

East Peak Reasonable Use Exception
File Number RU-22-00002
FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: East Peak Development LLC, property owner, submitted a reasonable use exception request to the 150-foot critical area buffer for the Category III wetland with high intensity land use to accommodate access and future building envelopes to adjacent lots within the buffer. Reasonable use exceptions are processed under KCC 17A.01.060.

Location: The subject property are parcel #'s: 961450 located off Hyak Drive, approximately 0.07 miles from the intersection of Hyak Dr. E. and State Route 906 in Snoqualmie Pass, WA in Section 15, Township 22, Range 11.

II. SITE INFORMATION

| | |
|----------------------|------------------------------------|
| Total Property Size: | 26.89 |
| Number of Lots: | 1 (no new lots are being proposed) |
| Domestic Water: | Snoqualmie Pass Utility District |
| Sewage Disposal: | Snoqualmie Pass Utility District |
| Power/Electricity: | PSE |
| Fire Protection: | Snoqualmie Pass Fire and Rescue |

Site Characteristics:

- North: Primarily residential development
- South: Residential & Ski Resort Area
- East: Residential/Ski Resort Areas/SR 906/I-90/Forested Lands
- West: Primarily residential development

Access: The site is accessed via Hyak Drive East that is accessed by State Route 906.

III. ZONING, ENVIRONMENTAL AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of Planned Urban Development (PUD). The purpose and intent of Planned Urban Development 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:

- a. To encourage more innovative design than is generally possible under conventional zoning and subdivision regulations;
- b. To encourage more economical and efficient use of land, streets, and public services;
- c. To preserve and create usable open space and other amenities superior to conventional developments;
- d. To preserve important natural features of the land, including topography, natural vegetation, and views;
- e. To encourage development of a variety of housing types and densities;
- f. To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible;
- g. To encourage development of areas or site characterized by special features of geography, topography, size, shape; and/or
- h. 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;

The applicant is requesting to utilize the reasonable use exception process pursuant to KCC 17.A.01.060(2), to deviate from the prescribed critical area setback requirements in KCC 17A.07.030 regarding the required Wetland buffer of 150 ft. Title 17A.01.060(2)(c) of the Kittitas County Code outlines seven criteria in which a reasonable use can be granted. The applicant must demonstrate that the proposal **has met all seven criteria**. The following is a summary describing whether or not each criterion has been satisfactorily demonstrated:

KCC 17A.01.060(2)(c) Granting Criteria (all seven must be met):

1. The application of this Title would deny all economic use of the property.

Applicant Response

“The Hyak PUD Final Development Plan was submitted and approved in 2018 by the Kittitas County Board of County Commissioners. The approved Development Plan included a site plan (attached as “Exhibit B PUD Site Plan”) for the Project and approved density. The approved site plan and density included a 50-unit condo building at the south end of the property, with eight (8) detached single family lots to the north. The approved density was based on an in-depth analysis of surrounding uses, which include two adjacent 4-story condo buildings (Sundance Condos & Suncrest Condos) and a surrounding neighborhood of single family and duplex homes. Therefore, the approved level of density in the PUD is considered the reasonable economic use of the property and the application of the 150-ft buffer prescribed in this title would deny the reasonable economic use of the property.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to the applicant’s submitted information and comments received during the comment period. KCC 17A.01.060(2)(a) allows consideration of additional information such as zoning and adjacent land uses to determine what is considered reasonable use for a site. The Project is part of the Hyak Planned Unit Development (RZ-87-0002) which had its Final Development Plan approved in 2018. The lots were/are intended for multi & single-family residential development. At the time these lots were platted, there were no critical areas identified that affected the properties. The current buffer (effective 2/7/2022) into the lots and the road that would access these lots denies the property of reasonable economic use. CDS finds that the applicant has satisfied the criteria outlined in KCC17A.01.060(2)(c)(i).

The applicant has demonstrated in a factual and meaningful way that the application of this Title (KCC 17A) would deny all economic use of the property. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(i).

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

Applicant Response

“The applicant has looked at a number of site layouts and the Site Plan (Exhibit A) presented in this application is the most efficient and condensed plan to achieve the reasonable use of the property. The applicant has significantly condensed the development relative to what was approved in the PUD and has reoriented the site plan to locate the higher intensity multi-family use to the far north of the property, furthest from the identified wetlands. The eight (8) approved single family lots have been reduced to seven (7) attached units, and placed close to the street (units 1-5 to east; units 6-7 to north) to minimize disturbed area in the critical area buffer. The Site Plan allows for the southern portion of the property to remain undisturbed through development to limit critical area disturbance and protect critical area function.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to the applicant's submitted information and comments received during the comment period. CDS agrees that unless the applicant does nothing with the property, residential uses with road access have the least amount of impact on the wetland buffer and are the most consistent with existing adjacent land uses.

The applicant has demonstrated in a factual and meaningful way there are no other reasonable economic uses that have less impact on the critical area and its buffer on the property. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(ii).

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

Applicant Response

"The applicant has taken significant measures to minimize the impact of the development on the critical areas outlined in Sewall Wetland Consulting's Critical Areas Report. Given the character of the existing wetland buffer, Sewall Wetland Consulting has determined that no functional impact to the wetland will occur from this proposed project. Additionally, significant measures have been taken to enhance the existing buffer area with a total of 17,176 SF of enhancement for the existing degraded buffer."

Staff Response

The road to serve the lots must meet minimum county road standards and fire access requirements. The proposed project has been downsized to reduce the footprint of the development and increase the available buffer around the identified wetland. Additionally, the applicant has updated their mitigation plan with modifications to increase monitoring and include more shrub plantings. Staff finds the proposed development with buffers and mitigation plan a reasonable economic use of the property.

The applicant has demonstrated in a factual and meaningful way that the proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(iii).

4. 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.

Applicant Response

"The PUD entitlements existed prior to the enactment of the revised buffers (Feb, 2022) which now require this reasonable use application. The inability of the applicant to achieve the reasonable use outlined in the approved PUD Final Development Plan is not the result of action by the applicant after the effective date of this Title."

Staff Response

The Project is part of the Hyak Planned Unit Development (RZ-87-0002) which had its Final Development Plan approved in 2018. The lots were/are intended for multi & single-family residential development. At the time these lots were platted, there were no critical areas identified that affected the properties. The current buffer (effective 2/7/2022) into the lots and the road that would access these lots denies the property of reasonable economic use.

The applicant has demonstrated in a factual and meaningful way that the proposal is not the result of actions taken by the applicant after the effective date of this Title (KCC 17A). The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(iv).

5. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site.

Applicant Response

“The Project does not pose an unreasonable threat to the public health, safety, of welfare on or off the development proposal site. The impacts of the proposed development were thoroughly vetted by Kittitas County during the PUD approval process.”

Staff Response

The proposal has similar qualities to other multi-family and single-family developments and will not pose an unreasonable threat to public health, safety and welfare.

The applicant has demonstrated in a factual and meaningful way that the proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(v).

6. The proposal will result in no net loss of critical area functions and values consistent with the best available science.

Applicant Response

“The proposed reduced buffer will include approximately 17,176 SF of buffer enhancement. This will increase the function of this currently low functioning buffer area. The existing buffer will be enhanced through removal of any trash and gravel, and the replanting of degraded buffer areas with native trees and shrubs to include mountain hemlock, silver fir, douglas fir, vine ample and huckleberry.

The proposed buffer enhancement and restoration will result in no net loss of buffer function to the wetland, and contribute favorably to the sustainability of the existing stream while utilizing best available science. Please see the attached Critical Areas Report by Sewall Wetland Consulting for a full overview of the Mitigation Plan (Exhibit D).”

Staff Response

The applicant’s proposal for mitigation results in no net loss of ecological functions through monitoring, replanting and enhancement of wildlife habitat within the wetland buffer. Although the buffer area is being encroached upon, the applicant is proposing buffer enhancements to the existing, degraded, low functioning wetland buffer by planting 19,117 square feet of trees shrubs and other wetland vegetation where none currently exists. The wetland itself will also be enhanced with the removal of trash and debris from within the wetland.

The applicant has demonstrated in a factual and meaningful way that the proposal will result in no net loss of critical area functions and values consistent with the best available science. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(vi).

7. The proposal is consistent with other application regulations and standards.

Applicant Response

“The proposal is consistent with other applicable regulations and standards.”

Staff Response

The proposal is conditioned to be consistent with all other applicable regulations and standards. The applicant has already completed a SEPA (DNS).

The applicant has demonstrated in a factual and meaningful way that the proposal is consistent with other application regulations and standards. The reasonable use exemption request, as presented, is consistent with KCC 17A.01.060(2)(c)(vii).

Staff Conclusions

Staff finds that the reasonable use exception request **does** meet all seven criteria outlined in KCC 17A.01.060(2)(c) as described above. Therefore, the critical areas reasonable use request is consistent with the conditions necessary to grant a reasonable use exception under KCC 17A.01.060(2)(c).

IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on March 21, 2022.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on March 31, 2022, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on April 15, 2022 and all comments were transmitted to the applicant on April 21, 2022.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found that GIS indicated no critical areas on the property. Through an updated critical area report completed on September 14, 2023 by Sewall Wetland Consulting, LLC., it was discovered that a stream & wetland not identified using GIS, were discovered on the property. The stream is a Type Ns stream. The current required buffer in KCC 17A.04.030(4) is a 50-foot buffer from the Ordinary High-Water Mark (OHWM) of the creek since it is within the Cascade Ecoregion. This does not include the additional 15' setback in KCC 17A.01.090(5). The wetland is a Category III wetland that feeds into the stream with moderate land use. The current required buffer in KCC 17A.07.030(4) for a Category III wetland with moderate land use is 150 ft measured horizontally in all directions from the outer edge of the wetland boundary. This does not include the additional 15' setback in KCC 17A.01.090(5). Due to the size of the lot & location of the wetland, there is no area to accommodate buffer averaging.

CDS & the applicant discussed a critical area buffer of 50 feet. The applicant also submitted a revised site plan showing a reduction in the number of buildings and a change in location of the buildings to better accommodate the critical area and the 50-foot buffer. The specific placement of these structures is a consideration in the reasonable use review. The proposal is within the required wetland buffer and requires a reasonable use exception. The reasonable use exception with a mitigation plan would alleviate concerns regarding encroachments to the buffer of the wetland.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review.

