

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, RECOMMENDED
PD-24-000001/SP-24-00004)	CONCLUSIONS OF LAW,
Roslyn Ridge West)	RECOMMENDED
)	DECISION AND RECOMMENDED
)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on December 17, 2024 the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Recommended Conclusions of Law, Recommended Decision and Recommended Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. Requested Action: Pat Deneen, authorized agent for the Blue Jay Land Company, has submitted multiple permit applications for a development. The requested permits include a Planned Unit Development (PUD), and short plat (SP).
2. Location: Twenty-four (24) parcels, located off State Route 903 approximately 3.6 miles northwest of the intersection of State Highway 903 and Bull Frog Road, northwest of Roslyn, WA in SEC 1 TWP 20 RGE 14; PTN NW1/4, SEC 1 TWP 20 RGE 14; PTN SW1/4, a portion of PTN SW1/4 SEC 01 & PTN NW1/4 SEC 12 and SEC 12, TWP 20, RGE 14 in Kittitas County. Parcel numbers are 950570, 950581, 950582, 950583, 950584, 950585, 950586, 950587, 950588, 950589, 950590, 950591, 950592, 950592, 950593, 950594, 950595, 950596, 950597, 950598, 950761, 950762, 171934, 12065, 20202.
3. SITE INFORMATION
 - 3.1. Total Property Size: 164.32 acres
 - 3.2. Number of Lots: 24, to be rezoned to a PUD and platted into 61 lots
 - 3.3. Domestic Water: Evergreen Valley Water Systems Inc., Group A Water System
 - 3.4. Sewage Disposal: Evergreen Valley Sewer System, Inc. with each home having a septic tank & pump chamber.
 - 3.5. Power/Electricity: Puget Sound Energy
 - 3.6. Fire Protection: Fire District 6, Ronald
 - 3.7. Irrigation District: N/A
4. Site Characteristics:
 - 4.1. North: Mostly forested lands with steep slopes
 - 4.2. South: Primarily residential & with forested lands
 - 4.3. East: Mostly forested lands with steep slopes
 - 4.4. West: Primarily residential with forested lands

PD-24-00001/SP-24-00004

Roslyn Ridge West

Page 1 of 16

5. Access: The site is accessed off Double O Road, Ridgecrest Road & Paintbrush Lane from Highway 903.
6. Density: Increased densities in the PUD are accomplished through TDR credits which are transferred from timber and forested areas on the subject property which will become protected open space and critical areas (PHS habitat).

7. ZONING AND DEVELOPMENT STANDARDS

7.1. The subject property is located off State Route 903 approximately 3.6 miles northwest of the intersection of State Highway 903 and Bull Frog Road, northwest of Roslyn, WA and is zoned Rural Recreation Per Kittitas County Code (KCC) 17.30.010, the purpose and intent of the Rural - Recreation zone is to provide areas where residential development may occur on a low density basis or in residential clusters. A primary goal and intent in siting R-R zones will be to promote rural recreation residential development associated with the many natural amenities found within Kittitas County.

7.1.1.KCC 17.36.010 Purpose and intent: The applicant seeks a rezone from the Rural Recreation zone to a PUD. Per Kittitas County 17.36.010, the purpose of the PUD zone is to provide for departures from strict compliance with the zoning standards outlined in other sections of this Title for projects that can demonstrate that such departures will protect the public interest and accomplish one or more of the following objectives:

- 7.1.1.1. To encourage more innovative design than is generally possible under conventional zoning and subdivision regulations;
- 7.1.1.2. To encourage more economical and efficient use of land, streets, and public services;
- 7.1.1.3. To preserve and create usable open space and other amenities superior to conventional developments;
- 7.1.1.4. To preserve important natural features of the land, including topography, natural vegetation, and views;
- 7.1.1.5. To encourage development of a variety of housing types and densities;
- 7.1.1.6. To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible;
- 7.1.1.7. To encourage development of areas or site characterized by special features of geography, topography, size, shape; and/or
- 7.1.1.8. To permit flexibility of design that will create desirable public and private open space; to vary the type, design and layout of buildings; and to utilize the potentials of individual sites and alternative energy services to the extent possible;

7.2. KCC 17.36.15(2) Applicability

7.2.1.Outside the Urban Growth Area (UGA) and Rural LAMIRDs: The provisions of this chapter can be used for properties over twenty (20) acres in size, except that PUDs are prohibited on Resource Lands and Rural Lands in the Rural Working Land Use Designation.

7.2.2.Hearing Examiner Finding: The subject property is 164.32 acres in size, and is outside the Urban Growth Areas and Rural LAMIRDs. As proposed, the project is consistent with this provision.

