

Exhibit "A"

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF
RZ-07-17 & SP-07-168)	LAW, DECISION AND
Ronald PUD)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on June 23, 2011, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. Terra Design Group and Jeff Slothower, authorized agents for Teanaway Ridge, LLC, landowners submitted an application for a zone change of 21.13 acres from Rural-3 and General Industrial to Planned Unit Development and an associated short plat of 88.29 acres into two lots. (Staff report)
2. The applicant is Teanaway Ridge LLC, Ronald Mill Site II & IV Inc. PO Box 808, Cle Elum, WA 98922. The contact person is Terra Design Group, Inc., PO Box 686, Cle Elum, WA 98922. (Application materials)
3. The project is proposed to be served by a Group "A" Public Water System and community on-site septic systems with an eventual Class "A" Reclaimed Water System as sewage effluent increases to sufficient levels (approximately 10,000 gallons per day). (Staff report)
4. The property is located west of Ronald at milepost 8 on SR 903, Ronald, WA. The property is located in Section 12, T20N, R14E, WM in Kittitas County. Map numbers 20-14-12010-0002, 20-14-010-0004 and 20-14-12010-0011. (Staff report)
5. Site Information:

Total Project Size:	21.13 acres
Number of Lots:	2
Existing zoning district	Rural 3 & General Industrial
Proposed zoning district	PUD
Domestic Water:	Group A Public System

Sewage Disposal:	Community on-site septic systems with an eventual Class "A" Reclaimed Water System
Power/Electricity:	Puget Sound Energy
Fire Protection:	Kittitas County Fire District #6
Irrigation District:	N/A

(Staff report)

6. Site Characteristics: The site is in mountainous terrain. (Staff report)

7. Surrounding Property:

North: Vacant/Recreational
South: Commercial
East: Recreational/Residential
West: Residential

(Staff report)

8. The Comprehensive Plan designation is Rural. (Staff report)

9. The subject property is zoned Rural 3, which allows for 3 acre minimum lot size and General Industrial which has no minimum lot size. (Staff report)

10. Application for the Rezone was received on October 8, 2007 and the Preliminary Short Plat application was received on December 31, 2007. The application was deemed complete on March 14, 2008. The application was deemed complete on March 14, 2008. (Staff report)

11. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner on April 10, 2008. (Staff report)

12. The Notice of Application was issued on April 14, 2008. Said notice was published in the official county newspaper of record and was also mailed to jurisdictional government agencies, adjacent property owners as required and other interested parties. The last day to submit written comments was May 16, 2008. (Staff report)

13. Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on May 6, 2010 in accordance with WAC 197-11-355 (Optional DNS process). There were no appeals filed. (Staff report)

14. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The project will be served by a Group A Public System. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found areas of steep slopes on the subject property. (Staff report)

15. This proposal is consistent with the provisions of KCC 16.32 Short Plat Subdivision Code. The application contained all required elements necessary to review this proposal with the exception of soil logs and water availability, which will be required prior to final plat approval. All proposed

- lots meet the dimensional standards of KCC 17.36 for lots zoned PUD. This proposal is consistent with the Kittitas County Code 16.32.050 in making recommendation as to the adequacy of the proposed road system, the proposed sewage disposal and potable water supply system and fire protection facilities within the subdivision. (Staff report)
16. The private roads within the project are required to meet all Kittitas County Road Standards as outlined in the memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Staff report)
 17. The following agencies provided comments during the comment period: Department of Ecology, Department of Transportation, Department of Archaeology & Historic Preservation, Yakama Nation, City of Roslyn Kittitas County Public Health and Kittitas County Department of Public Works. These comments have been included as recommended conditions of approval to address the agency concerns. (Staff report)
 18. Four (4) individual landowner submitted comments during the comment period and these comments have been included as an exhibit in the Hearing Examiner packet and were considered in making the SEPA threshold determination. (Staff report)
 19. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval. (Hearing Examiner finding based on the record)
 20. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)
 21. The Kittitas County Community Development Services recommended approval of this permit(s), subject to the recommended conditions of approval. (Public hearing record)
 22. An open record public hearing after due legal notice was held on June 23, 2011. (Open record public hearing)
 23. Admitted into the record were the following exhibits:
 - 23.1 Exhibit 1: Rezone application & SEPA Checklist submitted October 8, 2007 Short Plat application submitted December 31, 2007.
 - 23.2 Exhibit 2: Affidavit of Posting 4/10/08.
 - 23.3 Exhibit 3: Notice of Application 4/14/08.
 - 23.4 Exhibit 4: Comments from Dept. of Ecology 5/8/08.
 - 23.5 Exhibit 5: Comments from the Yakama Nation 5/2/08.
 - 23.6 Exhibit 6: Comments from Dept. of Archaeology & Historic Preservation 5/13/08.
 - 23.7 Exhibit 7: Comments from WSDOT 5/15/08.
 - 23.8 Exhibit 8: Comments from the City of Roslyn 5/12/08.
 - 23.9 Exhibit 9: Comments from Kittitas Co. Public Works 6/3/08.
 - 23.10 Exhibit 10: Comments from James & Juliann Boyle 5/12/08.
 - 23.11 Exhibit 11: Comment e-mail from Deidre Link 5/13/08.
 - 23.12 Exhibit 12: Comments from Martin & Cindy Fox 5/13/08.