VII. PROJECT ANALYSIS

In review of this proposal, it is important to consider the applicable county code, public and agency

comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Consistency with the provisions of KCC 17A, Critical Areas:

CDS performed a critical area review of the subject parcel and found that GIS indicated no critical areas on the property. Through an updated critical area report completed on September 14, 2023 by Sewall Wetland Consulting, LLC., it was discovered that a stream & wetland not identified using GIS, were discovered on the property. The stream is a Type Ns stream. The current required buffer in KCC 17A.04.030(4) is a 50-foot buffer from the Ordinary High-Water Mark (OHWM) of the creek since it is within the Cascade Ecoregion. This does not include the additional 15' setback in KCC 17A.01.090(5). The wetland is a Category III wetland that feeds into the stream with moderate land use. The current required buffer in KCC 17A.07.030(4) for a Category III wetland with moderate land use is 150 ft measured horizontally in all directions from the outer edge of the wetland boundary. This does not include the additional 15' setback in KCC 17A.01.090(5).

The applicant included a proposed critical area buffer of 50 feet. The applicant also submitted a revised site plan showing a reduction in the number of buildings and a change in location of the buildings to better accommodate the critical area and the 50-foot buffer. The specific placement of these structures is a consideration in the reasonable use review. The proposal is within the required wetland buffer and requires a reasonable use exception. The reasonable use exception with a mitigation plan would alleviate concerns regarding encroachments to the buffer of the wetland. The applicant has already completed a SEPA (DNS).

With the reasonable use exception and mitigation plan, this project is consistent with the provisions of KCC 17A.

Consistency with the provisions of the KCC Title 14.04, Building Code:

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Timely comments were received from the following agencies during the comment period: Kittitas County (KC) Code Enforcement, KC PUD, WA State Department of Health – Office of Drinking Water, Department of Natural Resources, WA Department of Ecology, WA DAHP, KC Public Works, and Yakima Nation. The Confederated Tribes of the Colville Reservation submitted a comment after the comment period ended. All comments are on file and available for public review.

KC Code Enforcement

No comment from CDS Code Enforcement for this Reasonable Use Variance application.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Kittitas PUD

Kittitas PUD does not have any comments regarding this project. Although our territory is

Countywide, this project is located too far from Kittitas PUD power lines.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Washington State Department of Health – Office of Drinking Water

While the applicant is seeking “Reasonable Use” exceptions, and DOH ODW has no comment on that, DOH ODW would like to know how the proposed buildings are being served drinking water.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Washington State Department of Natural Resources

DNR Southeast Region Forest Practices appreciates the opportunity to provide comments that relate to the property and the Reasonable Use (RU-22-00002 East Peak) notice. The property is just under 27 acres in size, and appears to be mostly undeveloped, with stands of timber in the northern and southern most portions. Additionally, I note that in GIS, our hydro layer shows a possible Type N (non-fish bearing) stream running east/west through a small area of the southernmost part of the property, which based on the project narrative, does not seem to be slated for development at this time, however, on the associated site plan, it appears that the townhome/rowhome building(s) will be located in the central part of the property, and I do note that aerial imagery seems to show some mature trees in this location.

My comments are that in order to clear the trees from central portion of the parcel for the townhouse/rowhouse building(s), the property owner will need an approved Class IV-General Forest Practices Application from the DNR, prior to any ground action (timber harvest, stump pulling). Since the DNR cannot accept the application for a FPA without a SEPA determination, we will need the project proponent to work with Kittitas County on running SEPA, since they will need both an approved IV-G FPA as well as various permits from you, such building permits. In the situation where a SEPA checklist notes the need for multiple permits for a project, WAC 197-11-938 (4)(c) essentially states that that the county shall be lead agency for SEPA.

I understand if there is no technical trigger for Kittitas County at this time to run SEPA as the lead agency, but I wanted to make you aware that we will be directing the property owners to engage with you on SEPA. In the event we were to receive an FPA without a SEPA determination, it would be deemed incomplete. In the event we were to receive an FPA with a SEPA checklist, we would need to formally let Kittitas County know that per the aforementioned WAC, you will be lead agency on SEPA for any development of this property. I am more than happy to discuss the best way to coordinate with the project proponents, in order to have them navigate the regulatory process.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has conditioned this determination to include the applicant working with the Washington

Department of Natural Resources to obtain a Forest Practices Application.

Washington Department of Ecology

SHORELANDS/ENVIRONMENTAL ASSISTANCE

Thank you for providing the Department of Ecology (Ecology) an opportunity to review and comment on the proposed wetland buffer reduction for the East Peak Development, LLC Reasonable Use Variance request.

Ecology staff has reviewed Exhibit C, Critical Areas Report- Tract B of Parcel #91450 prepared by Sewall Wetland Consulting, Inc. and have the following comment to provide.

- The incorrect wetland rating system and form were used. This location is actually within the Eastern Wetland Rating area. The line for the Western Rating System is located approximately 1.5 miles west of the project site. The two rating systems are slightly different. The use of the incorrect system could provide an incorrect wetland rating. Ecology staff can not verify that this rating is correct and therefore that the appropriate wetland buffer has been applied.*
- Buffer reduction, enhancement, and planting are discussed within the above-mentioned critical area report. Ecology would like to provide some guidance and clarification on buffer enhancement and reduction practices.*
 - Buffer reductions without the use of buffer averaging, should be mitigated for at a 1 impact area: 1 replacement area ratio. Ecology guidance documents were written with the assumption that there is an existing functional buffer in place. If there is not one (it is lawn grass, sparsely vegetated, or vegetated by invasive species) the buffer is to be appropriately planted with native vegetation prior to the change in landuse. Therefore any buffer planting is expected to have already taken place and is not acceptable to be used as a form of mitigation. The buffer should be planted and mitigation for impacts provided per area of impact.*
 - It is unclear what width the buffer is being reduced to.*
 - The planting plan proposes the use of three tree species. It should include shrubs and an herbaceous layer as well for added structure, screening, and filtering purposes.*
 - Monitoring of planted woody material should be for 10 years with the potential for early release if meeting performance standards.*
 - Goals and Objectives of the overall mitigation monitoring plan should be included. It needs to be expanded on beyond that of Year 2.*

Wetland buffers play an important role in protecting the functions and values of the wetland by filtering stormwater run-off which could carry a variety of pollutants from the landuse of the parcel (such as pet waste, fertilizer, vehicle oil, and gas, etc.), they screen light and noise pollution, and they provide areas for a variety of species to forage, nest, and loaf. They are imperative to protecting the wetland's functions and values and should be appropriately considered when planning a landuse project.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant. CDS has conditioned this determination to ensure the applicant re-establishes the functionality of the wetland and retains a 50 foot buffer consistent with the previous critical areas ordinance in effect at the time the PUD was reviewed.

Washington Department of Archaeology & Historic Preservation

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and

Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance Washington State law. Should additional information become available, our assessment may be revised.

Our statewide predictive model indicates that there is a 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.

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.

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has conditioned this determination to ensure the applicant shall have a professional archaeological survey of the project area conducted and a report be produced prior to ground disturbing activities.

KC Public Works

All applicable standards described in Kittitas County Code Chapter 12 shall apply to any proposed development. Further comments may be made when additional permits are submitted.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has conditioned this determination to ensure the applicant shall have a professional archaeological survey of the project area conducted and a report be produced prior to ground disturbing activities.

Yakima Nation

Thank you for contacting us regarding the proposed undertaking. The project is located within the traditional lands of the Pshwánapam (Upper Yakama), signatory to the Yakama Treaty of 1855. We recommend an archaeological survey of the project as it lies within a high probability area for encountering resources. Please ensure a copy of the report is provided to our office for review.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has conditioned this determination to ensure the applicant shall have a professional archaeological survey of the project area conducted and a report be produced prior to ground disturbing activities.

Confederated Tribes of the Colville Reservation

Thank you for consulting with the Confederated Tribes of the Colville Reservation regarding RU-22-00002 East Peak. Given the extent of ground disturbance proposed for this project, and the high risk of cultural resources being present in this area, we recommend a cultural resource survey, inclusive of subsurface testing, be conducted prior to project implementation. Please keep us updated on the findings.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has conditioned this determination to ensure the applicant shall have a professional archaeological survey of the project area conducted and a report be produced prior to ground disturbing activities.

Public Comments:

Timely comments were received from the following agencies during the comment period: Michelle Olson, Jennifer Sokolowski, Kevin, Curd, Damiano Boscolo, Douglas Hudak, Kristin Weber, John Chapman, Tiffany Gorski, Diane Sumner, Gretchen Garland, Amire & Noa Navot, Jim Sammet, Jen Phillips, Anthony Boscolo and Francine Curd. See Appendix A for public comments.

All comments received during the comment period were transmitted to the applicant on May 2, 2022 and are available on file at CDS.

VIII. FINDINGS OF FACT

1. The applicant is requesting a reasonable use exception to the 150-foot buffer and 15-foot building setback for a Type III wetland and the 50-foot buffer and 15-foot setback for a Type Ns stream. The variance will accommodate the development of five townhome units and a multifamily residential building with approximately 50 units. Additionally, site road and utility infrastructure will be installed as part of the development. This development is in accordance with Hyak Planned Unit Development (RZ-87-00002).
2. The subject property are parcel #'s: 961450 and a part of the SPF-20-00001 Rampart Row Final Short Plat that are located off Hyak Drive, approximately 0.07 miles from the intersection of Hyak Dr. E. and State Route 906 in Snoqualmie Pass, WA in Section 15, Township 22, Range 11.
3. Site Information

| | |
|----------------------|------------------------------------|
| Total Property Size: | 26.89 acres |
| Number of Lots: | 1 (no new lots are being proposed) |
| Domestic Water: | Snoqualmie Pass Utility District |
| Sewage Disposal: | Snoqualmie Pass Utility District |
| Power/Electricity: | PSE |

Fire Protection: Snoqualmie Pass Fire and Rescue

4. Site Characteristics:

North: Primarily residential development
South: Residential & Ski Resort Area
East: Residential/Ski Resort Areas/SR 906/I-90/Forested Lands
West: Primarily residential development

The site is accessed via Hyak Drive East that is accessed by State Route 906..