7.2.2.1. Uses proposed in the proposal include:

PD-24-00001/SP-24-00004

Roslyn Ridge West

Page 2 of 16

7.2.2.1.1. 61 residential lots, may include multiple-family lots on 69.15 acres

7.2.2.1.2. Recreation and open space on 96.91 acres

7.3. KCC 17.36.020(2) Allowed uses

7.3.1. Under KCC 17.36.020(2), the allowed residential uses outside of an Urban Growth Area include:

- 7.3.1.1. Accessory dwelling unit;
- 7.3.1.2. Accessory living quarters;
- 7.3.1.3. Dwelling, single-family;
- 7.3.1.4. Dwelling, two-family;
- 7.3.1.5. Dwelling, multiple-family;
- 7.3.1.6. Special care dwelling;
- 7.3.1.7. Parks and playgrounds

7.3.2. Under 17.36.020(2)(b) the following uses are allowed provided they only serve the residential PUD:

- 7.3.2.1. Community buildings;
- 7.3.2.2. Indoor recreation facilities including athletic clubs, fitness centers, sports courts, swimming pools, and other similar uses;
- 7.3.2.3. Outdoor recreation facilities including swimming pools, sports courts or Similar uses;
- 7.3.2.4. Electrical vehicle infrastructure, pursuant to KCC Chapter 17.66; and
- 7.3.2.5. Recreation vehicle storage areas.

7.4. KCC 17.36.025(2) Allowed Density

7.4.1. Outside the Urban Growth Area (UGA) and Rural LAMIRDs: The density of the underlying zone combined with the existing density within the boundaries of the proposed PUD shall not be exceeded by a PUD. The applicant is utilizing the transfer of development rights to increase the allowed density from 40 to 61 units.

7.5. KCC 17.36.045 Review criteria

7.5.1. Preliminary development plan: The Hearing Examiner shall evaluate a planned unit development application and other evidence and testimony submitted into the record and shall issue a recommendation based on the following considerations and criteria:

- 7.5.1.1. Criteria applicable to all PUDs:
 - 7.5.1.1.1. PUD complies with all amendment criteria in KCC Chapter 17.98;
 - 7.5.1.1.2. PUD makes economic and efficient use of land, streets, and public services;
 - 7.5.1.1.3. PUD preserves usable open space, important natural features, and other amenities;

- 7.5.1.1.4. PUD provides site design features that reasonably mitigate off-site impacts; and
- 7.5.1.1.5. Public benefits of PUD outweigh the effect of the modification of underlying zoning standards.
- 7.5.1.2. Additional criteria applicable to PUDs on Rural Lands:
 - 7.5.1.2.1. PUD is developed in a manner that maintains rural character;
 - 7.5.1.2.2. Non-residential uses within PUD are designed at a scale appropriate for rural area and intended to serve only the residents of the PUD; and
 - 7.5.1.2.3. PUD provides appropriate transitions to surrounding properties and land uses.
 - 7.5.1.2.4. All new structures shall comply with the applicable standards contained in: (1) "Fire Safety Considerations for Developments in Forested Areas: Fire Hazard Severity Rating and Recommended Standards" (Northwest Interagency Fire Prevention Group) Washington Department of Natural Resources Severity Type Rating System; (2) standards adopted by Kittitas County Fire Protection Cooperative - "Recommendations For Fire Safety and Prevention of Forest and Range Land in Kittitas County Including Rural, Commercial and Private Developments"; and/or (3) Urban Wildland Interface Code for structures outside a fire district.
- 7.5.2. Final development plan: The Director shall evaluate and the Board shall approve final development plans for the PUD, provided the conditions imposed on the preliminary PUD approval, if any, have been satisfied. (Ord. 2013-001, 2013)
- 7.5.3. Hearing Examiner Finding: As conditioned, the proposal is consistent with all of 17.36.045. A final development plan shall be submitted in accordance with KCC 17.36.
- 7.6. KCC 16.32.050 Short plat review: The planning official shall be vested with the responsibility of processing short plat applications. The county shall review and consider the proposed short subdivision regarding:
 - 7.6.1. Its conformance with all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington.
 - 7.6.2. Its conformance to all standards and improvements required under this title.
 - 7.6.3. Potential hazards created by flood potential, landslides, etc.
 - 7.6.4. Provisions for all improvements and easements (roads, ditches, etc.) required by this title.
 - 7.6.5. Access for all proposed lots or parcels by way of a dedicated road right-of-way or easement.
 - 7.6.6. All other relevant facts which may determine whether the public interest will be served by approval of the proposed subdivision.
 - 7.6.7. Lots or parcels created by the final platting of a subdivision or short subdivision may not be further divided within a five-year period without filing of a final plat; except as provided for in RCW 58.17.060
 - 7.6.8. Its compliance with Kittitas County Code Chapter 13.35, Adequate Water Supply Determination or work voluntarily with Kittitas County to develop an authorized conservation easement, see section 16.08.061.

7.6.9. Hearing Examiner Finding: The proposal; 1) conforms to all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington, 2) conforms to all standards and improvements required under this title, 3) has no hazards created by flood potential, landslides, etc., 4) makes provisions for all improvements and easements, 5) outlines access for all proposed lots, 6) indicates no hindrance to the public interest, 7) is not being further divided from an incomplete plat, and 8) complies with KCC 13.35 to determine adequate water supply. Staff finds that the proposed short plat, as conditioned, is consistent with all applicable Washington State and Kittitas County codes.