- 23.13 Exhibit 13: Comments from Barbara Raabe 5/14/08.
 - 23.14 Exhibit 14: Correspondence from Terra Design Group to CDS 9/8/09.
 - 23.15 Exhibit 15: Notice of Decision SEPA Action and MDNS 5/6/10.
 - 23.16 Exhibit 16: Dept of Ecology approval of Evergreen Valley Utilities Engineering Report 6/26/08.
 - 23.17 Exhibit 17: Dept of Health approval of Evergreen Valley Utilities Engineering Report 3/18/08.
 - 23.18 Exhibit 18: Dept of Health approval of Evergreen Valley Utilities Revised General Sewer Plan 11/6/06.
 - 23.19 Exhibit 19: Dept of Ecology approval of Evergreen Valley Comprehensive Sewer Plan 10/17/06.
 - 23.20 Exhibit 20: Dept of Health Approval of Roslyn Ridge Large On-Site Sewage System 5/5/11.
 - 23.21 Exhibit 21: Notice of Public Hearing.
 - 23.22 Exhibit 22: Hearing Examiner Staff Report.
 - 23.23 Exhibit 23: Map of 20-Year Hydraulic Analysis.
 - 23.24 Exhibit 24: Large On-Site Septic Approval Letter and Mapping.
 - 23.25 Exhibit 25: Evergreen Valley Utilities Reclaimed Water Treatment Collection System Map.
 - 23.26 Exhibit 26: Cle Elum River Trails PUD Amendment Withdrawal.
 - 23.27 Exhibit 27: Kittitas County Ordinance 2009-25.
(Open record public hearing)
24. Appearing and testifying on behalf of the applicant was Chad Bala of Terra Design Group. Mr. Bala testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Bala testified that they agreed with all representations contained within the staff report and all of the proposed conditions of approval. Mr. Bala presented Exhibits 23 through 27 which were admitted into the record. Mr. Bala's testimony basically restated representations contained within their application materials. (Open record public hearing testimony)
25. Testifying from the public was James Boyle. Mr. Boyle testified in opposition to this project. Mr. Boyle testified that because of the elimination of the Growth Node for this area, that the application should be refilled to give the public an opportunity to comment. Basically, Mr. Boyle was in objection to a new town, at least the size of Roslyn, Washington, being created by this project. He asked that the application be "tabled" until the public has additional time to study this project. (Open record public hearing testimony)
26. Also testifying was Shannon Cernick. Ms. Cernick testified that she agreed with the testimony of Mr. Boyle. Her primary concerns related to traffic on SR 903. Her concerns with traffic centered on increased vehicles on the roadway due to the hotels and other residential units. She also had concerns about winter traffic due to narrowing of the roadway due to snow storage. (Open record public hearing testimony)