5. The Comprehensive Plan land use designation is “LAMIRD” with a zoning designation of Planned Unit Development.
6. The purpose and intent of Planned Urban Development 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:
 - i. To encourage more innovative design than is generally possible under conventional zoning and subdivision regulations;
 - j. To encourage more economical and efficient use of land, streets, and public services;
 - k. To preserve and create usable open space and other amenities superior to conventional developments;
 - l. To preserve important natural features of the land, including topography, natural vegetation, and views;
 - m. To encourage development of a variety of housing types and densities;
 - n. To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible;
 - o. To encourage development of areas or site characterized by special features of geography, topography, size, shape; and/or
 - p. 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. A Reasonable Use Application was submitted to Kittitas County Community Development Services department on March 18, 2022.
8. The application was determined complete on April 1, 2022.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on April 7, 2022, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on April 22, 2022 and all comments were transmitted to the applicant on May 2, 2022.
10. CDS performed a critical area review of the subject parcel and found that GIS indicated no critical areas on the property. Through an updated critical area report completed on September 14, 2023 by Sewall Wetland Consulting, LLC., it was discovered that a stream & wetland not identified using GIS, were discovered on the property. The stream is a Type Ns stream. The current required buffer in KCC 17A.04.030(4) is a 50-foot buffer from the Ordinary High-Water Mark (OHWM) of the creek since it is within the Cascade Ecoregion. This does not include the additional 15’ setback in KCC

17A.01.090(5). The wetland is a Category III wetland that feeds into the stream with moderate land use. The current required buffer in KCC 17A.07.030(4) for a Category III wetland with moderate land use is 150 ft measured horizontally in all directions from the outer edge of the wetland boundary. This does not include the additional 15' setback in KCC 17A.01.090(5). Due to the size of the lot & location of the wetland, there is no area to accommodate buffer averaging.

The applicant included a proposed critical area buffer of 50 feet. The applicant also submitted a revised site plan showing a reduction in the number of buildings and a change in location of the buildings to better accommodate the critical area and 50 foot buffer. The specific placement of these structures is a consideration in the reasonable use review. The proposal is within the required wetland buffer and requires a reasonable use exception. The reasonable use exception with a mitigation plan would alleviate concerns regarding encroachments to the buffer of the wetland. The applicant has already completed a SEPA (DNS).

11. The proposal is consistent with the provisions of KCC 17A, Critical Areas as conditioned.
12. The proposal is consistent with the reasonable use exception criteria in KCC 17A.01.060(2)(c). All seven criteria have been satisfied.
13. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
14. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety, as conditioned.
15. The proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
16. Timely comments were received from the following agencies during the comment period: Kittitas County (KC) Code Enforcement, KC PUD, WA State Department of Health – Office of Drinking Water, Department of Natural Resources, WA Department of Ecology, WA DAHP, KC Public Works, and Yakima Nation. The Confederated Tribes of the Colville Reservation submitted a comment after the comment period ended. All comments are on file and available for public review.
17. Timely public comments were received from the following people during the comment period: Michelle Olson, Jennifer Sokolowski, Kevin, Curd, Damiano Boscolo, Douglas Hudak, Kristin Weber, John Chapman, Tiffany Gorski, Diane Sumner, Gretchen Garland, Amire & Noa Navot, Jim Sammet, Jen Phillips, Anthony Boscolo and Francine Curd.

IX. STAFF CONCLUSIONS:

1. This proposal has satisfied all seven criteria of KCC Title 17A.01.060(2)(c).
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations including Kittitas County Code Title 12 Roads and Bridges, Title 14.04 Building Code, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the East Peak Reasonable Use Exemption Request (RU-22-00002) is hereby **approved**. The East Peak Reasonable Use Exemption Request has satisfied the requirements of a reasonable use exception pursuant to KCC 17A.01.060(2)(c).

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file with CDS dated March 18, 2022 and subsequent information included in the complete file index except as amended by the conditions herein.
2. The applicant shall comply with all local, State and Federal environmental standards and regulations in place at the time of building permit application submittal.
3. The applicant shall obtain all necessary permits required by Kittitas County Public Works for this development, and no structure shall encroach upon any easement or right-of-way.
4. All current and future owners must comply with International Fire Code.
5. The applicant shall obtain an approved Class IV-General Forest Practices Application from the DNR, prior to any ground action (timber harvest, stump pulling).
6. The applicant shall provide buffer enhancements to the existing, degraded, low functioning wetland buffer by planting trees, shrubs and other wetland vegetation where none currently exists. The applicant will enhance the existing wetland with the removal of trash and debris from within the wetland and surrounding buffer prior to planting.
7. A detailed mitigation plan including a monitoring plan must be submitted and approved by Kittitas County, in consultation with the Department of Fish & Wildlife, prior to any work (clearing, grading) being done on site. Any necessary site plan modification resulting from the detailed mitigation plan review shall remain consistent with Title 17A and be submitted concurrently with the detailed mitigation plan for Kittitas County review and approval. The detailed mitigation plan shall be in compliance with KCC 17A.01.100(2).
8. A professional archaeological survey of the project area is to be conducted and a report be produced prior to ground disturbing activities. This report should meet DAHP's Standards for Cultural Resource Reporting.
9. Should ground disturbing or other activities related to this proposal result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP), Yakama Nation, and the Snoqualmie Tribe. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.
10. The associated critical areas report is valid for 5 years. The report shall be updated in 5 years and submitted to Kittitas County for review, if substantial construction has not taken place. Substantial constructions shall mean a poured foundation on approved building pads.
11. The proponent is required to contact Mark Kaiser of the WSDOT South Central Region office at (509) 577-1668 to update the access permit to the subject property.
12. Per Title 17A.01.090(5), notice on Title shall be recorded with the Kittitas County Auditor's office for all lots involved describing the following: Protective Measures – 5. Notice on Title.

- i. The presence and location of the critical area and buffer from approved detailed mitigation plan.
- ii. A statement of as to the applicability of Title 17A to the property including this reasonable use exemption.
- iii. A statement describing limitations on action in or affecting critical area and buffers approved as part of this reasonable use.

The notice shall be recorded once the detailed mitigation plan is approved. A copy of the recorded notice shall be provided to Kittitas County Community Development Services



Responsible Official _____
Bradley Gasawski

Title: Planner I

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7046

Date: April 19, 2024

Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm May 3, 2024. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.

Appendices

Appendix A: Public Comments

Appendix B: Applicant Response to Comments

Appendix A – Public Comments

Public Comments:

Timely comments were received from the following agencies during the comment period: Michelle Olson, Jennifer Sokolowski, Kevin, Curd, Damiano Boscolo, Douglas Hudak, Kristin Weber, John Chapman, Tiffany Gorski, Diane Sumner, Gretchen Garland, Amire & Noa Navot, Jim Sammet, Jen Phillips, Anthony Boscolo and Francine Curd.

Michelle Olson

Hi, as a full time home owner in Hyak Estates, I am concerned about where parking will be for all of these units. I believe the responsible and most obvious thing to do is build a parking garage under these units for space for residents as well as additional parking spaces for daily visitors of the ski area. Daily use fees could greatly offset the costs of building the garage. There could also be storage lockers for ski equipment for residents of the units. Parking has become a huge problem and liability for the area and residents of this community. I urge you not to grant building permits until this issue has been addressed.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Jennifer Sokolowski

I have a condo in Hyak at Sundance, next door to proposed new building(s).

If these new residences or condos are coming, RU-22-00002 East Peak, I would ask that a road is established on the east side of their property. This would allow access to Sundance north entrance for a turn around for Sundance. The parking at Hyak is horrendous and this could help divert some of the traffic for the new places and allow better access for emergency vehicles. This could be a win/win for everyone.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Kevin Curd

I am writing in regards to the proposal from East Peak development to reduce the recommended wetland and stream setbacks. They also are proposing a change in their original design, which would see the condominium building move from the South end of the area to the North.

In regards to the reduced wetland buffer, I find it odd that none of the documentation seems to specify the final reduced buffer. The original buffer for a type 3 wetland is indicated at 150 feet plus 15 foot setback. In looking at the Proposed Site Plan the distance is not called out, but it appears that the type 3 wetland buffer has been reduced from 150 feet to 25 feet with a ten foot building setback. This seems to be an extreme reduction in the buffer zone. A total reduction of approximately 125 feet. The primary reason for the reduction does not appear to have any

environmental rational. The only reason given in asking for the reasonable use exception is that East Peak development would like to maximize their financial return on this project. Nowhere in the wetland evaluation does it mention that this is a newly created wetland, so it must be assumed that this wetland was present when East Peak originally purchased this land and it would seem that they should have conducted due diligence prior to purchasing this particular plat. It does not seem that Kittitas County should be required to waive environmental standards solely that East Peak can maximize its profit. With regards to the current real estate market it would seem probable that, even if the buildable plat is reduced by 40 to 50 percent, the project should maintain a healthy profit.

It would seem that if concessions are made by Kittitas County to reduce the buffer that it should be the County who determines the buffer reduction and that the County should not just rubber stamp plans based on the developer's best interest. In reading the Wetland Buffer enhancement plan, I noted that it stated that the wetlands would be cleaned of gravel. My concern is that the wetland would continue to see snow removal thrown onto the enhanced buffer. In fact with reduced area for snow removal due to the new buildings, the wetland area would more than likely become the primary snow holding area for the parking lot resulting in a further degradation of the wetland area.

Since I live in lower Hyak, one of my chief concerns has always been any changes that affect water run-off. Currently E Hyak drive at its low point usually floods annually causing the homeowners to sandbag or dyke their driveways. This is typically a winter event where we see periods of heavy rain. With drainage ditches full of snow the water jumps from the ditches to the roadway. The county has already commented that the approved 2018 plans may be inadequate for stormwater drainage. It would seem that maximizing the wetland area would be beneficial to water runoff.

In regards to flipping the design layout, with the condominium at the North end, it appears that this may have a negative effect for the existing residential homes on Chamonix Pl. Nowhere in the plans does it indicate the height of the proposed condo, but I would imagine that having a 40 to 60 foot tall building will have a detrimental effect on existing housing located due west and north of the condo. It is important to note that Snoqualmie Pass is a biologically diverse zone. We have seen considerable effort by Washington state to increase wildlife connectivity and enhance wildlife corridors. With Hyak bordering on a major wildlife corridor it would seem that decisions about reducing wetland buffers would be looked at with a more critical eye than perhaps a development situated in an urban environment

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Damiano Boscolo

Thank you for providing an opportunity to comment on East Peak Reasonable Use Variance. East Peak Development, LLC is requesting a reasonable use exception to the 150-foot buffer and 15-foot setback for a Type III wetland and the 50-foot buffer and 15-foot setback for a Type Ns stream. In my opinion the "Reasonable Use Variance" should not be granted without additional consideration.

In the "Project Narrative" for the Reasonable Use Variance, East Peak Development, LLC states

in their response the Hyak PUD Final Development Plan was approved in 2018 by the Kittitas County board of Commissioners showing a 50 unit condo building and 8 detached single family lots. It further states "The approved density was based on an in-depth analysis of surrounding uses". However, during the "in-depth analysis" the original project plan failed to identify the wetland which the proposed 50 unit condo building was to be constructed upon.