8. Notice of Application: Applications for a Planned Unit Development and a Preliminary Short Plat were submitted to Kittitas County Community Development Services (CDS) on March 26, 2024 with updated application files submitted on June 3, 2024 (Index #s 1-19A). The application was deemed complete on May 23, 2024 (Index # 20). The site was posted with a sign for Notice on June 7th, 2024 (Index # 21). A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project and required by SEPA, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's tax parcel on June 20, 2024 (Index # 22.) and Notice to the Daily Record was posted the same date. An error was discovered in the Notice, and the Notice of Application was re-issued to Kittitas County agencies on July 23, 2024 (Index # 25). Notice of SEPA Action and the SEPA MDNS was issued on November 14, 2024 (Index #33). A notice of Public Hearing was issued on December 3, 2024 (Index # 35). Project application process and review was performed in conformance with the Kittitas County Project Permit Application Process (Title 15A).

9. COMPREHENSIVE PLAN

- 9.1. The Kittitas County Comprehensive Plan designates the proposal as a planned unit development with a short plat, transfer of development rights and a SEPA checklist located off State Route 903 approximately 3.6 miles northwest of the intersection of State Highway 903 and Bull Frog Road, northwest of Roslyn, WA with Rural Recreation land use designation. Kittitas County has established the following goals and policies to guide activities in these areas. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

9.1.1. LU-G4: Maintain a flexible balance of land uses which will protect, preserve, and enhance the rural character, historical forest lands, agricultural industries, mineral lands, and high-quality environment.

9.1.1.1. Consistency Statement: The short plat will create two lots; one around an existing home allowing continued open range use of the rest of the property.

9.1.2. LU-G5: Collaborate with cities to participate in the County's transfer of development rights (TDR) program, to encourage and promote the protection of Rural Lands, Resource Lands and frequently flooded areas.

9.1.2.1. Consistency Statement: The planned unit development will incorporate the transfer of development rights from a more rural area of the PUD to an area of more intense development to promote the protection of these rural areas for conservation and recreation.

9.1.3. H-P3: Identify lands within areas which are served by centralized water and sewer systems, paved streets, and have other public services provided to them which are suitable for higher

density residential use, including multi-family and single family planned unit developments and clustered housing.

9.1.3.1. Consistency Statement: The planned unit development will utilize an existing centralized water and sewer system and paved streets to support the higher density residential use.

9.1.4.RR-G8: The County should strive to sustain and protect the westerly mountainous, recreational open space, and its easterly non-resource agricultural and rangeland activities.

9.1.4.1. Consistency Statement: The transfer of development rights from the 22 lots (96.91 acres) in the northern area of the development into the southern area of the development will allow for the protection and conservation of those acres for open space and recreation.

9.1.5.RR-G16: Allow for residential opportunity with rural character and a variety of densities outside UGAs without population expecting all urban services.

9.1.5.1. Consistency Statement: Up to 61 single family and/or multiple-family residential lots will be created on the lower 69.15 acres in Rural Recreation zone utilizing the transfer of development rights from the upper 22 lots (96.91 acres) allowing the development to maintain the rural character and meet the density requirements of Title 17.30.

10. ENVIRONMENTAL REVIEW

10.1. A critical area review was performed by staff, and GIS data indicates a Type 9 (unidentified) stream running through parcels 950570, 950583 & 950584. The GIS data indicates a Type 4 Seasonal (non-fish bearing) stream running through parcels 12065 and 20202. The GIS data indicates a Critical Area Aquifer Recharge (CARA) for Group A Wellhead Protection Areas. SEPA Checklist was submitted with the application and an MDNS was issued on November 14, 2024

11. AGENCY AND PUBLIC COMMENTS

11.1. Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. A variety of agencies and individuals commented on the application. All comments were included in the record.

11.2. Washington Department of Natural Resources: "Based on remote review of this parcel(s) it appears that some or all of the parcel(s) consist of forestland, and it will require a Forest Practices Application (FPA) from the DNR if merchantable timber is removed/harvested as part of the proposal and/or is being converted out of forest land (RCW 76.09 and WAC 222). The FPA would need to meet the requirements of the Forest Practices Act and its rules. It is our recommendation that the applicant meet with our local forest practices forester to discuss, they may call our Southeast Region office at (509) 925-8510 to schedule an appointment."

11.2.1. Applicant Response: This proposed project will require removal of timber throughout the site as we prepare the land for the construction of homesites and necessary facilities. As construction develops and as required by law, we will complete and submit a Forest Practices Application. Our FPA will meet the requirements of the Forest Practices Act and its rules. We will contact the Southeast Region DNR office after approval of this project and upon the beginning of the initial planning and construction process.

11.2.2. Hearing Examiner Finding: The SEPA Determination has been conditioned to meet the requirements provided by Washington Department of Natural Resources.