27. Ms. Cernick had concerns regarding the project's water availability and quality. She had concerns about whether or not the sewer storage would be open. She had concerns about the potential for wildfires and evacuation on SR 903. She was concerned about her quality of life in what she has described as a quiet, remote area that the character of which will be changed by this project. (Open record public hearing testimony)
28. Mary Bator testified in opposition to the project. Ms. Bator reiterated previously stated concerns regarding water, sewer, traffic and fire. She requested that there be an archaeological study on the subject property so that archaeological remnants on the property would be located before ground disturbing activities. (Open record public hearing testimony)
29. Jill Gunderson testified in opposition to the project. She stated that she lives in Cle Elum River Trails which she described as a quiet area. She is concerned about fire danger and evacuation issues. She is opposed to this "planned community" and believes her neighbors feel the same way. (Open record public hearing testimony)
30. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located. (Hearing Examiner finding based on the record)
31. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval. (Hearing Examiner finding based on the record)
32. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities. (Hearing Examiner finding based on the record)
33. The proposal will be completed in two phases as follows:
 - 33.1 The initial part of Phase 1 will be the designation of 10% of the total proposed area as open space in perpetuity. This will help insure that the open space is linked with the open space in the adjacent properties. At this time the trails will also be established making sure they connect to the existing trails on adjacent property. The residential units will be built during the first stage and they may include single-family, multi-family and condo/stacked flat units. It is proposed that the total unit range for Phase 1 will be 30 to 238 units. Water is already established for this proposal, as the Evergreen Valley Group A water system will serve this property since it is located within the service area. It is anticipated that the reclaimed water facility will be operational at construction of this proposal. If it does not meet the effluent demands as described in the application materials at the time of construction, then the residential units will be served by community septic systems. (Application materials, staff report and open record hearing testimony)
 - 33.2 Phase 2 will consist of the possibility of the development of a hotel on a portion of the subject property. It is not clear at this time as to the actual perimeters of this possible hotel building. Prior to starting Phase 2, the applicant will work closely with Kittitas County to determine sizing, setbacks, number of parking spaces and other facilities or requirements needed to develop a hotel. If it is decided that a hotel scenario is not the best use for this area, then single-family, multi-family and/or condo/stacked flat units will be developed in

the same manner as Phase 1. It is proposed that the total unit range for Phase 2 will be 12 to 100 units. (Application materials, staff report and open record hearing testimony)

34. The proposed rezone amendment is compatible with the comprehensive plan as follows:
- 34.1 This rezone is consistent with the Urban Residential Land Use (Chapter 2) of the Kittitas County Comprehensive plan which allows for a variety of rural densities. (Application materials and staff report)
 - 34.2 The property is within the land use designation of "Urban Residential" as described in Chapter 2 of the comprehensive plan. The proposed rezone meets the general policies and objectives of the Urban Residential Land Use designation of the Kittitas County Comprehensive plan, specifically. (Application materials and staff report)
 - 34.3 GPO 2.92C: "Encourage and accommodate future expansion of utilities and roadways for urban densities." (Application materials and staff report)
 - 34.4 With this proposal being within the existing Urban Growth Node and designated as urban residential further supports this goal, policy and objective. This proposal is already within the service area of the existing and operating private Evergreen Valley Water System that has the capacity to serve this proposal along with additional fire hydrants etc. and the Class A Reclaimed Water Plan thus the expansion of utilities for this proposal has already been met. As for roadways they will be built to the private road standards and privately maintained meeting all the requirements of the Kittitas County Department of Public Works. (Application materials and staff report)
 - 34.5 GPO 2.93: "Innovations in housing development should be encouraged, this includes but is not limited to cluster development, master planned developments/resorts, shadow platting, fully contained communities, transfer of development rights and planned unit developments." (Application materials and staff report)
 - 34.6 This proposal is consistent with this GPO as it is being proposed as a planned unit development. Furthermore this proposal is within the urban residential land use designation, which allows for urban residential densities, and is adjacent to existing and approved Planned Unit Developments within the Ronald Urban Growth Node thus being consistent with the comprehensive plan of Kittitas County. (Application materials and staff report)
 - 34.7 GPO 2.94: "A consideration for all future development should be the adaptability of a proposal to both public and private utilities such as municipal water systems. (Application materials and staff report)
 - 34.8 This proposal is also consistent with this goals, policy and objectives since it is within the service area of the Evergreen Valley Private Water System service area and has the capability of providing potable water to this proposal. This proposal is also consistent with the approved Class A Reclaimed Water Plan, being within its service area which will eventually provide sewer service to this proposal. It must be noted that the Ronald Urban Growth Node is still operating under the comprehensive plan as an urban growth node until a review is completed determining whether or not Urban Growth Nodes in general

should be re-designated as Urban Growth Areas or LAMIRD. Currently this proposal is consistent with the Urban Growth Node (UGN) and the urban residential land use designation that encompasses the UGN. (Application materials and staff report)