The paragraphs below were sourced from a file titled "RZ-87-00002_Hyak Amend PUD_FPUD Master File".

3. Prior to submittal of the final development plan, the applicant shall prepare a wetland mitigation plan for an identified wetlands. Wetland encroachments shall not result in a net loss of total wetland areas. The final development plan shall clearly delineate all wetland areas and definitively describe all mitigation features, including but not limited to: construction constraints, mitigation, delineation, associated wetlands, swamps and drains.

Response: The applicant proceeded with a Partial Final Development Piao for Divisions 1 & 2 and received final approval for the Partial Final Development Plan and Divisions 1 & 2. The applicant submitted documentation from a consultant stating no wetlands were present satisfying this condition in order to receive approval for Divisions 1 and 2. Furthermore in reviewing the County wetland mapping there seems to be no identified wetlands on the project site. In review of the County file for the Hyak Amended PUD there is some references to a wetland located above the existing Sundance building. This area was formerly) labeled as Area B of the Hyak Amended Planned Unit Development original map. Currently this area is in the process of being purchased b Sundance therefore no development by the Hyak Planned Unit Development, will occur. The area of purchase by Sundance is considered open space. See Exhibit_ 4 specifically Sheet EX-2. Furthermore there is no required condition regarding wetland mitigation within Ord. 94-12.

In reviewing the Hyak PUD Final Development Plan approved in 2018. Kittitas County required a wetland mitigation plan for all identified wetlands. East Peak Development states in the project narrative for the 2018 Hyak PUD Final Development plan (shown above), that documentation from their consultant stated no wetlands were present, satisfying the Kittitas County CDS condition. The county accepted this statement submitted by the developer, and the wetland condition was met as per the FPUD documents.

I was unable to locate a wetland mitigation plan from the 2018 Hyak PUD Final Development Plan in the available public website. Was a wetland mitigation plan reviewed by the county? If so, I would like to receive a copy of the wetland mitigation plan submitted.

Wetlands are a valuable public resource and should be protected. Even Kittitas County code state's "Wetland encroachments shall not result in a net loss of total wetland area." A 150-foot buffer, plus a 15-foot setback does not deny the developer of reasonable economic use of the property. The developer failed to identify wetlands in their original development plan and now claim they are being denied reasonable economic use. The latin phrase "Caveat Emptor" comes to mind in this situation; the buyer alone is responsible for checking the quality and suitability of the land before a purchase is completed.

If the county is to grant the reasonable use request then the county and public should receive a like-kind exchange for granting the developer's request. This like-kind exchange should be located within the Hyak PUD development plan, in addition to the existing the existing open

space and be available for the public good.

In response to the Reasonable Use Variance:

Counter response to the Project Narrative 10 A. *"The application of this Title would deny all reasonable economic use of the property." Clearly, the application of this Title "DOES NOT" deny all reasonable economic use of "Hyak PUD - Tract B". The construction of a 50 unit condo building can still occur on this site. Furthermore, tract B is only a small portion of the property controlled by the developer.*

Counter response to Project Narrative 10 B. *East Peak Development, LLC states in their response that "the application looked at a number of site layout and the Site Plan (Exhibit A) presented in this application is the most efficient and condensed plan to achieve the reasonable use of the property." This may be true however, the condensed plan from 8 single family lots to 7 attached units still has a significant portion of the 7 attached units within the wetland buffer. A more reasonable response would be to construct the 50 unit condo building at the north-end of the property and vacate the plan to construct the 7 attached units within the wetland buffer.*

Counter response to Project Narrative 10 C. *East Peak Development, LLC states in their response "The application has taken significant measures to minimize the impact of the development on the critical areas". Again, the answer is clearly NO. All 7 of the attached units are within the 150-buffer. A reasonable use would be to vacate the plan for the 7 townhomes.*

Counter response to Project Narrative 10 D. *East Peak Development, LLC states in their response "The PUD entitlements existed prior to the enactment of the revised buffers (Feb, 2022). Again, the PUD entitlements failed to identify the wetland, either through the fault of the developer or Kittitas county. Both parties likely bear responsibility for the mis-steps in the original Hyak PUD. Furthermore, the rules regarding entitlement, permitting and construction of buildings change over-time; experienced developers are aware of this risk.*

Counter response to Project Narrative 10 E. *Wetlands are a valuable public resource, providing critical areas for animals and plants to thrive, water infiltration into the water supply and helps to manage spring snow melt.*

Counter response to Project Narrative 10 F. *The Reasonable Use Variance will result in a significant reduction of the available wetland buffer. A wetland buffer that was established by the best available science and updated as recently as February 2022.*

Counter response to Project Narrative 10 G. *No comment.*

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Douglas Hudak

and Enhanced Buffer" paragraph describes proposed mitigations along the current ski area parking lot, but they do NOTHING to protect the drainage of the stream and the wetland area that lie uphill. I also disagree with the last paragraph in section F of the "Hyak PUD - Track B Project Narrative" which claims that the "proposed buffer enhancement and restoration will result in no net loss of buffer function to the wetland ..." Our zoning laws are designed, in part, to

protect our natural resources from overzealous developers. The requested variance is a significant encroachment and deviation from the lawful 150 foot buffer requirement for these types of wetlands.

Currently, areas upstream of the parking lot along the stream in question, are over-saturated during the wet months which results in excess water finding other downstream paths. This stream in turn is dependent of the surrounding undergrowth and trees that prevent erosion and degradation of the current drainage patterns. In the event that this variance is approved, the drainage of this watershed will be negatively impacted. The developer's mitigation plan is not, in my opinion, sufficient to protect the natural resources and drainage.

The 2008 landslide on the face of East peak, although not directly connected with the drainage in question, is another example of the fragility of the water drainage system in our community that can result in large economic losses to owners in our community if we do not protect our drainage and prevent erosion.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Krsitin Weber

The county deemed this a property with a wetland and stream. The buyer purchased the property with this knowledge and awareness of the county's setbacks and buffers, which most likely discounted the price of the land. I would think East Peak should have to modify their plans to accommodate the setbacks, not Kittitas County revising their rules and regulations. I am surprised in a time of environmental awareness that this would even be a consideration.

With building in the mountains, comes the biggest issue in the winter....where will all the snow go? I hope the CDS takes into account roof off-loading, snow plowing from the Hyak parking lot and snow removal from the proposed site road. The proposed change in buffer and setbacks could impact snow storage and thereby shrink the parking lot, which is already overwhelmed by visitors.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

John Chapman

There are many important issues which exist at the Snoqualmie Pass and Hyak areas. These include limited parking availability, the need for public access to recreational activities and forest service lands, winter traffic congestion impacting Hyak Estates, snow removal and snow storage requirements, and general impacts to the mountain environment. Also, the need for development which considers equity and inclusion for all who wish to access public recreational lands and facilities is of utmost importance to our community.

East Peak Development continues to push for incremental exceptions and variances relative to their development desires without making their ultimate plans easily understandable for stakeholders and for the public to facilitate timely and thoughtful comment. The Rampart Row Short Plat for parcel #961450 developed by East Peak Development in 2020 specifically indicated: “No variances for setback encroachment shall be approved for any lots created by this short plat”. After that promise was made, East Peak is now asking for another incremental deviation from the rules in the name of “Reasonable Use”. Similarly, relative to parking requirements, Kittitas County, after holding meetings “closed to the public” in 2018, allowed East Peak to move forward with their general development plans, but specifically stipulated requirements for a minimum of 1.5 parking spaces for each residential unit. The plans attached to this Reasonable Use variance request appear to only provide 1.0 spaces per unit, not 1.5 as previously required by the county.

East Peak Development’s claim that “The application of this Title would deny all reasonable economic use of the property” cannot be validated from the information provided in this RU-22-00002 Notice of Application, and I suspect that it is not an accurate assertion. The Parcel #961450 and Rampart Row Short Plat do not reveal what the specific and complete development plan for the entire Parcel #961450 will look like. The variance application only shows the proposed development for a sub-Parcel, “Parcel B” of Parcel # 961450. What are the plans for the other sub-Parcels: Parcel A, Parcel C, Parcel D, and Parcel E? Certainly, development of those other portions of the open-ended Rampart Row Short Plat, along with sales of Lots 1, 2, and 3 will invalidate the claim of “deny all reasonable economic use” of Parcel #961450. I can only think of one situation (that is if Parcel B is the only remaining piece of Parcel #961450 available for any kind of development) which would possibly support the argument of “denying all reasonable economic use”. There is no information given in the Reasonable Use application which indicates the specific full build-out scenario of Parcel #961450. But I am assuming that more development plans will eventually be forthcoming for the sub-Parcels A, C, D, and E, and therefore the claim of “denying all reasonable economic use” does not seem valid.

If a RU-22-00002 is approved by Kittitas County, it should only be done in exchange for Public Benefit as to not threaten or impede the Public Welfare, which I believe could be threatened by the proposed reasonable use application. The Snoqualmie Pass area is a public treasure that should be available to all, regardless of their socioeconomic status. While development is inevitable, it needs to be done in a way that enhances recreational access for all. Particularly in such a popular recreational area that has had nearly a 100-year history of un-impeded physical access for the health and welfare of the public. This is not an area that should be morphed into an “exclusive private club”; which has the potential of occurring if for-profit-developers are granted incremental administrative variances without revealing their ultimate development plans with complete transparency to the public.

Therefore, I recommend that the RU-22-00002 application be rejected unless it is modified to address the following issues:

- *Establish Public Access/Egress easements in perpetuity from Hyak Drive East, Keechelus Drive and upper Rampart Drive to the Summit East Base area and convenient gateways to Forest Service Lands, where the public must cross portions of the Parcel #961450. (Currently, this would include the path from Hyak Parking Lot #2 to the Ski Area Base operations running between the existing condominium buildings, the path from the lower Hyak Parking Lot #3 to the Ski Area Base, and from the existing upper end of Rampart Drive to the Ski Area and Forest Service lands.)*
- *My understanding is that Ski Lifts Inc and their successors are currently required to maintain*

Parking Lots #2 and #3 as elements of their approved Master Plan with the Forest Service. Therefore, at this time, the Access/Egress easements for Hyak Drive East and Rampart Drive would need to be provided between the respective parking lots and the base areas with a contingency plan in the unlikely future event of a change of use for the parking lots (which neither Kittitas County nor the USDA Forest Service should allow)

- *Revisit the number of parking stalls to ensure that they are consistent with the required regulations and standards.*

In reviewing the Affidavit of Mailing and Publication list for the RU-22-00002 Notice of Application, I did not see the USDA Forest Service on the list. Have they been given an opportunity to comment on any potential conflicts with the Summit at Snoqualmie Master Plan?