PD-24-00001/SP-24-00004

Roslyn Ridge West

Page 6 of 16

- 11.3. Confederated Tribes of the Colville Reservation: “CCT requests a cultural resource survey for the full proposed project area in preparation for future residential or other construction, which should include a sub-surface testing component as ground breaking for when new construction and clearing of trees are expected. and that during implementation that there be an inadvertent discovery plan or (IDP) in place to ensure compliance with all Section 106 and relevant cultural resource laws both federally and to the state of Washington.”
- 11.3.1. Applicant Response: We acknowledge and agree with the fact that this proposed project is within the traditional territory of the Wenatchi Tribe and is within a location that is considered Moderate to High Risk for an inadvertent discovery according to the DAHP predictive model.
- 11.3.1.1. Roslyn Ridge West and the surrounding area have a history of consistent logging and strip mining for over 100 years. Mining within the land surrounding Ronald started in the 1880s. Patrick's Mine, a mine located to the east of the eastern Roslyn Ridge property line, opened in 1902. This was around the time that strip mining began in the general area. There were a number of smaller, individual mines, but underground and surface, all mining for coal, within the Roslyn Ridge and Roslyn Ridge properties. Since then, continuous cycles of logging and strip mining have disturbed the land, leaving no room for preservation. As can be seen in the 1954 aerial photo included within the application, the entire property, especially the northeast quadrant, contains sparsely forested areas and scarring due to the continual logging and mining. The 2024 aerial photo, in comparison with the previous image, shows a dense forest, which demonstrates the regrowth of the natural area. There are no historic buildings or structures 45 years in age or older that are located within the project area. As can be seen by these images, there has been so much disturbance of the land through continual resource retrieval that there is a very slim likelihood, if any, that there is still any historically significant site or object within this area.
- 11.3.1.2. We understand that identification during construction is not the recommended course of action by the Confederated Tribes of the Colville Reservation and the Washington State Department of Archaeology and Historic Preservation but based on the history of the project site and general surrounding area as stated above, it would be inaccurate to assume that there are still historically significant structures or items, based on the treatment of the land. Therefore if anything of cultural significance and/or human skeletal remains are found during construction, all development will immediately stop. The applicant will contact the Kittitas County Sheriff and KITTCOM's non-emergency line. The applicant will complete an Inadvertent Discovery Plan (/DP) to ensure compliance with Section 106 and all relevant state and federal cultural resource laws. Additionally, the Department of Archaeology and Historic Preservation (DAHP) will be notified. In the event that human skeletal remains are found, the Kittitas County Coroner will be requested.
- 11.3.2. Hearing Examiner Finding: The SEPA Determination has been conditioned to include an IDP and a cultural resource study.
- 11.4. Washington Department of Health – Office of Drinking Water: “The applicant indicates drinking water will be provided by the Evergreen Valley Water System (02150J). DOH records show this system has 287 active connections and 411 approved connections – so the water system appears to have capacity to serve this proposed development. To confirm capacity, what is the proposed water usage or demand for this development? DOH ODW seeks confirmation from the Evergreen Valley Water System that they are willing to serve this proposed development and have local capacity in their water to serve the demands while maintaining proper pressure throughout

PD-24-00001/SP-24-00004

Roslyn Ridge West

Page 7 of 16

the water system. Is this proposed development within the service area of the Evergreen Valley Water System?"

- 11.4.1. Applicant Response: We are confirming that the Evergreen Valley Water System will be able to provide a sufficient amount of drinking water for the proposed project. This proposed development is within the service area of the Evergreen Valley Water System. The expected usage for this development, based on the 61 proposed lots multiplied by the average household water usage of 200 gallons per day, is 12,200 gallons of domestic water per day. See the attached letter from Evergreen Valley Water System confirming their willingness and ability to serve this development.
- 11.4.2. County Response: Staff provided the comments to the applicant.
- 11.5. Washington Department of Archeology and Historic Preservation: "Our statewide predictive model indicates that there is a moderate to high probability of encountering cultural resources within the proposed project area. Further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, we recommend a professional archaeological survey of the project area be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's Standards for Cultural Resource Reporting.
- 11.5.1. We also recommend that any historic buildings or structures (45 years in age or older) located within the project area are evaluated for eligibility for listing in the National Register of Historic Places on Historic Property Inventory (HPI) forms. We highly encourage the SEPA lead agency to ensure that these evaluations are written by a cultural resource professional meeting the SOI Professional Qualification Standards in Architectural History."
- 11.5.2. Applicant Response: See applicants' response under the Confederated Tribes of the Colville Reservation.
- 11.5.3. County Response: The SEPA Determination has been conditioned to include an IDP and a cultural resource study.
- 11.6. Washington Department of Fish and Wildlife: "WDFW recommends that all streams and their riparian management zones or buffers be identified on the plat maps; KCC 17A.04.030 identifies a 50' buffer on Ns streams. We also request that prior to any road building or grading near the streams, you contact WDFW to determine if a Hydraulic Project Approval (HPA) is required.
- 11.6.1. WDFW is generally supportive of the Northern (21 parcels) and North-Central (171934) parcels being designated and signed as unbuildable critical areas to mitigate for the loss of habitat in the South (20202) and South-Central (12065) parcels. If the Recreational Open Space areas are to be designated as mitigation for the impacts to Priority Habitats and Species associated with the high density Planned Unit Development, motorized recreational uses should be better understood. WDFW recommends formal recognition of these properties as Native Growth Protection Areas (KCC 17A.01.090.2) such that the protection measures are formally recorded on the plats and titles and can be enforced as a permanent mitigation measure.
- 11.6.2. We understand there are existing uses and established trails throughout the properties. The locations and timing of motorized use will have varying effects on some priority species and WDFW requests the opportunity to work collaboratively with the proponents on a recreation