34.9 GPO 2.97: The UNG's shall be consistent with the following general goals:

- a. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development; this proposal is consistent with GPO 2.97 (a) since it's proposing to concentrate urban type density within a currently designated urban area, the Ronald Urban Growth Node. This area is dedicated, by the current UGN and urban residential land use designation, for urban density like this proposal. It is the intent of this proposal to hopefully prevent the inappropriate conversion of undeveloped land into sprawling low density development by concentrating density in an urban designated area with the appropriate services.
- b. Provide for the efficient provision of public services; this proposal is already within the service area of the existing and approved Evergreen Valley Water System, which provides potable water and fire flow, and within the approved Class A Reclaimed Water service area that will provide sewer service.
- c. Protect natural resource, environmentally sensitive areas; this proposal is within a designated urban growth node, where proposals like this should be. Therefore by already having an area already designated for urban residential, Kittitas County has already taken into consideration the importance of protecting the natural resource and environmentally sensitive areas. Furthermore this proposal will be required to go through critical areas review etc.
- d. Promote a variety of residential densities; this proposal is consistent with (d) as it is promoting a variety of densities from 2 to 16 units to the acre also being consistent with the adjacent approved planned unit development and the urban residential land use designation.
- e. Include sufficient vacant and buildable lands. The urban growth node of Ronald is allocated a percentage of the growth population; furthermore this proposal is land that is already within the urban growth node, which is to accommodate that percentage of growth. This planned unit development proposal will be taking vacant and buildable land and develop it to accommodate the percentage of growth that has been allocated. Therefore this proposal is consistent with (e).

(Application materials and staff report)

34.10 GPO 2.98A states that UGNs and or UGA's shall be consistent with the following criteria:

- a. Each UGN shall provide sufficient urban land to accommodate future population projections through designation planning period.

The urban growth node of Ronald is allocated a percentage of the growth population;

furthermore this proposal is land that is already within the urban growth node, which is to accommodate that percentage of growth. This planned unit development proposal will be taking vacant and buildable land and developing it to accommodate the percentage of growth that has been allocated. Therefore this proposal is consistent.

- b. Land included within UGNS shall either be already characterized by urban growth or adjacent to such lands:

This amendment is consistent in the fact that (1) This area is already characterized with urban growth by having approved PUD's in the vicinity and commercially zoned land within the vicinity to the subject proposal.

- c. Existing urban land uses and densities should be included with UGN's:

This proposal is already designated in the Kittitas Comprehensive Plan as Urban Residential Land Use thus already being consistent.

- d. UGNs and/or UGAs shall provide a balance of industrial, commercial, and residential lands.

This proposal is providing additional residential and commercial lands; pursuant the KCC 17.36 permitted uses, to the exiting urban growth node, which already contains other commercially zoned property. As for Industrial zoned property this proposal is removing this zone to create more consistency with the surrounding/developing commercial and residential character of the area. First, there has been a substantial change in circumstances: For over 100 years this property has been used for industrial purposes. It has relied exclusively on the surrounding areas natural resources for the raw materials to be processed at the industrial site. Not only do some citizens of the surrounding area continue to request a reduction of the industrial uses of this property, but also the raw materials from the region have become unavailable for industrial processing.

(Application materials and staff report)

- 34.11 The industrial uses of this property have changed over the past 100 years as the industrial needs of the community have changed. The industry of the Upper County for the first 60 years of the 1900's was mining and the site was used for that purpose. As mining died out and timber became king, the site morphed in to a lumber manufacturing location. This property was zoned Industrial in 1974, a time when timber from the surrounding Federal, State, and Private forests was abundant for processing into wood products specifically veneer sheets for plywood manufacturing. During the 1970's and early 1980's the site provided an industrial base that provided employment opportunities for the area.
(Application materials and staff report)

- 34.12 As the Federal Forests were closed down to logging and the major lumber companies began pulling out of the Upper County, the raw log product was not available to be processed so the veneer manufacturing industry faded away. Now the upper Kittitas County has again transformed itself. There is growing residential, both primary and secondary, pressure throughout the upper Kittitas County area with the SR 903 corridor

being impacted more because of the proximity to King County and the easy access to recreation areas. (Application materials and staff report)

