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**To:** [Rachael Stevie \(CD\)](#)  
**Subject:** RU-22-00002 East Peak  
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Hi Rachel,

Please see my comments below for the project titled RU-22-00002 East Peak:

1) Site Plan: This application is not complete, and should not have been accepted. It does not contain a complete site plan. It is missing many of the key elements which are essential for proper review. It does not contain the complete parcel, and it doesn't contain all proposed structures, drainage, wetlands, etc. There are approximately 25 acres of the subject parcel which have been ignored in this application. In order to properly review this application, we need the whole picture.

3) Critical Areas Report with Mitigation plan: Again, this report does not cover the entire parcel, thus there is no way to properly review the site for constraints that may warrant a reasonable use exemption. Additionally, The provided report does not contain a mitigation plan, and how they plan to offset their proposed impacts. This is inconsistent with WDOE guidelines for eastern washington.

Review of 17A.01.060(2)(c):

1. **Reasonable Use.** If the application of this Title would deny all reasonable economic use of the subject property, the County shall determine if the property owner may apply for an exception pursuant to the following:
  - a. **Exception Request and Review Process.** An application for a reasonable use exception shall be made to the County and shall include a critical areas report, as described in [KCC 17A.01.080](#), including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act ([Chapter 43.21C RCW](#) and rules thereunder in [Chapter 197-11 WAC](#)). The application shall follow the administrative project permit review process outlined in [KCC 15A.03](#). In determining what is considered reasonable use of an undeveloped parcel, the Director may consider additional information such as zoning, and comparable structure sizes and land uses of the surrounding area.
  - b. **Director Review.** The Director shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all the reasonable use exception criteria in Subsection 2(c).
  - c. **Reasonable Use Review Criteria.** Criteria for review and approval of reasonable use

exceptions include:

- i. The application of this Title would deny all reasonable economic use of the property;

**(The applicant only points to the 2018 PUD as a baseline for this density and use. But that PUD was approved without an accurate wetlands / Critical areas report being completed. This is not the fault of the zoning map, but rather the proper analysis during the development of the PUD. One of the main reasons to go through the PUD process to shape the PUD around features such wetlands and their buffers. It is very apparent (because of the submittal of this RU variance request) that during the establishment of the PUD, there was a lack of accurate environmental information, which puts into question the contents of the PUD. Further, the analysis does not demonstrate anything less than complete buildout. The wetland and its buffer only incomber a fraction of the apx 27 acres of the subject parcel. )**

- ii. No other reasonable economic use of the property has less impact on the critical area and its buffer;

**(In the proposed PUD (in its entirety, not just the subset referenced in this limited variance request) there are a number of different use types, Residential, commercial, open space, etc. The applicant has only shown us what placing varying densities of residential use in the subject area, they have not analysed the other approved uses within PUD, and what their impact would be given the buffer and setback constraints. )**

- iii. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;

**(As stated before, one can not determine if this is the minimum necessary, as the subject parcel has 23 acres not being shown or analysed in this application. If the remainder of the parcel was entirely encumbered by wetlands and their buffers, then the applicant's request may actually be the minimum necessary, but since we have not been given the full picture, there is no way to tell. We need a detailed critical areas report for the entire parcel / PUD, with all proposed developments in order to determine if this reasonable use variance should be granted. )**

- iv. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this Title;

**(Prior to the effective date of this Title, the applicant did perform a short plat on the property. In doing so, they created a single apx. 27 acre parcel. That parcel in its entirety needs to be in this application in order to review it for reasonable use, not just this small subset call tract b. The reasonable use section of KCC has no reference to Tracts, only parcels. )**

- v. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;  
**no comment**

- vi. The proposal will result in no net loss of critical area functions and values consistent with the best available science;  
**no comment**

vii. The proposal is consistent with other application regulations and standards.  
**no comment**

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