management plan to help address and mitigate these concerns. A recreation management plan for this area should include:

- 11.6.2.1. An inventory of existing trails and their primary use (motorized or non-motorized).
 - 11.6.2.2. Analysis of existing trail inventory to determine if the trails are compatible with surrounding land use and mitigation needs for the protection of FWHCAs.
 - 11.6.2.3. Installation of signs along trails, designating the appropriate uses. Signs should also be installed along the property boundary to ensure all motorized trail users are discouraged from driving onto nearby adjacent lands which restrict motorized uses.
 - 11.6.2.4. Complete annual monitoring and reporting of the trail network and adaptively manage the area to ensure no net gain in overall trail area within the designated critical area.”
- 11.6.3. Applicant Response: We appreciated the on-site meeting with Jennifer on May 23rd of this year wherein we discussed various points of interest throughout the property including Ridgecrest Road, the Pineloch Sun entrance, Double O Ranch Road, the Baker's Acres development on Vinegar Bend Road, and the entrance to Suncadia and Rockberry Loop. We also identified various seasonal streams and ditches of particular interest. Much like Jennifer and Department of Fish and Wildlife, we are looking to create an open line of communication and work to establish solutions that adhere to the interests of both parties.
- 11.6.3.1. The first recommendation from WDFW's comment letter states: 'WDFW recommends that all streams and their riparian management zones or buffers be identified on the plat maps; KCC 17 A.04.030 identifies a 50' buffer on Ns streams. We also request that prior to any road building or grading near the streams, you contact WDFW to determine if a Hydraulic Project Approval (HPA) is required. "We agree to coordinate with WDFW by identifying the Riparian Management Zones and 50' buffers on our plat map. We will also contact WDFW for Hydraulic Project Approval (HPA) determination for the various areas within the project that might require an HPA.
 - 11.6.3.2. As discussed, we will seek formal recognition of the Northern 21 parcels and North-Central (171934) parcel as a Native Growth Protection Area according to KCC 17A.01.090.2. This designates these parcels in question to be protected from development. WDFW is suggesting that, if Recreational Open Spaces are established to mitigate potential impacts to Priority Habitat and Species, "motorized recreational uses should be better understood." There are established motorized recreation trails and uses within this area with said trails and uses projected to continue into the future as they are now. KCC 17A.01.090.2 does not limit recreational use of Native Growth Protection Areas as it states in that Kittitas County Code section that "Native growth protection areas shall be used in development proposals for land division to delineate and protect those contiguous critical areas and buffers listed below: (v.) all other lands to be protected from alterations as conditioned by project approval." As section (v.) most closely adheres to the conditions of the proposed Planned Unit Development, it can be observed that existing recreational and identified expansion of said recreation do not apply to this section.
 - 11.6.3.3. Prior to approval of the Final Development Plan we will develop a Recreation Management Plan as suggested in this comment letter which will include Native Growth Protection Areas. Said plan will include the current and possible expanded trail system and specific areas of Native Growth Protection with rules for the use of said trails and

Native Growth Protection Areas. A covenant on the area that includes the recreation management plan, and the areas of natural growth protection will be developed and presented during the final plan process. Once approved, this covenant will be filed as a burden on the identified property.