- 34.13 The clear facts are that the mining industry no longer exists. The land is no longer served by rail, the abundant federal forest area have all but shut down to the timber industry. Plum Creek Timber Company has sold vast Timber production areas to be used as resort developments and residential developments. Clearly the use of this property as a place to process the area's natural resources has come to an end. Circumstances have changed dynamically and the land use for this portion of the property has to change with the times. (Application materials and staff report)
- 34.14 Some members of the community have spoken clearly at a number of public hearings and public meetings opposing the use of the property for industrial development. The Kittitas County Board of Adjustment has ruled against the use of the property for expanded industrial uses. There has been a significant change in the public opinion against continuing the use this industrial zoned land for industrial purposes even though it is a private property owners right to exercise the uses allowed within the industrial zone. (Application materials and staff report)
- 34.15 Consistency with the Kittitas County Countywide Planning Policies (KCCPP):
- Number 5, Policy A states all growth in the county shall be accomplished in a manner that minimizes impacts on agricultural land, forestry, mineral resources, and critical areas. By proposing this project within an existing urban growth node, we are minimizing impacts to these types of lands. By having this proposal located within an existing UGN we are reducing the number of wells that could be drilled in the county. More importantly, this property is already in the existing service area of the Evergreen Valley Water System, which contains an existing well with an existing water right. Additionally this proposal would direct growth where it should occur, in this case within urban growth nodes. (Application materials and staff report)
- 34.16 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 property being rezoned is not designated as a resource land. RCW 36.70A.030 (16) states "Rural development can consist of a variety of uses and residential densities, including clustered residential development. (Application materials and staff report)
- 34.17 Kittitas County Countywide Planning Policies -Contiguous and Orderly Growth Policy 4A states; "PUD's which include commercial and/or industrial uses in addition to residential uses shall be located in UGAs or UGNs..." (Application materials and staff report)
- 34.18 The definition of "urban lands" included in the Glossary of Terms in the County Wide Planning Policies states: "Urban lands are located inside urban growth areas, urban growth nodes, or cities and are generally characterized by densities of more than three units per acre and municipal services provided." (Application materials and staff report)

- 34.19 The proposed rezone is compatible with the Kittitas County Comprehensive Plan. (Application materials and staff report)
35. The proposed zoning amendment bears a substantial relation to public health, safety or welfare as follows:
- 35.1 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 (OFM) to guide growth in the county for the next twenty years. These projections provide for substantial growth in the county outside of the cities, the UGAs and the UGNs. In addition to the OFM population projections for full time residential growth there is a rapid increase in the growth and development of second homes. (Application materials and staff report)

- 35.2 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. In the past four years there has been in excess of 1,200 exempt wells drilled in Kittitas County, which serve both primary and secondary homes. This proposed Planned Unit Development is within the existing service area and the future service area of the Evergreen Valley Water System, which has already been approved by the Washington State Department of Health. This Group A Water System provides 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 residential and second home growth will be directed from other rural areas of the county where multiple individual exempt wells could be drilled to serve multiple homes and the growing population, where with this Planned Unit Development proposal a Group A Water System already exists with existing water rights and the ability to serve this growth. 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 Group A Water System bears a substantial relation to the public health, safety, or welfare. (Application materials and staff report)
- 35.3 Another of the main concerns regarding Public Health in the county is 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, and when flows reach approximately 10,000 gallons per day the community drain fields will be replaced by a Class A Reclaimed Water Facility. (Application materials and staff report)

- 35.4 A Class "A" Reclaimed Water System will be constructed to provide for the sewage needs for this Planned Unit Development. This proposed Class A system has received approval by the State of Washington department of Health and the Department of Ecology for its sewer plan and is currently in the design process, and is proposed to be operational by summer of 2008 or as required by the volume created by construction on the parcels that have been previously created. (Application materials and staff report)
- 35.5 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. (Application materials and staff report)
- 35.6 The Class "A" Reclaimed Water Facility includes the same coverage area as the Evergreen Valley Group A Water System current and future service area. (Application materials and staff report)
- 35.7 This project provides at least three Public Safety benefits:
- 35.7.1 This proposal will be using the existing/approved Evergreen Valley Group A Water System. The water system is currently designed with enough capacity to serve the existing service area and the proposed Planned Unit Development. The infrastructure will need to be expanded to provide water service to certain areas for this proposal.
- 35.7.2 The Evergreen Valley Group A Water System is designed to provide fire protection to its current users and existing and future service areas of the water system, as required to do so by the approved Washington State Department of Health water plan. Approval of this application will allow the redirection of a portion of the projected population growth, both primary and secondary homes, from other rural areas of the county which has limited or no water rights, no fire suppression storage, no ability to deliver fire fighting water, and no fire hydrants to an area that will provide all of the above.
- 35.7.3 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.

