

6/27/06

## Evergreen Park Plat P-06-13 Comments

The Evergreen Park Plat application for 14-lot Performance Based Cluster Plat pursuant to Kittitas County Code 16.09 on 45 acres of R-3 zoned land should be denied or remanded back to CDS for the following reasons:

- A Moratorium of all new applications intending to use the Kittitas County Performance Based Cluster Plat Code 16.09 was enacted by the County Commissioners on 6/20/06. Although this application was filed prior to the moratorium, the recognition of the inadequacies of the code in meeting its stated goals and its non-compliance with the GMA relating to allowing inappropriate urban type densities in Rural lands shows that this current application and its use of code 16.09 is inappropriate and challengeable because non-compliance with the GMA. The moratorium on Code 16.09 may only affect future applications but the points it is based on still apply to vested applications and Code 16.09 is still a poorly written code when applied to smaller acreages zoned at three and five acre lot minimums.
- Code 16.09 was designed for large lots generally greater than 100 acres; this application exploits the intent of the code by creating urban type densities in Rural Lands while not creating any significant open spaces which further the public benefit intended by the creation of the code.
- The Rural-3 zoning code while allegedly in compliance with the KC County Comprehensive Plan, is not in compliance with the KC County Comprehensive Plan nor the GMA which states that less than five acre lots are not appropriate in Rural Lands. By applying code 16.09 to this R-3 property and creating one acre lots allows urban densities in the Rural Land designation which is not in compliance with the GMA which also makes this plat challengeable on this issue
- The SEPA MDNS states that prior to the transfer of the property to any individual or entity, a conditional use permit for the sno-park must be acquired and approved. This implies that this will be a private sno-park since conditional use permits are required for private trail clubs, motorcycles and snowmobiles. So what is the benefit to the public if this is a private sno-park. The public is being forced to improve the infrastructure of the county in response to the increases in densities created by these types of development yet little return benefit is being realized when Performance Based Cluster Platting is applied to these smaller properties. This sno park is an example of this. Will the general public have access to this and also the adjacent landowners may have negative impact on their enjoyment of their rural life style by the placement of this park next to their properties. You will note that this "public benefit" is located as far away from the

Exhibit No.: D  
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Date: 7-25-06  
Submitted by: PAULA THOMPSON

proposed housing lots, presumably because the future owners would not look kindly on a noisy, dirty parking lot by their properties.

- The application states that there is a 20.75 acre residual parcel but does not explain its relationship to the cluster platting of the whole 45 acres. Are these 20.75 acres subject to future development? Is the County allowing a loophole for the development of these 20.75 acres in the future? You must disclose the disposition of this 20.75 acre parcel relative to this cluster plat request on how it relates to the public benefit! In Item 7 under background the applicant states that the residual parcel may be developed in the future. The density bonus has calculated for the whole 45 acre including the 20.75 residual parcel. There is not double dipping allowed in the performance based cluster code. If future development of the residual 20.75 is allowed then a total of 26 lots on 45 acres would allow lots of 1.73 acres which means double dipping would create urban densities in rural lands with negligible public benefit. This in direct opposition to the GMA. It is the applicant choice to plan his cluster plat this way to take advantage of the exempt well which only allows up to 14 hookups and earning points for this for this 45 acres. He does not get to make up in the future his "loss" of his maximum potential lots by then developing the residual parcel in the future. This is in direct opposition to Washington State water law which in a single development which this 45 acres should considered as which requires anything greater than 14 lots on this 45 acres require a Class A well with an appropriate approved domestic water right. This double-dipping potential for residual acreages should not be allowed
- The 11.25 acres identified as open space is also suspect in its conformance to Code 16.09. The roadway accessing the "sno-park" and other roadways can not be included into the open space total because Code 16.09.100 open space definition excludes roadway surfaces from open space designation. The buffer area around the sno park includes the required set back from adjacent property owners should not be included as open space as it is required by code as building set back specifically not allowed in the performance based cluster code.
- The applicant is not providing access to USFS lands since the property does not border USFS lands. Any future connectivity to USFS trail systems need to be spelled out now as to how this will occur before points on the public benefit rating system are allotted. Easements to USFS lands through neighboring properties is lacking so the public benefit of connectivity is suspect. The upper county parks district has indicated there is an intent to deed the sno-park to their organization; where is this information is the plat application. Is this true, does the public have assurance of use of the sno-park in return for public benefit points?
- Approval of a preliminary plat is the only time the public has a right to appeal the subdivision and the public therefore must be assured that these easements and rights of way, future ownership intent, disposition of residual parcel, etc. are in



place and will in fact be doable at final plat stage. It is the public's right to know that is the issue here.

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Paula J Thompson DVM

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Paula J Thompson DVM