- 11.6.4. Hearing Examiner Finding: The applicant has a good understanding and willingness to work with the WDFW to optimize the trail network and protect priority habitat. The decision is conditioned to include a recreation management plan for this area.
- 11.7. Washington Department of Transportation: "The subject property is adjacent to State Route 903 (SR 903), a Managed Access Class 4 highway with a posted speed limit of 45 miles per hour. Access to the highway is proposed via an existing grandfathered connection (Double O Road) at approximate milepost 8.6 Rt. No new access to SR 903 will be allowed. This access may continue to be used; however, a new Access Connection Permit (ACP) must be obtained for the proposed use. No new approaches along SR 903 will be allowed. The property owner is required to contact Mark Kaiser of the WSDOT South Central Region Office to apply for an ACP. He can be reached at (509) 577-1668.
- 11.7.1. The proponent should be aware, we will require a traffic impact analysis (TIA) be included with the application for access. The TIA shall be performed by a licensed traffic engineer submitted to WSDOT for review and comment. We request that the TIA analyze the impacts to the SR 903/Double O Road, as well as Rock Rose Drive and Ridgecrest Road (if any). Mitigation to offset the impacts for this proposal should be identified in the traffic study.
- 11.7.2. Stormwater and surface runoff generated by this project must be retained and treated on site. Any discharge onto WSDOT right-of-way will require an approved Utility Permit.
- 11.7.3. Any snow accumulated on the property shall not be moved onto WSDOT right-of-way. We encourage the proponent to not underestimate the potential for large volumes of snow and designate a snow storage area on the property."
- 11.7.4. Applicant Response: The applicant agrees. As far as no new approaches along SR 903 not being allowed, the existing access points located at Ridgecrest Road and Rock Rose Drive will also be used as legal access to all and/or portions of the proposed Roslyn Ridge West Planned Unit Development.
- 11.7.5. Hearing Examiner Finding: The SEPA Determination has been conditioned to meet the requirements of WSDOT.
- 11.8. Kittitas County Public Utilities District: "Kittitas PUD does not have any facilities in the area of this project."
- 11.8.1. Applicant Response: No response.
- 11.8.2. County Response: Staff provided the comments to the applicant.
- 11.9. Kittitas County Fire Marshal: "Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- 11.9.1. Fire apparatus access is required for this application. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus. Roads constructed in grades steeper than fifteen percent (15%) shall be constructed with Portland cement concrete with grooved surfacing.

PD-24-00001/SP-24-00004

Roslyn Ridge West

Page 10 of 16

- 11.9.2. This application is sited in the designated high fire hazard Wildland - Urban Interface zone. Additional setback, building construction, access, fire flow and addressing requirements will be applied at the time of building permit application.
- 11.9.3. No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required."
- 11.9.4. Applicant Response: No response.
- 11.9.5. County Response: Staff provided the comments to the applicant.
- 11.10. Kittitas County Public Works:
- 11.10.1. Access:
- 11.10.1.1. Approved access permits shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access.
- 11.10.1.2. WSDOT access permit shall be required for this development.
- 11.10.1.3. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- 11.10.1.4. Road easement may be required.
- 11.10.1.5. Road certification and road naming will be required.
- 11.10.1.6. Second access for emergency ingress egress may be required with lot count exceeding 30 lots in the mid and north developments.
- 11.10.1.7. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- 11.10.1.8. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.
- 11.10.2. Engineering:
- 11.10.2.1. Except as exempted in KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).
- 11.10.2.2. All road construction within the public or private right-of-way shall be designed by or under the direct supervision of a civil engineer, licensed to practice in the State of Washington. Please submit road plan and profile drawings along with any associated drainage reports for a formal Civil Review to Kittitas County Public Works. (KCC 12.04.020).
- 11.10.3. Survey:
- 11.10.3.1. Due to item #1 listed below, this submittal has been reviewed as a prelim Short Plat only, and a complete review has not been performed.
- 11.10.3.1.1. The Short Plat will need to reflect revised boundary lines per BL-24-00012 already approved.

11.10.3.1.2. Parcel areas, legal description and reference documents will need to be updated to reflect the recorded BLA.

11.10.3.1.3. Revised title report and Lot closures will need to be provided at final.

11.10.4. Transportation Concurrency:

11.10.4.1. A concurrency evaluation and determination shall be required for all development applications in which the proposed development is projected to have an impact upon the transportation corridor or intersection. Developments generating 41 or fewer daily trips are exempt from TIA and concurrency evaluation requirements. (KCC 12.04.02.020)

11.10.4.2. Note: As project access SR903, WSDOT will have requirements to access and traffic impact analysis (TIA). If a TIA is required from WSDOT for this project, Kittitas County Public Works will coordinate with WSDOT for review and comments.

11.10.5. Flood:

11.10.5.1. The project area is not within a FEMA identified special flood hazard area (100-year floodplain). Floodplain development permitting is not required.

11.10.6. Water Mitigation/Metering:

11.10.6.1. The following comments outline the requirements for legal availability of water and metering for the proposed new use:

11.10.6.2. The applicant must provide legal water availability for all new uses on the proposed lots of this project, which can be provided through a letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use. Prior to final plat approval and recording, the following conditions shall be met:

11.10.6.3. In accordance with KCC Chapter 13.35.027, the applicant shall provide one of the following documents before final plat approval:

11.10.6.3.1. A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use;

11.10.6.3.2. An adequate water right for the proposed new use; or

11.10.6.3.3. A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.

11.10.6.4. All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.

11.10.7. Final Plat Notes:

11.10.7.1. The following notes shall be placed on the face of the plat:

11.10.7.1.1. Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations."

PD-24-00001/SP-24-00004

Roslyn Ridge West

Page 12 of 16

11.10.7.1.2. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.”

11.10.8.Applicant Response: No response.

11.10.9.Hearing Examiner Finding: The SEPA Determination has been conditioned to meet the requirements of Kittitas County Public Works.