(Application materials and staff report)

- 35.8 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. (Application materials and staff report)
- 35.9 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. This project will provide residential units within a Planned Unit Development 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. (Application materials and staff report)
- 35.10 Another benefit to the Public Welfare is that the applicant will designate a minimum of 10% of the land into open space for perpetuity, which will preserve the newly proposed trails and recreational activities on the property. Subsequent benefits include wildlife protection corridors; pedestrian trail systems; open space and recreational opportunities. (Application materials and staff report)
- 35.11 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 commercial forest operation into residential housing and has happened along the Hwy 903 corridor and though out other areas of Kittitas County. The open space land that is provided for in this proposal will be managed as open space under the Planned Unit Development Policies. (Application materials and staff report)
- 35.12 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 need to be shown and this proposal clearly provides benefits to all three elements; the public health, safety, and welfare of the county. (Application materials and staff report)
36. The proposed zoning amendment has merit and value for Kittitas County or a sub-area of the county as follows:

- 36.1 The proposed rezone of the property provides merit and value to Kittitas County, and 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. (Application materials and staff report)
- 36.2 A recent small study of a developed residential development in Upper Kittitas County showed that the development produced in excess of \$500,000 in tax revenue. In addition, the study found that the development created over \$222,000 in tax revenue for the local and state schools within a 6-year period. (Attachment J). (Application materials and staff report)
- 36.3 Kittitas County adopted the high population projections as provided by the Washington State Office of Financial Management to guide growth in the county for the next 20 years. It can be predicted, based on the population projection 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 open spaces and buffers increases merit and value for Kittitas County and meets the Planned Unit Development Comprehensive Plan Policies. (Application materials and staff report)
- 36.4 Furthermore, this proposal substantially creates merit and value for Kittitas County by connecting trails and open space on this proposal to the adjacent existing Evergreen Planned Unit Development. (Application materials and staff report)
- 36.5 It is clear that by providing an increased tax base, privately funded roads, privately funded recreation areas, privately funded utilities that provide fire protection, environmental enhanced sewage treatment, limiting rural sprawl, and creating/preserving open space, this proposal provides merit and value to Kittitas County. (Application materials and staff report)
37. The proposed zoning 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 as follows:
- 37.1 Through a proposal needs 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 for industrial purposes. It has relied exclusively on the surrounding areas natural resources for the raw material to be processed at the industrial site. Not only do some citizens of the surrounding area continue to request a reduction of the industrial uses of this property, but also the raw materials from the region have become unavailable for industrial processing. (Application materials and staff report)

- 37.2 The industrial uses of this property have changed over the past 100 years as the industrial needs of the community have changed. The industry of the Upper County for the first 60 years of the 1900's was mining and the site was used for that purpose. As mining died out and timber became king, the site morphed into a lumber manufacturing location. The property was zoned Industrial in 1974, a time when timber from the surrounding Federal, State and Private forests was abundant for processing into wood products specifically veneer sheets for plywood manufacturing. During the 1970's and early 1980's the site provided an industrial base that provided employment opportunities for the area. (Application materials and staff report)
- 37.3 As the Federal Forests were closed down to logging and the major lumber companies began pulling out of the Upper County, the raw log product was not available to be processed so the veneer manufacturing industry faded away. Now the upper Kittitas County has again transformed itself. There is growing residential, both primary and secondary, pressure throughout the upper Kittitas County area with the SR903 corridor being impacted more because of the proximity to King County and the easy access to recreation areas. (Application materials and staff report)
- 37.4 The clear facts are that the mining industry no longer exists. The land is no longer served by rail, the abundant federal forest area have all but shut down to the timber industry. Plum Creek Timber Company has sold vast Timber production areas to be used as resort developments and residential developments. Clearly the use of this property as a place to process the area's natural resources has come to an end. Circumstances have changed dynamically and the land use for this portion of the property has to change with the times. (Application materials and staff report)
- 37.5 Some members of the community have spoken clearly at a number of public hearings and public meetings opposing the use of the property for industrial development. The Kittitas County Board of Adjustment has ruled against the use of the property for expanded industrial uses. There has been a significant change in the public opinion against continuing the use this industrial zoned land for industrial purposes even though it is a private property owners right to exercise the uses allowed within the industrial zone. (Application materials and staff report)
- 37.6 Third, this proposal provides for the reasonable development of the property: The proposed Planned Unit Development is adjacent to urban densities, such as the Evergreen Valley Planned Unit Development, Pine Loch Sun, Sunshine Estates, Wildwood, Cle Elum River Trails Planned Unit Development and the Unincorporated Town of Ronald. In the adjacent approved Evergreen Ridge Planned Unit Development, which this proposed Planned Unit Development will be granted access to, there is the Mountain Ridge Activity Center which is an active recreational facility that includes a 25 meter swimming pool, basketball courts, tennis court, volleyball court, other court sports, a spa, picnic area, trail facilities, family meeting room, and large changing areas. The proposal will also include connectivity to the Mountain Ridge trail system, which includes hiking and biking trails. All of these recreational opportunities will serve the subject site. On the east side of the property is the unincorporated town of Ronald that also includes urban densities. With the inclusion of the activity center and recreational uses and the adjacent urban residential