Thank you for giving consideration to my comments during your review and deliberations.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Tiffany Gorski

I am writing in response to a letter I received regarding a variance request on parcel #961450.

Here are a list of my concerns regarding this project:

-Building closer to the hyak parking entrance will affect winter weekend traffic in and out of the parking lot. Currently, it is a tight fit for parking and driving around the parking lot on winter weekend days.

-Where will the snow removal go around the building? There does not seem room in the parking lot for extra piles of snow.

-Will the county be able to keep up with road maintenance with 100 additional cars on hyak drive?

-With more parking in the lower lot in the winter due to the building taking up space in the upper lot, will the county be able to keep up with plowing and sanding?

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Diane Sumner

Understand that this Notice of Application is merely a formality. The reasonable use exception request is asking to revert the setbacks to what was in place prior to Feb 2022 when new setback requirements were approved.

With that said, I do want to share some concerns specifically related to storm water run off. I would like to know where the storm water will be discharged or stored in this new development.

In lower Hyak, we have significant flooding issues that occur yearly. If there is not proper piping or storage (for example water vault under parking) designed into this development, I would like the county to address.

Please see flooding photos taken in 2022 and 2021 along Hyak Drive East below. The water table has risen due to new construction along Hyak Drive East and Keechelus Drive. New foundations immediately fill with several feet of water. We have joked about the 4' swimming pools when walking by.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Gretchen Garland

I am a resident of Sundance, immediately south of the parcel and adjacent to the wetland area, and I recommend that the zoning variance NOT be approved.

This wetland area—and areas upstream—have become increasingly saturated (even since 2018 when the original site plan was approved), with excess water cutting new streams to flow downhill. In fact, the Sundance itself now has a stream running under the north footings of the building, which we spend each summer repairing damage from and reinforcing against.

While the proposal describes a plan to enhance a buffer to the east/downhill, it does not address areas uphill and to the south, which could extend the boundaries of the wetland and greatly worsen conditions for the already aging Sundance structure. Further, buffer requirements are put in for this reason—to protect our natural resources and protect building structures from unstable conditions. (Reminder: the Surfside collapse in Florida.)

In closing, I recognize that the applicant revised the original proposal to condense the development and move the multi-family structure furthest from the wetlands. As a resident, I am very appreciative of that decision and also trust the CDS will make the best decision for our land and community.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Amire & Noa Navot

Following the notice of application from April 7, 2022, we would like to submit the following comments.

- 1. We are extremely concerned about how closed the development is to the wetland and that it will degrade the natural habitat in that area. Residents in Snoqualmie generally value the natural environment, that is why people are living and spending their time here, and not in the City.*
- 2. We believe that the current size of the buffer areas was selected for a reason. The applicant did not provide any convincing explanation why this is not the case, or what was changed in the circumstances that justify reconsidering the buffer size, except for their business benefit. The Ecology staff callout that the applicant used the incorrect wetland rating area. All together, this raise significant concern that the applicant's wetland consultant is incompetent, or didn't do a thorough and objective evaluation of the impact.*

3. *We are concerned that if this development plan and exception request is approved, it will set precedence to other developers that it is generally okay to develop in/near the wetland habitat (as suggested by Ecology's comments)*

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Jim Sammet

In regard to the wetland buffer reduction that is being sought under reasonable use; considering that the Summit East (Hyak) ski area parking lot is within the specified buffer distance to the wetland I do not see why a similar offset would not be provided for Parcel B as is being sought the reasonable use application.

17A.01.060, 2) Reasonable Use, a) Exception Request and Review Process; states the following ".....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."

The site plan submitted with the Reasonable Use application differs from the site plan in the approved PUD. The original site plan in the PUD indicates there would be a total of 8 lots with 7 lots assumed from the exhibit to be single family lots and a Multi-Family (Condominium) structure located at the south end of parcel B on lot 8.

The site plan submitted with the Reasonable Use application now shows a multi-family structure at the north end of Parcel B and 7 townhome structures located between the Multi Family Structure and the wetland buffer variance sought in the Reasonable Use application. This is a change that affects the existing adjacent single family residences on two sides of Parcel B.

The director should consider zoning, comparable structure size and land use of the surrounding neighborhood in regard to the site plan submitted with the Reasonable Use application. The site plan in the application would locate a large multi-facility structure immediately adjacent to single family homes located on the north and west sides of Parcel B. The site plan should consider structure type including density of development in the same manner as Parcel B was original proposed in the PUD. The density of develop should increase to the south towards the Summit Ease Ski Area Base where several high density multi family buildings are proposed in the PUD. Therefore the Director should consider the following revisions to the site plan as submitted in this Reasonable Use application:

- 1. The Townhome structures should be located at the north end of Parcel.*
- 2. The Multi-Family structure should be located between the townhomes and the wetland buffer sought under this Reasonable Use application.*

This configuration of the site plan would allow density of development to increase to the south towards the Summit East Ski Area base transitioning from Single Family to Attached Townhome then to Multi Family which will be located adjacent to the existing Sundance Condominiums multi-family structure.

Intensity of use in regard to the location of the multi family structure next to the existing wetland should not be considered in this case. The wetland is already of low value having received years of snow mixed with gravel from snow removal operations at the adjacent Ski Area parking lot

and the wetland and stream are already immediately adjacent to the Sundance Condominium multi family structure. I do not see how intensity of use would be any different with regard the wetland and for multi-family condominium located next to the wetland as compared to a townhome located next to the wetland. Attached with my comments for the record is a mark-up of the Parcel B site plan depicting the reconfiguration of Parcel B proposed in these comments. Please included the site plan markup with my comments for the record.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Jen Phillips

Thank you for collecting comments on the East Peak proposals, here at Hyak. I am a long time resident of Hyak Estates, having lived at 330 Rampart Dr for almost 20 yrs.

Here is a list of concerns around the variance. Please do not approve this zoning variance for East Peak. - A closed door conversation with the county in 2018, without opportunity for public participation and comment.

- Lack of specific planning around the ultimate buffer zone.*
- Developer failed to identify existing wetland at time of purchase.*
- Developer originally identified and discussed with the Hyak community a completely different wetland location for the construction of these condos and homes. This initial site is also not acceptable for building exceptions around wetland variances, due to the inherent and important role that specific wetland plays in draining off the mountain. It also serves as one of the most important locations for beginner nordic skiers, in the northwest, as well as important access for the Outdoors For All Foundation - which has been enriching the lives of children and adults with disabilities through snowsports, for decades.*
- Yet another blow to the rapidly dwindling wetlands, at Snoqualmie Pass, the headwaters of the Yakima River basin. How much of an impact will this have on existing amphibians at Hyak? Habitat loss has been massive in the past five years of development in the Hyak area.*
- Counter-intuitive approach to the wildlife corridor that exists at Hyak, where Gold Creek joins Lake Keechelus, connecting the Northern section of the Cascades with that of the South.. Many animals in our community are regularly seen existing/living/crossing/hunting/foraging/nesting/birthing/breeding/raising young in these Hyak habitats, as all of Hyak exists as part of the wildlife corridor.*
- Recent discoveries that tires and tire decomposition cause major disruption to fish larvae, and have killed salmon, some of the most pivotal species in our regions. Interstate 90 between Snoqualmie Pass (MP 47) through and western North Bend (MP 27? - Bendigo Blvd exit), has had multiple installations of roadway median and shoulder buffers installed to prevent tire particulate from entering streams and the South Fork of the Snoqualmie River (EPA funded). How are these recent findings being integrated into existing Kittitas County building considerations, operations at State Parks, National Forest and Rec areas? How will private businesses with massive parking lots be actioned to prevent particulate run-off, which directly impacts the headwaters of the Snoqualmie and Yakima River Basins, with potential to send even more particulate matter into Lake Keechelus/Yakima River, thus killing more fish and other organisms? How is Kittitas County planning to direct existing and future construction, in ways that protect our biological rights to have clean water for all humans, fish, and other organisms impacted by plastic pollution and other decompositional material from parking lots, homes, condos, and private businesses at Snoqualmie Pass?*

- *Impact to Archaeological Sites; as noted, this is a highly culturally significant location (Already noted by DAHP)*
- *Impact to Historical sites - this region should be flourishing to protect and adore historical-assets and sites - native, trade, railroad, tunnel, ski area operations so unique that they exist(ed) no where else in the world (ie Milwaukee Ski Bowl / trams). Instead, Rampant development is happening, disrupting and forever changing historically relevant treasures, including access to these incredible historic sites and features. You cannot get these back post development.*
- *The entire Snoqualmie Pass area is a major recreation site for Washingtonians from both side of the Cascades, and global visitors The influx of visitors, particularly in the winter can be overwhelming, and frightening, when suddenly tens of thousands of visitors descend each day of busy weekends and holidays, into these tiny communities. Visitors lose their minds and civilities, blocking and parking in driveways, yelling at residents, trespassing on private property, leaving a ton of garbage. The most important social impact is preventing emergency vehicles access to the extent of the existing commercial, state, federal and residential areas. The continued lack of safety around emergency services has forced many longtime local residents to sell and move to areas where they can ensure that they can access emergency services, and exit their neighborhoods without fearing they will die or lose their home when 911 is called and no one can access them due to the daily visitors blocking the road. I do not see additional development avoiding contributions to the problem, without major considerations to the harm it does to this existing small community. How is the County accounting for these hazards, in the permitting process?*
- *Invasive Species are very prevalent at and around ski area parking lots, state park parking lots and trails, and in disturbed construction areas. How will this development ensure they are contributing to thriving, native plant populations?*
- *Hyak face already had a massive landslide upslope of this location, that caused tremendous damage to the ski area lifts and lodge, as well as several houses, with one completely lifted off it's foundation.*

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Anthony Boscolo

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 incombere 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

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Francine Curd

Thank you for giving me a chance to comment on the East Peak Reasonable Use Variance on "Parcel B". East Peak Development, LLC is requesting a reasonable use exception on Parcel B, to the 150-foot buffer and 15-foot setback for a Type III wetland and the 50-foot buffer and 15-foot setback for a Type Ns stream. In my opinion the "Reasonable Use Variance" should not be granted.

In the "Project Narrative" for the Reasonable Use Variance, East Peak Development, LLC states in their response the Hyak PUD Final Development Plan was approved in 2018 by the Kittitas County board of Commissioners showing a 50 unit condo building and 8 detached single family lots. It further states "The approved density was based on an in-depth analysis of surrounding uses". However, during the "in-depth analysis" the original project plan failed to identify the wetland which the proposed 50 unit condo building was to be constructed upon.

East Peak Development incorrectly states in the project narrative for the 2018 Hyak PUD Final Development plan, that documentation from their consultant stated no wetlands were present, satisfying the Kittitas County CDS condition. The county accepted this incorrect statement submitted by the developer, and the wetland condition was incorrectly met as per the FPUD documents.

East Peak claims that they would be "denied all reasonable economic use of the property." Clearly, not granting the variance "DOES NOT" deny all reasonable economic use of "Hyak PUD - Tract B". The construction of eight duplexes can still occur on this site. Furthermore, tract B is only a small portion of the East Peak property, controlled by the developer.

Unfortunately I was not able to comment on the original 2018 PUD due to zero notification from the county, despite living in lower Hyak for over twenty years. Apparently only adjacent properties were notified? Due to the way this plat wraps through the community, very few of the residents were notified of the approval process of this huge project. I am very concerned that the original 2018 PUD approval seems to be have been approved with very little specific information. It includes 5 sub parcels, A, B, C, D, E, F, which includes over 450 units of additional housing.

- *There are no elevation profiles for any structures.*
- *There is no analysis of loss of permeable surfaces.*
- *Is there a traffic mitigation plan?*
- *Was a full environmental review done of site?*
- *The main drainage plan seems to be several 2 foot ponds. Does this low depth not require fencing?*

- *Snow removal plan and storage plan seems to be an addendum that didn't require any changes to building placement?*
- *Emergency access plan for fire and medical vehicles?*
- *How about wildland fire issues?*

The development schedule already seems to be not being followed. Since 2018 the only thing they have done is subdivide out three lots, that were then sold. They even requested and were granted variances to shrink each of these 3 lots from a width of 60 feet down to 50 feet.

Is the original PUD a realistic proposal or did East Peak figure once approved, they could just build out or change at their convenience?

I think that East Peak development has done a great job at purchasing land, and will get a great return on any investment. I do not think that their plans are very realistic, and it would be nice to see a better plan. I believe they need to plan more appropriately for better snow removal and storage plans. I think they need to address the drainage and wetland issues in a realistic way. I think they need to reduce their footprint and provide more open space and importantly, snow storage space and drainage. I think they need to have adequate parking, and parking should be appropriately sized for sport utility vehicles. Are they reducing from 1.5 cars per unit down to 1 car per unit? I think that the roadways that they are creating have to have viable snow removal plans that do not involve relocating snow. One cannot underestimate the tremendous financial impact of poor drainage and snow removal planning. I believe their current project at Pass Life at the top of the pass, is researching costs for trucking snow from their property.

I think the county has not provided enough oversight of this plan. When Suncadia was built out they put in a water treatment plant and built a fire station. The environment this PUD is sited in has extreme environmental challenges, yet they seem to not be required to take into account the huge amount of snowfall and rain that this area can receive. I hope East Peak Development can move forward in an environmentally responsible way that reflects the uniqueness of Snoqualmie Pass, without affecting neighbors downstream.

Applicant Response

The applicant provided a general response to all comments. See Appendix B for the response.

Staff Response

CDS has provided these comments to the applicant.

Appendix B – Applicant Response to Comments



September 21, 2023

Kittitas County Community Development Services
C/O Jamey Ayling
Kittitas County Planner 1
411 N Ruby St., Ste. 2
Ellensburg, Washington 98926

RE: East Peak Reasonable Use Exception Application (RU-22-00002)
Parcel # 961450

Jamey,

This narrative summarizes our revisions to the East Peak RUE application for Hyak Tract B, in response to Kittitas County CDS comments.

In our original RUE application, Hyak Tract B was set to include the development of seven (7) attached townhome/rowhome housing units and a multifamily residential building with approximately fifty (50) units and parking at the ground level. The application included a proposed wetland buffer of 20' with an additional 10' side setback. Based on discussions with Kittitas County CDS, we have increased the total setback between the wetlands and planned buildings to a minimum of 50'. In order to maintain this minimum setback, we have eliminated two (2) of the planned townhome/rowhome from the RUE site plan.

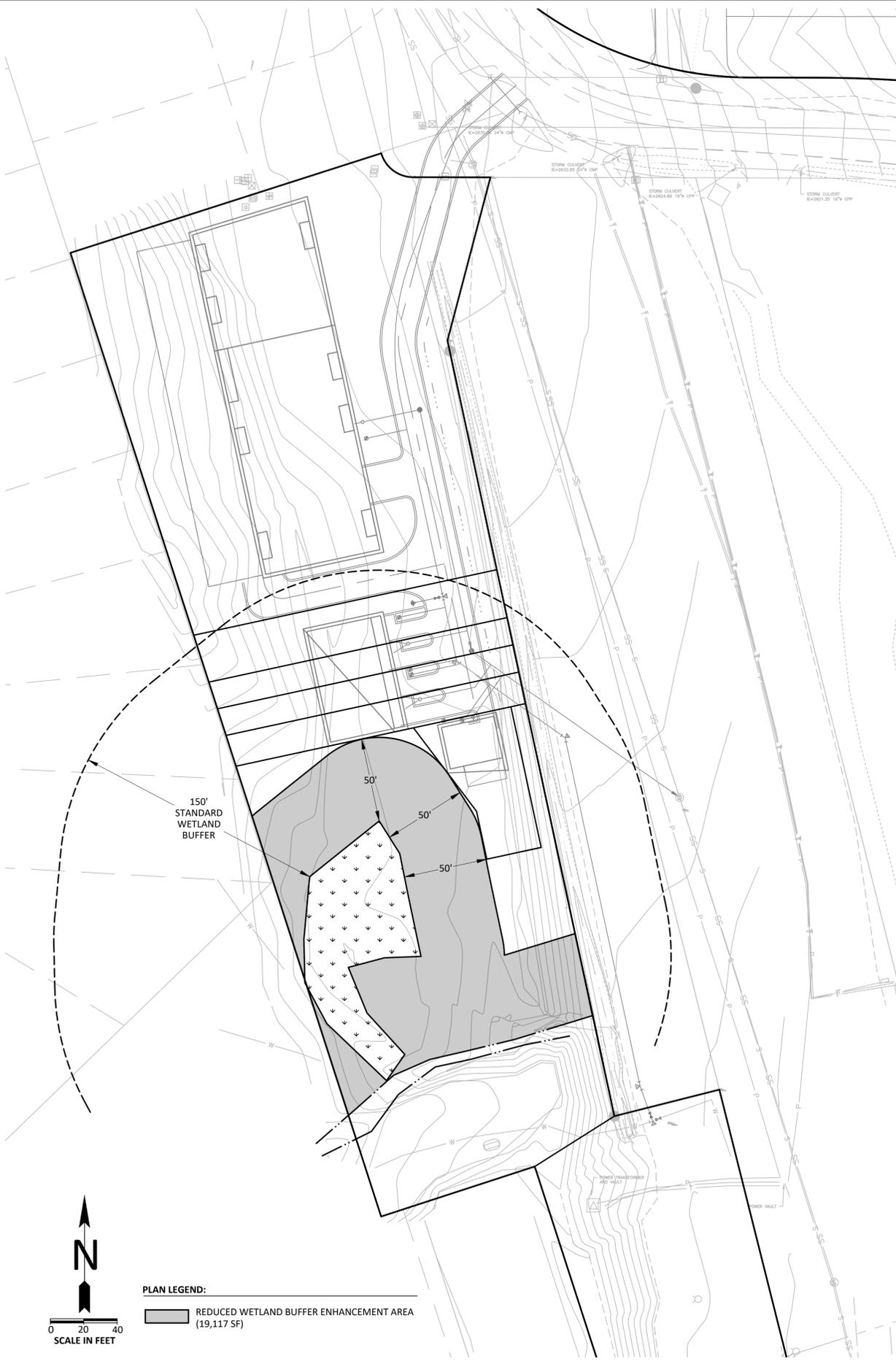
The increased minimum setback from the wetland leads to an additional 1,941 SF of buffer enhancement area assumed in the mitigation plan. Additionally, based on comments received by the Department of Ecology, we have further revised the mitigation plan to include more shrub plantings, an increased monitoring period and more detailed annual goals and objectives through year five. Finally, also based on DOE comments, the Critical Areas Report has been revised to use the correct rating system for the wetlands – the Eastern Wetland Rating System. This revision did not change the rating or the underlying code requirements for the wetland.

Enclosed:

Revised Exhibit C- Critical Areas Report Dated 9/14/2023 by Sewall Wetland Consulting
Revised Exhibit D - Mitigation Plan dated 9/14/2023 by Sewall Wetland Consulting
Revised Exhibit A – Site Plan dated 3/27/2023

We thank you for your time and your consideration of this application. Please feel free to reach out for questions or clarifications.

Ji Shon
Director of Design & Development
Evolution Projects
401 N 36th Street, Suite 201
Seattle, WA 98103



GENERAL CONSTRUCTION NOTES:

- CONSTRUCTION SHALL CONFORM TO ALL **KITTITAS COUNTY** CODES, ORDINANCES, AND REGULATIONS.
- BEFORE THE START OF ANY CONSTRUCTION, A PRE-CONSTRUCTION MEETING MUST BE HELD BETWEEN **KITTITAS COUNTY**, THE OWNER, AND THE PLAN DESIGNER.
- A COPY OF THESE APPROVED DRAWINGS MUST BE ON THE JOB SITE WHENEVER CONSTRUCTION IS IN PROGRESS.
- SITE CONDITIONS MAY VARY BASED ON SEASON AND/OR TIME OF YEAR. THE CONSTRUCTION CONTRACTOR SHALL ACCOMMODATE REALIZED AND ANTICIPATED SITE CONDITIONS WHEN COMPLETING THE WORK SHOWN ON THESE DRAWINGS.
- THE CONSTRUCTION CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ADEQUATE SAFEGUARDS, SAFETY DEVICES, PROTECTIVE EQUIPMENT, FLAGGERS, AND ANY OTHER NEEDED ACTIONS TO PROTECT THE LIFE, HEALTH, AND SAFETY OF THE PUBLIC, AND TO PROTECT PROPERTY IN CONNECTION WITH THE PERFORMANCE OF THE WORK SHOWN ON THESE DRAWINGS. ANY WORK WITHIN THE TRAVELED RIGHT-OF-WAY THAT MAY INTERRUPT NORMAL TRAFFIC FLOW SHALL REQUIRE TRAFFIC CONTROL IN ACCORDANCE WITH ANY AND ALL **KITTITAS COUNTY** STANDARDS.
- THE TEMPORARY EROSION AND SEDIMENT CONTROL (TESC) MEASURES SHOWN ON THESE DRAWINGS, IF ANY, ARE THE MINIMUM REQUIRED. ADJUST, AMEND, AND/OR ADD TO THE TESC MEASURES SHOWN TO ACCOMMODATE SITE AND WEATHER CONDITIONS AND/OR AS OTHERWISE DIRECTED BY OWNER OR PER **KITTITAS COUNTY**.

PLANT INSTALLATION NOTES:

- PLANT MATERIAL QUALITY AND LOCATIONS SHALL BE INSPECTED BY PLAN DESIGNER OR OWNER PRIOR TO INSTALLATION.
- PLANT LOCATIONS SHOWN ARE APPROXIMATE. ADJUST PLANT LOCATIONS TO ACCOMMODATE SITE CONDITIONS, TO PRESERVE AND PROTECT EXISTING NATIVE VEGETATION, AND/OR PER PLAN DESIGNER AT TIME OF INSTALLATION.
- FOLLOWING PLANT INSTALLATION, PLACE MULCH THROUGHOUT PLANTING AREA.

PLANT MATERIAL SPECIFICATIONS:

- PLANTS SHALL BE DERIVED FROM STOCK ACCLIMATED TO WASHINGTON ENVIRONMENTAL CONDITIONS, PLANTS SHALL BE NATIVE TO THE PACIFIC NORTHWEST, PREFERABLY THE PUGET SOUND REGION OF WASHINGTON STATE. PLANTS SHALL BE PROPAGATED FROM NATIVE STOCK. SALVAGED PLANTS ARE ACCEPTABLE.
- PLANTS SHALL BE NORMAL IN PATTERN OF GROWTH, HEALTHY, WELL-BRANCHED AND HAVE ALL LEADERS AND BUDS INTACT. TREES SHALL NOT HAVE SUNSCALDS, DISFIGURING KNOTS, FRESH CUTS OF LIMBS, DAMAGED LEADERS, AND/OR DEFORMED TRUNKS.
- CONTAINERIZED PLANT STOCK SHALL BE GROWN IN A CONTAINER LONG ENOUGH TO DEVELOP A ROOT SYSTEM THAT REACHES THE EDGES OF THE CONTAINER IN WHICH IT HAS GROWN. TREES AND SHRUBS SHALL BE WELL ROOTED AND SHALL HAVE SUFFICIENT ROOT MASS TO HOLD TOGETHER THE SOIL, IN WHICH PLANT IS GROWING, WHEN REMOVED FROM THE POT.

PLANT SCHEDULE

| COMMON NAME | SCIENTIFIC NAME | SIZE/FORM | SPACING |
|--------------------|-------------------------------|-----------|--------------|
| PACIFIC SILVER FIR | <i>ABIES AMABILIS</i> | 2 GALLON | 9' ON CENTER |
| DOUGLAS FIR | <i>PSUEDOTSUGA MENZIESII</i> | 2 GALLON | 9' ON CENTER |
| MOUNTAIN HEMLOCK | <i>TSUGA MERTENSIANA</i> | 2 GALLON | 9' ON CENTER |
| VINE MAPLE | <i>ACER CIRCINATUM</i> | 2 GALLON | 6' ON CENTER |
| SITKA WILLOW | <i>SALIX SITCHNESIS</i> | 2 GALLON | 6' ON CENTER |
| HUCKLEBERRY | <i>VACCINIUM MEMBRANACEUM</i> | 2 GALLON | 6' ON CENTER |

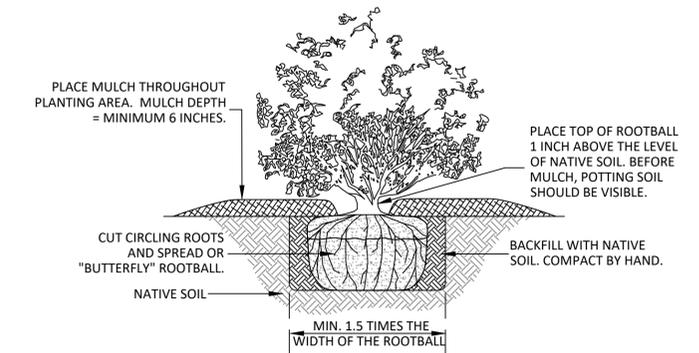
PLANTS TO BE INSTALLED WHERE APPROPRIATE IN THE WETLAND BUFFER ENHANCEMENT AREA SHOW ON THIS DRAWING.

TEMPORARY IRRIGATION:

TEMPORARY IRRIGATION SHALL BE PROVIDED FOR **TWO (2) GROWING SEASONS** FOLLOWING PLANT INSTALLATION. IRRIGATION SHALL PROVIDE A MINIMUM RAINFALL EQUIVALENT OF **1 INCH** PER WEEK FROM **JUNE 15** THROUGH **SEPTEMBER 15**. IRRIGATION SHALL BE APPLIED IN A MANNER THAT MAINTAINS PLANT HEALTH, PREVENTS WILTING, AND PROMOTES DEEP PLANT ROOT SYSTEMS.

MULCH SPECIFICATION:

MULCH SHALL BE COMMERCIALY AVAILABLE "**MEDIUM MULCH**" (WWW.PACIFICTOPSOILS.COM; 425-337-2700), ARBORIST CHIPS, OR APPROVED EQUAL. MULCH SHALL NOT CONTAIN RESIN, TANNIN, OR OTHER COMPOUNDS IN QUANTITIES THAT WOULD BE DETRIMENTAL TO PLANT LIFE. MULCH SHALL NOT BE DERIVED FROM STUMP GRINDINGS AND SHALL NOT CONTAIN SOIL. HOG FUEL OR EQUAL IS NOT ACCEPTABLE. SUBJECT TO REVIEW BY THE PLAN DESIGNER, LOCAL ARBORIST AND/OR COMMERCIAL TREE TRIMMING COMPANIES MAY BE ALTERNATIVE ACCEPTABLE MATERIAL SOURCES (WWW.DROPCHIP.IN).



MONITORING PLAN:

THE **5 YEAR** MONITORING PLAN OUTLINED BELOW WILL ENSURE AND DOCUMENT THAT THE PERFORMANCE STANDARDS ESTABLISHED FOR THIS PLAN HAVE BEEN MET. MONITORING WILL BE EXTENDED TO **10 YEARS** IF THE YEAR 5 GOALS ARE NOT MET. THE LOT OWNER IS RESPONSIBLE FOR SUCCESSFUL COMPLETION OF THE WORK DESCRIBED ON THIS PLAN. IF THE PROPERTY IS SOLD OR PROPERTY OWNERSHIP IS OTHERWISE TRANSFERRED, RESPONSIBILITY FOR ANY REMAINING WORK SHALL BE TRANSFERRED TO THE NEW OWNER AND RECORDED WITH **KITTITAS COUNTY**.

PLAN GOALS, OBJECTIVES, AND PERFORMANCE STANDARDS

MITIGATION PLAN GOALS, MONITORING SCHEDULE, AND PERFORMANCE STANDARDS ARE OUTLINED BELOW. THE GOALS OF THIS PLAN ARE CONSIDERED ACHIEVED WHEN THE PERFORMANCE STANDARDS ARE SATISFIED.

GOAL #1 - RESTORE/ENHANCE ON-SITE STREAM BUFFER
OBJECTIVE #1 - INSTALL NATIVE PLANTINGS WITHIN THE BUFFER AREAS SHOWN ON THIS DRAWING
PERFORMANCE STANDARD #1 - PLANT SURVIVAL

- YEAR 1 - 100% SURVIVAL
- YEAR 2 - 85% SURVIVAL
- YEAR 3 - 85% SURVIVAL
- YEAR 4 - 85% SURVIVAL
- YEAR 5 - 85% SURVIVAL

THIS STANDARD CAN BE ACHIEVED THROUGH PLANT ESTABLISHMENT OR THROUGH PLANT REPLACEMENT.

AS-BUILT

FOLLOWING COMPLETION OF THE WORK SHOWN ON THIS PLAN, A QUALIFIED PROFESSIONAL SHALL PREPARE AN AS-BUILT OF THE COMPLETED WORK. THE AS-BUILT SHALL SUMMARIZE THE COMPLETED WORK AS WELL AS ANY DEVIATIONS FROM THE APPROVED VERSION OF THIS PLAN. THE AS-BUILT SHALL BE SUBMITTED TO **KITTITAS COUNTY** NO LATER THAN **30 DAYS** FROM THE DATE THAT THE WORK SHOWN ON THIS PLAN HAS BEEN COMPLETED.

ANNUAL MONITORING (5 YEARS)

ANNUAL MONITORING SHALL BE COMPLETED FOR A PERIOD OF **FIVE (5) YEARS**. MONITORING WILL BE EXTENDED TO **10 YEARS** IF THE YEAR 5 GOALS ARE NOT MET. UNLESS OTHERWISE ALLOWED BY **KITTITAS COUNTY**, ANNUAL MONITORING SHALL BE COMPLETED BY A QUALIFIED PROFESSIONAL AND SHALL COMPRISE A SITE INVESTIGATION IN AUGUST OR SEPTEMBER AND REPORTING TO **KITTITAS COUNTY** NO LATER THAN **30 DAYS** FOLLOWING EACH MONITORING.

THE PURPOSE OF THE SITE INVESTIGATION IS TO EVALUATE CONDITIONS WITHIN THE **PLANTING AREAS** PER THE CURRENT YEAR'S PERFORMANCE STANDARDS. THE FOLLOWING INFORMATION SHALL BE COLLECTED AND ASSESSED RELATIVE TO THE PERFORMANCE STANDARDS ESTABLISHED FOR THE PROJECT:

- PERCENT SURVIVAL.** A DIRECT COUNT INVENTORY AND ASSESSMENT OF ALL INSTALLED PLANTS SHALL BE USED TO EVALUATE PERCENT SURVIVAL. THE RATIONALE FOR POOR CONDITIONS, IF PRESENT, WILL BE DETERMINED TO THE EXTENT FEASIBLE.

IN ADDITION TO THE ABOVE INFORMATION, PHOTOGRAPHS SHALL BE TAKEN FROM THE PERMANENT PHOTO POINTS ESTABLISHED DURING THE AS-BUILT.

THE RESULTS OF EACH MONITORING ASSESSMENT SHALL BE SUMMARIZED IN A WRITTEN REPORT AND SUBMITTED TO **KITTITAS COUNTY** NO LATER THAN **30 DAYS** FOLLOWING EACH MONITORING.

MAINTENANCE PLAN:

INSTALLED PLANTS SHALL BE MAINTAINED AT REGULAR INTERVALS DURING THE MONITORING PERIOD TO PROMOTE THE SUCCESSFUL ESTABLISHMENT AND VIGOROUS GROWTH OF THE INSTALLED PLANT STOCK. GENERAL MAINTENANCE SHALL INCLUDE:

- RE-APPLYING BARK MULCH TO MAINTAIN A 6" MINIMUM APPLIED THICKNESS - YEAR 1 ONLY.
- THE PRUNING OF INSTALLED PLANTS TO REMOVE DEAD WOOD AND PROMOTE VIGOROUS PLANT GROWTH AND PROPER FORM.
- THE REPLACEMENT OF PLANTS THAT APPEAR TO BE IN DISTRESS AND/OR DISEASED.
- THE REMOVAL OF TRASH, LITTER, AND/OR OTHER NON-DECOMPOSING DEBRIS.

GENERAL MAINTENANCE WORK SHALL OCCUR MONTHLY DURING THE GROWING SEASON AND/OR AT A FREQUENCY OTHERWISE NECESSARY TO ENSURE THE SUCCESSFUL ESTABLISHMENT AND VIGOROUS GROWTH OF THE INSTALLED PLANTS.

CONTINGENCY PLAN:

SHOULD ANY MONITORING ASSESSMENT REVEAL THAT THE PERFORMANCE STANDARDS FOR THE RESPECTIVE YEAR ARE NOT SATISFIED, THE PERMITTEE SHALL WORK WITH **KITTITAS COUNTY** TO DEVELOP A CONTINGENCY PLAN TO ADDRESS THE DEFICIENCY(IES). CONTINGENCY PLANS CAN INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING ACTIONS: 1) ADDITIONAL PLANT INSTALLATION; 2) EROSION CONTROL; 3) HERBIVORY PROTECTION; 4) MODIFICATION TO THE IRRIGATION REGIME; AND/OR 5) PLANT SUBSTITUTIONS OF TYPE, SIZE, QUANTITY, AND LOCATION.

SUCH CONTINGENCY PLAN SHALL BE SUBMITTED TO **KITTITAS COUNTY** WITHIN 30 DAYS OF WHEN DEFICIENCIES ARE DISCOVERED. UNLESS OTHERWISE APPROVED BY **KITTITAS COUNTY**, ACTIONS SPECIFIED ON AN APPROVED CONTINGENCY PLAN MUST BE COMPLETED WITHIN 60 DAYS. IF THE FAILURE IS SUBSTANTIAL, **KITTITAS COUNTY** MAY EXTEND THE COMPLIANCE MONITORING PERIOD FOR THE ENHANCEMENT WORK.

Sewall Wetland Consulting, Inc.
 Phone: 253-859-0515
 PO Box 880 - Fall City, Washington 98024

**WETLAND BUFFER
 ENHANCEMENT PLAN
 HYAK PUD PARCEL B**

PROJECT:

811
 Know what's below.
 Call before you dig.

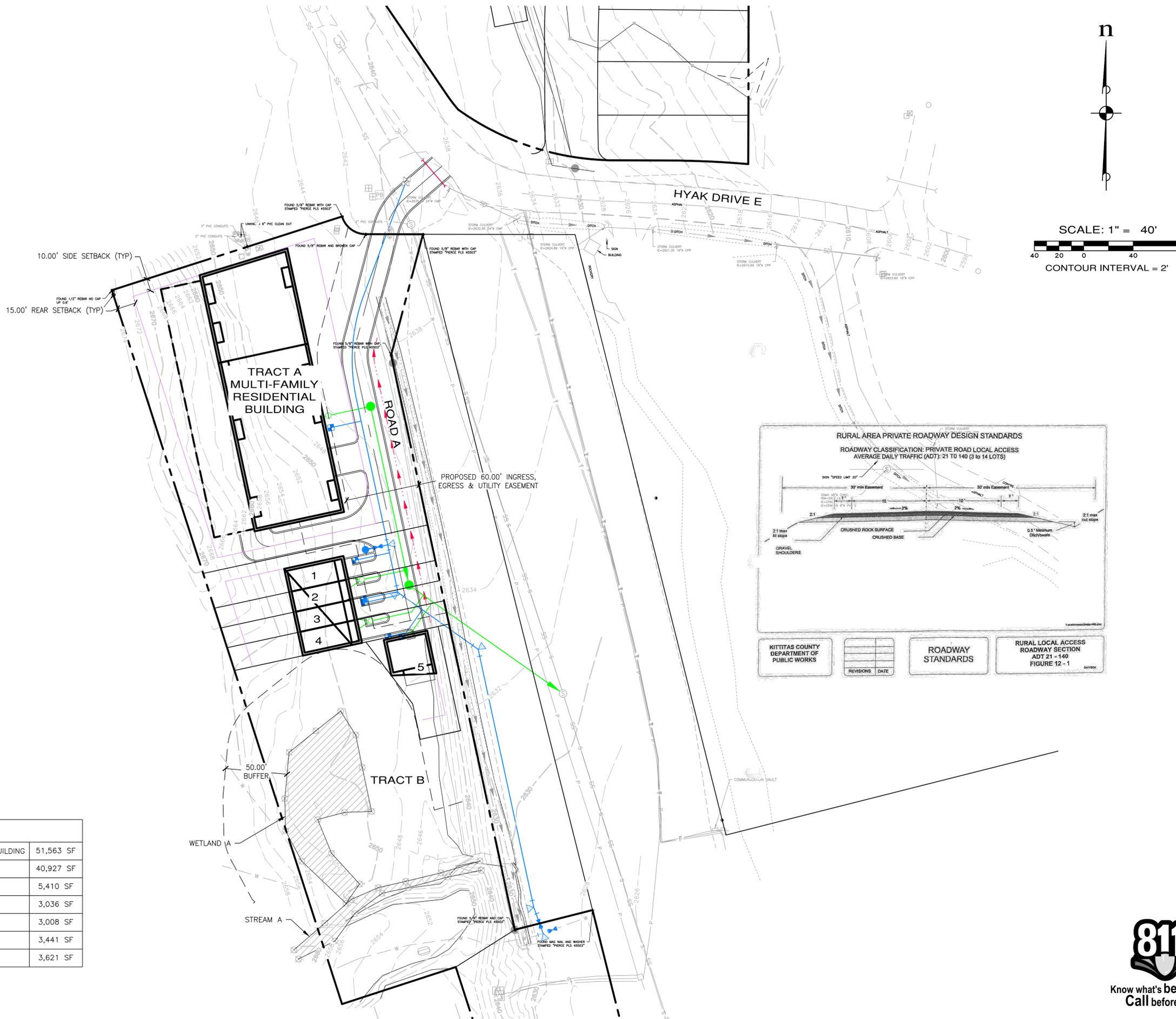
UTILITY LOCATIONS AND CHARACTERISTICS SHOWN ON THIS DRAWING, IF ANY, ARE BASED ON THE FIELD LOCATION OF THE APPARENT SURFACE EVIDENCE OF EXISTING STRUCTURES. THE UNDERGROUND UTILITIES AND CONDITIONS OF BURIED UTILITIES HAS NOT BEEN VERIFIED OR CONFIRMED. ADDITIONAL UTILITY LOCATION AND MARKING MAY BE REQUIRED. FIELD LOCATE VERY DUTY OF AND ADEQUATELY PROTECT ALL UTILITIES PRIOR TO THE START OF WORK.

| NO. | DATE | NOTES |
|-----|------------|---------------------------------|
| 1. | 04/28/2022 | REVISED PLANTING AND MONITORING |
| 2. | 10/25/2022 | REVISED PER NEW SITE PLAN |
| 3. | 04/07/2023 | REVISED PER NEW SITE PLAN |
| 4. | 09/13/2023 | REVISED MITIGATION LIMITS |

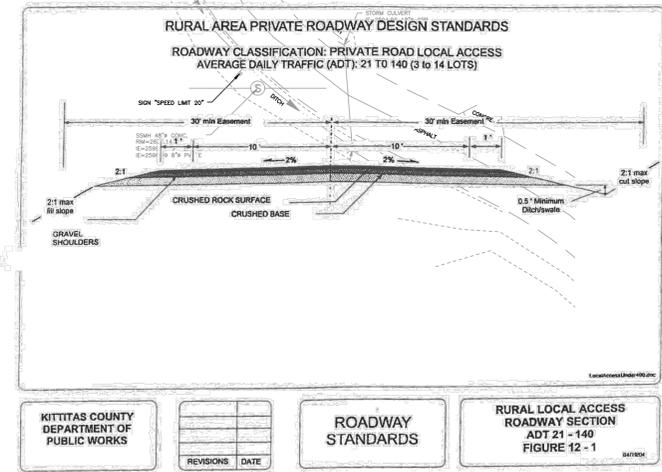
DATE: 03/08/2022
 JOB NUMBER: 21-155

**MITIGATION SITE
 PLAN, NOTES,
 & DETAILS**

File: \\esmb\ENGR\ESM-DOBES\2238\001\021\exhibits\EN-01.dwg
 Plotted: 3/27/2023 6:49 AM
 Plotted By: Jeff Hinga



| SITE AREAS | |
|---|-----------|
| TRACT A - MULTI-FAMILY RESIDENTIAL BUILDING | 51,563 SF |
| TRACT B - CRITICAL AREAS | 40,927 SF |
| LOT 1 - ATTACHED RESIDENTIAL | 5,410 SF |
| LOT 2 - ATTACHED RESIDENTIAL | 3,036 SF |
| LOT 3 - ATTACHED RESIDENTIAL | 3,008 SF |
| LOT 4 - ATTACHED RESIDENTIAL | 3,441 SF |
| LOT 5 - ATTACHED RESIDENTIAL | 3,621 SF |



| REVISIONS | | |
|-----------|------------------|----|
| NO. | DESCRIPTION/DATE | BY |
| | | |
| | | |
| | | |
| | | |

ESM CONSULTING ENGINEERS LLC
 33400 8th Ave S, Suite 205
 Federal Way, WA 98003
 FEDERAL WAY (253) 838-6113
 EVERETT (425) 397-9900
 www.esmcivil.com
 Civil Engineering | Land Surveying | Land Planning
 Public Works | Project Management | Landscape Architecture

RELEVANT PLANNING & DEVELOPMENT, LLC
HYAK PUD PARCEL B
 PRELIMINARY SITE PLAN
 WASHINGTON
 KITITAS COUNTY

JOB NO.: 2238-001-021
 DWG. NAME: EN-01
 DESIGNED BY: LGB
 DRAWN BY: GFF
 CHECKED BY:
 DATE: 03/27/2023
 DATE OF PRINT:
EN-01
 1 OF 1 SHEETS