11.11. Public Comments: Public comments are shown in Index # 28. Comments received included the following concerns: Access & parking impacts within Pine Loch Sun, northwest of the Planned Unit Development. Concerns regarding the impact to existing water and sewer within Pine Loch Sun. Interest in mutually beneficial projects targeting reductions in wildfire risk. Pine Loch Sun wishes to ensure continuity in access to Ridgecrest and/or Thunder Road as established through historic precedent.

12. VIII. PROJECT ANALYSIS & CONSISTENCY REVIEW

12.1. In review of this proposal, it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements.

12.1.1. Consistency with the Comprehensive Plan: The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section V of this staff report, the following Comprehensive Plan policies apply to this proposal: LU-G4, LU-G5, H-P3, RR-G8, RR-G16.

12.1.2. Consistency with the provisions of KCC 17A, Critical Areas: A critical area review was performed by staff, and GIS data indicates a Type 9 (unidentified) stream running through parcels 950570, 950583 & 950584. The GIS data indicates a Type 4 Seasonal (non-fish bearing) stream running through parcels 12065 and 20202. The GIS data indicates a Critical Area Aquifer Recharge (CARA) for Group A Wellhead Protection Areas. SEPA Checklist was submitted with the application and an MDNS was issued on November 14, 2024.

12.1.3. Consistency with the provisions of KCC 16.32.050, Short Plat Review: This proposal, as conditioned, is consistent with the Kittitas County Short Plat Review requirements. The proposal; 1) conforms to all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington, 2) conforms to all standards and improvements required under this title, 3) has no hazards created by flood potential, landslides, etc., 4) makes provisions for all improvements and easements, 5) outlines access for both proposed lots, 6) indicates no hindrance to the public interest, 7) is not being further divided from an incomplete plat, and 8) complies with KCC 13.35 to determine adequate water supply.

12.1.4. Consistency with the provisions of KCC Title 12, Roads and Bridges: As conditioned, the proposal must be consistent with the provisions of KCC Title 12.

12.1.5. Consistency with the provisions of KCC Title 14, Buildings and Construction: As conditioned, the proposal must be consistent with the provisions of KCC Title 14.

12.1.6. Consistency with the provisions of KCC Title 8, Health Welfare and Sanitation: As conditioned, the proposal must be consistent with the provisions of KCC Title 8.

12.1.7. Consistency with the provisions of KCC Title 13, Water and Sewers: As conditioned, the proposal must be consistent with the provisions of KCC Title 13.

PD-24-00001/SP-24-00004

Roslyn Ridge West

Page 13 of 16

- 12.1.8. Consistency with the provisions of KCC 17.30A, R-5 – Rural 5 Zone: This proposal is consistent with the Kittitas County Zoning Code for the R-5 – Rural 5 Zoning designation.
- 12.1.9. Consistency with the provisions of KCC 17, Zoning: The proposal is consistent with KCC Title 17. The entirety of the revised proposal falls within the current Rural Recreation Zoning District. The Rural Recreation zoning district requires a 5-acre minimum lot size (KCC 17.30.040). The proposed development includes smaller lot sizes but does not exceed the overall allowable density for the property with the transfer of development rights. KCC 17.36 allows limited departures from underlying minimum lot sizes upon successful application for a rezone to a PUD, provided that the underlying zoning density is respected. The proposal calls for 61 single family and/or multi-family lots, on 69.15 acres in the lower portion of the development.
- 12.1.10. Consistency with provisions of KCC 17.36 Planned Unit Development: This proposal is consistent with the Kittitas County Zoning Code for the Planned Unit Development Zoning designation.
13. An open record public hearing was held, after legal notice, on December 17, 2024.
14. Appearing and testifying on behalf of the Applicant was Laura Hinkle. Ms. Hinkle indicated that she was an agent authorized to appear and speak on behalf of the property owner and applicant. She indicated that the applicant agreed with the Staff Report and had no objection to any of the proposed Conditions of Approval. She indicated that the applicant would have a recreation management plan as recommended by Washington State Department of Fish and Wildlife.
15. Also testifying for the applicant was Pat Deneen. Mr. Deneen confirmed that he had met with Washington State Department of Fish and Wildlife onsite and they would work with Fish and Wildlife to develop a recreation plan.
16. No member of the public testified at the hearing.
17. The following exhibits were admitted into the record:
 - 17.1. Ex. 01 - PD-24-00001 Roslyn Ridge West - Application - PUD APPLICATION - Updated 6-3-24
 - 17.2. Ex. 02 - PD-24-00001 Roslyn Ridge West - Application - PUD Pre-App Meeting Waiver
 - 17.3. Ex. 03 - PD-24-00001 Roslyn Ridge West - Application - Short Plat Application
 - 17.4. Ex. 04 - PD-24-00001 Roslyn Ridge West - Application - 17.36 CODE RESPONSE - Updated 6-3-24
 - 17.5. Ex. 05 - PD-24-00001 Roslyn Ridge West - Application - 17.98 CODE RESPONSE - Updated 6-3-24
 - 17.6. Ex. 06 - PD-24-00001 Roslyn Ridge West - Application - Legal Description
 - 17.7. Ex. 07 - PD-24-00001 Roslyn Ridge West - Application - Vicinity Map
 - 17.8. Ex. 08 - PD-24-00001 Roslyn Ridge West - Application - Development Plan
 - 17.9. Ex. 09 - PD-24-00001 Roslyn Ridge West - Application - Site Soils
 - 17.10. Ex. 10 - PD-24-00001 Roslyn Ridge West - Application - Kittitas County Noxious Weed List
 - 17.11. Ex. 11 - PD-24-00001 Roslyn Ridge West - Application - Landscaping Plan
 - 17.12. Ex. 12 - PD-24-00001 Roslyn Ridge West - Application - PROJECT NARRATIVE - Updated 6-3-24
 - 17.13. Ex. 13 - PD-24-00001 Roslyn Ridge West - Application - Applicant Density Calcs - Revised & Updated Lots 6-3-2024
 - 17.14. Ex. 14 - PD-24-00001 Roslyn Ridge West - Application - Tax Parcels