lands and the second home market phenomena this proposal of a Planned Unit Development is consistent with the Kittitas County Comprehensive Plan and clearly is a reasonable use of the land. (Application materials and staff report)

- 37.7 As this proposal is only required to meet one of the above criteria and as shown, meets all of the required, it is clear that the proposal meets and exceeds the requirements of this section. (Application materials and staff report)
38. The subject property is suitable for development in general conformance with zoning standards for the proposed zone as follows:
- 38.1 The proposed Planned Unit Development zone is one of the planning tools available that will allow for the creation of open space for the continued preservation of the Cle Elum Valley corridor, while allowing for the existing urban residential development and future urban residential development to occur on this property being consistent with the Growth Management Act 36.70A.030 (16) and the Planned Unit Development Zone, KCC 17.36. (Application materials and staff report)
- 38.2 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. These Policies clearly support the designation of this property as a Planned Unit Development. 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 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 efficiencies of utilities, densities, housing structures, open space areas and preservation of land therefore creating a more appealing and livable community. (Application materials and staff report)
39. The proposed zoning amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property as follows:
- 39.1 The proposed rezone is consistent with and characteristic of the existing development in the immediate vicinity of the subject properties. The adjacent property has been developed by the applicant into a resort based development. The proposed Planned Unit Development will enhance the adjacent property. (Application materials and staff report)
- 39.2 The property to the north and west is a mixture of residential parcel and high urban density developments such as Pine Loch Sun, Pine Loch Sun 2, Sunshine Estates and Wildwood developments. 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. (Application materials and staff report)
- 39.3 The land to the east, which will be buffered by the existing tree line that will be protected in this proposed project, contain residential parcels, high urban density developments like Pine Loch Sun 3 and the Unincorporated Town of Ronald. (Application materials and staff report)

- 39.4 The land adjacent to the south of the proposal is general commercial and SR903 and will not be negatively impacted by this proposal. Further to the south of this proposed PUD zone (south of State Route 903) lies urban residential style development, such as Cle Elum River Trails PUD. Care will be taken to ensure that there will be connectivity between the open space areas within this proposal and the existing development in the area.
(Application materials and staff report)
- 39.5 By using the Planned Unit Development zoning option, this proposed project will bring this land into conformance with the adjacent land uses and reduce the chance that activities on the property will be materially detrimental to the adjacent properties.
(Application materials and staff report)
- 39.6 The following uses are allowed in the Rural -3 and/or General Industrial zone which will not be allowed under the Planned Unit Development zone:
- Wholesale business, storage buildings and warehouses;
 - Freighting and trucking yard or terminal;
 - Research, experimental or testing laboratories;
 - The manufacturing, processing, compounding, storage, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, agricultural products, cosmetics and toiletries;
 - The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint;
 - Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process;
 - Uses customarily incidental to any of the above listed, including dwellings or shelters for the occupancy of the operators and employees necessary to the operation of a business or agricultural use.
 - Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
 - Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
 - All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located within an established mining district;
 - Campgrounds, guest ranches;
 - Gas and oil exploration and production;
 - Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;

- Mini-warehouses subject to conditions provided in Section 17.56.030. (Ord. 2007-22,2007; Ord. 0-2006-01, 2006; Ord. 92-4 (part), 1992)
- 39.7 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 the above activities.
- 39.8 This proposal will not be materially detrimental to the properties in the immediate vicinity of this subject proposal. (Application materials and staff report)
40. The proposed change in use of the subject property shall not adversely impact irrigation water deliveries to other properties as follows:
- 40.1 No irrigation delivery structures of delivery systems that service other properties will be impacted by this rezone. (Application materials and staff report)
41. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference. (Hearing Examiner finding based on the record)

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this recommended decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interest will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges.
6. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.
7. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.
8. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.
9. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.
10. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.

11. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

Based on the above Recommended Findings of Fact and Recommended Conclusions of Law, the Hearing Examiner hereby recommends that Application, RZ-07-17 & SP-07-168 Ronald PUD, be APPROVED subject to the following Recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials which were deemed complete on March 14, 2008 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. All current and future landowners must comply with the International Fire Code and its Appendices.
4. It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final short plat approval.
5. Proof of potable water must be shown prior to final short plat approval.
6. A plat note discussing the spread of noxious weeds shall be shown on the plat and shall read: "Per RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds, accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeding of areas disturbed by development to preclude the proliferation of noxious weeds."

Zoning and Platting Standards:

7. Final mylars shall be submitted in accordance to KCC 16.32.080: Final Approval. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
8. Final mylar sheets shall reflect the Short Plat number: SP-07-168.
9. Conditions, Covenants, and Restrictions: Prior to final development plan approval, a copy of the proposed final Conditions, Covenants, and Restrictions shall be submitted to Community Development Services for review and approval.

Critical Areas:

10. The project site has steep slopes up to 25% to 50%. To address difficulties inherent to construction

on steep slopes, the following note shall be placed on the face of the final plat:

The placement of buildings and structures on or adjacent to ascending or descending slopes steeper than 1 unit vertical in 3 units horizontal (33.3-percent slope) shall conform to the building setback requirements of current adopted building codes (IRC Section R403.1.7 and IBC Section 1805.3.1). Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official is permitted to require an investigation and recommendation of a qualified engineer to demonstrate the requirements necessary to construct a building on or adjacent to ascending or descending slopes. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity and erosion characteristics of slope material.

Transportation and Infrastructure

11. All development shall conform to Kittitas County Road Standards. The Department of Public Works shall review all future development related to this PUD for conformance with Kittitas County Road Standards, current edition at the time of development. Roads must be built per Public Works requirements or bonded for prior to the issuance of a building permit.
12. Private road design requirements shall be determined by the number of lots and/or units served, as determined by the County Engineer.
13. On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system construction and a copy of the design shall be included with the road certification and is required prior to the issuance of a building permit. The stormwater system may also be bonded for as provided in KCRS 12.01.150.
14. The developer shall comply with all Washington State Department of Transportation requirements.

Water and Sewer

15. Soil logs need to be scheduled and dug at a mutually convenient time. The developer/owner shall provide soil logs as per Chapter 246-272 WAC or as amended. The information obtained will be recorded and placed in the plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and does not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.
16. An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.
17. This NPDES Construction Stormwater General Permit requires that a Stormwater Pollution

Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.

SEPA Mitigation

I. Transportation

- A. Any future subdivision or development of the properties involved within this rezone will result in the enactment of road standards review and will require road improvements to be made that comply with all applicable agency standards including Kittitas County Road Standards in place at the time of development.
- B. All development shall conform to Kittitas County Road Standards. The Department of Public Works shall review all future development related to this PUD for conformance with Kittitas County Road Standards, current edition at the time of development. Roads must be built per Public Works requirements or bonded for prior to the issuance of a building permit.
- C. Private road design requirements shall be determined by the number of lots and/or units served, as determined by the County Engineer.

II. Water

- A. On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system construction and a copy of the design shall be included with the road certification and is required prior to the issuance of a building permit. The stormwater system may also be bonded for as provided in KCRS 12.01.150.
- B. 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.
- C. Storm water and surface runoff generated by this project must be retained and treated on site in accordance with regulating agencies' standards, and not be allowed to flow onto WSDOT rights-of-way.
- D. Withdrawals of groundwater on the subject property will be subject to the rules & regulations adopted and administrated by the Washington State Department of Ecology.
- E. An existing Group "A" public water system will provide domestic water for this proposal as approved by the Washington State Department of Health and Washington State Department of Ecology.
- F. The applicant will provide community septic systems for the initial phases of the project.

The community septic system will be designed by a licensed septic designer and approved by the Kittitas County Environmental Health Department or the Washington Department of Health. These community systems will be designed for a seamless transition into a Class "A" Reclaimed Water System Facility to be planned, approved and constructed for future phases of the project.

III. Cultural

- 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 State Historic Preservation Office and the Yakama Nation, as relevant, shall be immediately consulted.

IV. Land Use

- A. The subject property has recently been designated as a Limited Area of More Intense Development (LAMIRD), specifically a Type 1 LAMIRD, Ord. 2009-35, therefore this proposal is consistent with the Comprehensive Plan and land use already within the Type 1 LAMIRD area.

Dated this 7th day of July, 2011.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp