that 18.5% of the population growth shall take place within these Rural Lands. This project will provide residential units within the Rural Lands with sophisticated water and sewer systems. In addition, this project provides for recreational opportunities within the boundaries of the project for its residents thereby reducing the pressures on the Federal, State, County, and City's recreational facilities. The provided recreational opportunities and recreational facilities will be privately funded, reducing the public funding of recreational facilities and recreational opportunities.

Another benefit to the Public Welfare is that the applicant will designate a minimum of 40% of the land into open space in perpetuity therefore designating a minimum of 178.27 acres of open space that will preserve the existing farm and ranch lands and operations of the property. Subsequent benefits include wildlife protection corridors; pedestrian trail systems; open space and recreational opportunities.

Again, speaking directly to the issue of this proposed amendment bearing a substantial relation to the welfare of Kittitas County this proposal stops, forever on the land that is dedicated to open space, the continued conversion of productive ranching operations into residential housing has happened along the Hwy 97 corridor and throughout the Swauk and Teanaway Valleys. The open space land that is provided for in this proposal will be managed as open space under Kittitas County Code 16.09 as it existed on June 1, 2006. This proposal provides for the continuation of the view shed of the Hwy 97, Bettas Road, and Swauk Valley corridors. One only needs to look up the west side of the mouth of the Teanaway River Valley to see how commercially productive farmland that used to protect the view shed has been converted into residential uses. This phenomenon has already taken place further east along Bettas Road and Hwy 97; you can also see this type of conversion to the northwest of the proposal along Ranch Road, which used to be the Hartman farmland.

Again, as stated above to meet this criteria, "The proposed amendment bears a substantial relation to the public health, safety, or welfare" only one substantial relation needs to be shown and this proposal clearly provides benefits to all three elements; the public health, safety, and welfare of the county.

C. The proposed amendment has merit and value for Kittitas County or a sub-area of the county.

The proposed rezone of the property provides merit and value to Kittitas County, as it will add to and increase the tax base while minimizing the impacts to its operational costs. The Planned Unit Development will provide private roads, private utilities and private recreational opportunities for its residents as it increases the tax base for the county.

A recent small study of a developed Planned Unit Development in Upper Kittitas County showed that the development produced in excess of \$500,000.00 in tax revenue. In addition, the study found that the development created over \$222,000.00 in tax revenue for the local and state schools within a 6-year period (Attachment I).

Kittitas County has adopted the high population projections as provided by the Washington State Office of Financial Management to guide growth in the county for the next twenty years. It can be predicted, based on these population projections that a large portion of this population growth as well as most of the growth of the second home market will be occurring in the Rural Lands of the county. There is merit and value in directing this growth to a location that can provide the services that will substantially reduce the impact to the environment through state of the art utility systems. This is done as stated above by providing for a Group A Water System and a Class "A" Reclaimed Water Facility as well as providing for large open spaces and buffers between the existing population and the anticipated growth in the population. By situating a portion of the anticipated growth in this area with these services, open spaces, and buffers increased merit and value

for Kittitas County occurs.

In addition, this rezone to a planned unit development will limit rural sprawl, which is a goal under the Kittitas County Comprehensive Plan GPO 8.13, which states “Methods other than large lot zoning to reduce densities and prevent sprawl should be investigated.” This is done by removing the potential for development of the rangeland and agricultural lands on the valley floor to the hill above these lands where it will be clustered thereby removing growth and development pressure, not only from this property but also from other lands within the county. As provided for as a goal in the Kittitas County Comprehensive Plan, this proposal limits rural sprawl therefore providing merit and value to Kittitas County.

Furthermore, this proposal substantially creates merit and value for Kittitas County by designating 40% or 178.27 acres of property into open space for perpetuity.

It is clear that by providing an increased tax base, privately funded roads, privately funded recreation facilities, privately funded utilities that provide for fire protection, environmental enhanced sewage treatment, limiting rural sprawl, and creating/preserving open space, this proposal provides merit & value to Kittitas County.

D. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.

Though a proposal need only meet one of the criteria above; this proposal meets all three criteria contained in the above statement as demonstrated by the following:

First, there has been a substantial change in circumstances: For over 100 years this property has been used as part of a working farm, cattle and horse ranch. Over the past 10 years the ranch land surrounding the property has been converted to other uses mostly being residential and recreational. A portion of the ranch was taken by the State of Washington for the development of Highway 97. The ranch is divided by State Hwy 97, which has become increasingly more traveled causing logistical problems with the day-to-day operation of the cattle ranch. It has become quite dangerous to drive cattle on the hoof to the various remaining pastures and in fact at most times in the past few years the cattle have had to be placed in a cattle trailer to be moved between pastures. This action caused increased costs, which the working cattle ranch has to absorb. Much of the land around the existing ranch is being developed for residential and recreational uses, which are also causing impacts to the ranch operation. A further negative impact to the ranching and cattle operation is the sale of much of the adjacent properties. Directly to the east of the property lies 3,000 acres of land that was owned by the Boise Cascade Corporation. The land was used for many years as additional grazing land to supplement the grazing on the ranch. Further, the majority of the property that has been part of this farming and ranching operation, has been rezoned and is now a planned unit development. Additionally, a wind farm has been proposed on both sides of Hwy 97 and the Bettas road area, which is currently under the review of the Washington State Governor for approval. If approval is granted, this wind farm will create an additional major change of circumstance.

The future of cattle ranching in the upper county is very limited. To continue their family business of cattle ranching, the previous owner found that they had to move a portion of their operation out of state where they could purchase large parcels of land that would help to guarantee the continuation of the family cattle ranch operation. The establishment of this PUD and the associated open space that is being created through the PUD will allow the working farm that lays in the bottom of the Swauk Valley to continue its operation. Without the PUD designation for this land, the highest and best use of this property will be to divide the subject property into five acre lots, as allowed under the current zone, and sell it for the development of residential housing units.

In addition to the above changed circumstances there is a need for additional property in the proposed zone as this proposed zone will allow the creation of open space which will provide for the continued operation of the farm – ranch while allowing residential development to occur outside of the flat lands of the Swauk Valley.

The proposed zone is appropriate for reasonable development of the subject property because as stated above

this proposed zone will allow the creation of open space which will provide for the continued operation of the farm – ranch while allowing residential development to occur outside of the flat lands of the Swauk Valley. In addition, this zone will allow the use of an expanded Group A Water System and a new Class A Reclaimed Water System, which is an environmental benefit to its residents and the county as a whole.

In addition to the above the following has also affected the property:

- **In 1992, Forest Range property was zoned from 1-acre minimum lot size to 20-acre minimum lot size.**
- **The Comprehensive Plan was created in 1972, amended in 1996 amended again in 1997 to include Rural Lands, which this land is designated and in 2006 it went through the required 10-year update process.**

As this proposal is only required to meet one of the above criteria and as shown meets all of the criteria it is clear that the proposal meets and exceeds the requirements of this section.

Further, this amendment is appropriate because of a need for additional property in the proposed zone as follows:

- **This zone provides the needed tools for this property to have the ability to cluster housing densities in areas to protect and preserve existing ranchland allowing the continuation of ranching activities.**
- **This zone provides the needed tools to cluster densities in order to protect wildlife habitat and allow for the continuation of wildlife corridors.**

As stated above “The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.” There is only a need to meet one of the criteria listed, but; it is clear by the above information that the proposed amendment meets or exceeds each one of this section’s requirements.

- E. The subject property is suitable for development in general conformance with zoning standards for the proposed zone.

The proposed PUD zone is only one of two planning tools available at this time, that will allow for the creation of open space for the continued preservation of the Hwy 97 and Bettas Road corridors, while allowing for the residential development that will provide the funding for continued operations of the historical use of this property. With out this zoning the farm-ranch lands, over a period of time, will be subdivided in to residential housing lots, as allowed under the current Agricultural – 3 and Agricultural - 5 zoning designations. This would continue the trend that has already occurred to the adjacent farm and other farms in the region.

Further, this property is suitable for development in general conformance with zoning standards for the proposed zone as supported by the Kittitas County County-Wide Planning Policies. Under Contiguous and Orderly Development #4 Policies B, C, D and #5 Policies A & B, they clearly support that planned unit developments can be established to foster the efficiency of infrastructure expansions, the creation of planned unit developments outside of urban growth areas and nodes can allow for provisions such as the protection of wildlife corridors, preservation of critical areas, the creation of pedestrian trails (Attachment H).

By designating this property as a planned unit development, the uses that are allowed within this zone also create the flexibility to achieve the goals of the Kittitas County County-Wide Planning Policies, Kittitas County Comprehensive Plan and GMA 36.70A by allowing innovative development techniques to occur, such as the Planned Unit Development (PUD). The PUD allows you to maximize your land use capabilities for efficiency of utilities, densities, housing structures, open space areas and preservation of land therefore creating a more appealing and livable community.

F. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.

The proposed rezone is consistent with and characteristic of the existing development in the immediate vicinity of the subject properties. The proposed zone change will enhance the surrounding properties by maintaining the Hwy 97, Bettas Road and Swauk Valley corridors. In addition, this property would enhance the ongoing farming and operation of the ranch lands adjacent and to the west of this property.

Further, the residential developed portions of the property will have large buffers of undeveloped land between it and the other properties in the surrounding area.

The property to the north of the proposal is a mixture of residential lots and timberlands. This proposal will not be materially detrimental, as the residential housing units will be placed appropriately on the property, eliminating impacts to the adjacent property owners.

The land to the east will be buffered by the existing tree line that will be protected in this proposed project and the land to the east of this proposal is up hill from the proposal so no views will be blocked. Currently, the land east of this proposal is vacant land.

The land to the south of the proposal will be mainly buffered by open space as provided for by this Planned Unit Development.

To the west of this proposed PUD zone lies undeveloped land that will be buffered by the open space that the PUD creates and also joins with the approved Ranch on Swauk Creek PUD. Care will be taken to ensure that there will be connectivity between the open space areas.

G. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.

No irrigation water deliveries to other properties will be affected or impacted by this proposed project.

12. 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.

Signature of Authorized Agent:

x Chad E Bala

Date:

6-1-07

Signature of Land Owner of Record

(Required for application submittal):

x [Signature]

Date:

6-1-07