- 17.15. Ex. 15 - PD-24-00001 Roslyn Ridge West - Application - PHASING PLAN - Updated 6-3-24
- 17.16. Ex. 16 - PD-24-00001 Roslyn Ridge West - Application - ATTACHMENT A-1 - NORTH 21 LOTS - Updated 6-3-24
- 17.17. Ex. 17 - PD-24-00001 Roslyn Ridge West - Application - Review of Kittitas County Code 17A - Updated 6-3-24
- 17.18. Ex. 18 - PD-24-00001 Roslyn Ridge West - Application - PHS CRITICAL AREAS ASSESSMENT - Updated 6-3-24
- 17.19. Ex. 19 - PD-24-00001 Roslyn Ridge West - Application - CA Report Review Attachment A1 & A2
- 17.19.1. Ex. 19A - PD-24-00001 Roslyn Ridge West - Application - CA Report Review Attachment B
- 17.20. Ex. 20 - PD-24-00001 Roslyn Ridge West - Notice - Deemed Complete
- 17.21. Ex. 21 - PD-24-00001 Roslyn Ridge West - Affidavit of Posting 6-12-2024
- 17.22. Ex. 22 - PD-24-00001 Roslyn Ridge West - Affidavit of Mailing & Publishing NOA
- 17.23. Ex. 23 - PD-24-00001 Roslyn Ridge West - Transmittal of Comments 7-23-24
- 17.24. Ex. 24 - PD-24-00001 Roslyn Ridge West - Comments - Combined Comments 7-23-24
- 17.25. Ex. 25 - PD-24-00001 Roslyn Ridge West - Correspondence - NOA Memo to KC Departments & Applicant
- 17.26. Ex. 26 - PD-24-00001 Roslyn Ridge West - Transmittal of Comments 8-12-24
- 17.27. Ex. 27 - PD-24-00001 Roslyn Ridge West - Comments - Combined Comments 8-12-24
- 17.28. Ex. 28 - PD-24-00001 Roslyn Ridge West - Comments - Combined Public Comments
- 17.29. Ex. 29 - PD-24-00001 Roslyn Ridge West - Comments - Applicant Response to Comments 8-28-24
- 17.30. Ex. 30 - PD-24-00001 Roslyn Ridge West - Correspondence - Approval of Extension to Applicants Response to Comments Period Email 7-24-24
- 17.31. Ex. 31 - PD-24-00001 Roslyn Ridge West - Staff Maps - Combined Staff Maps
- 17.32. Ex. 32 - PD-24-00001 Roslyn Ridge West - Application Correspondence - Updated PUD Documents Email #1 6-3-24
- 17.33. Ex. 33 - SE-24-00015 Roslyn Ridge West - Affidavit of Mailing & Publishing Notice of SEPA Action 11-14-24
- 17.34. Ex. 34 - SE-24-00015 Roslyn Ridge West - SEPA MDNS Determination
- 17.35. Ex. 35 - PD-24-00001 Roslyn Ridge West - Notice - Affidavit of Mailing & Publishing Notice of Public Hearing 12-3-24
- 17.36. Ex. 36 - PD-24-00001 Roslyn Ridge West - Staff Report
- 17.37. Ex. 37 - Applicant's PowerPoint.
- 18. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
- 19. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

- 1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
- 2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.

3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14 Buildings and Construction, Title 12 Roads and Bridges and Title 20 Fire and Life Safety.
5. 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 Findings of Fact and Conclusions of Law, PD-24-00001 and SP-24-00004, are hereby recommended to be **APPROVED** subject to the following Recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant shall submit to Kittitas County a final PUD development plan in accordance with KCC 17.36.
2. All development shall conform substantially to the application and accompanying materials submitted on March 26, 2024.
3. Applicant shall comply with the mitigation measures outlined in SEPA Determination SE-24-00015 issued on November 14, 2024.
4. Applicant shall meet all state and federal regulations.

Dated this 2 day of January, 2025

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

This Decision is subject to appeal pursuant to the Kittitas County Code and the Revised Code of Washington.