BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

ORDINANCE NO. 2012- 002

TAMARACK VALLEY REZONE (Z-10-04) AND PRELIMINARY PLAT (LP-10-03) IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS FROM FOREST & RANGE TO RURAL 3

WHEREAS, according to Kittitas County Code Titles 15A, 16 & 17, relating to general rezones, adopted pursuant to RCW 36.70B & 36.70 respectively, an open record hearing was held by the Kittitas County Hearing Examiner on May 26, 2011. The project considered is a zone change consisting of approximately 18.5 acres from Forest & Range to Rural-3 and an associated preliminary plat into 6-lots which is described as follows:

The property is located north of Misty Mountain Way and south of Storie Lane, Cle Elum, WA in a portion of Section 28, T20N, R14E, WM, in Kittitas County. Assessor's map number: 20-14-28000-0007. Proponent: Brookside Consulting, agent for Cooper Pass LLC, landowners.

WHEREAS, public testimony was heard from those persons present; and,

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such change of zoning; and,

WHEREAS, the Hearing Examiner recommended approval of said proposed rezone and preliminary plat; and,

WHEREAS, a closed record public hearing was held by the Board of County Commissioners on August 16, 2011 to consider the Hearing Examiner's recommendation on this matter; and,

WHEREAS, the Board of County Commissioners voted to remand the application back to the Hearing Examiner to conduct an open record hearing to consider 1) cumulative impacts from the three applications before making his decision, 2) the total combined number of lots, 3) the Long Range Transportation Plan, 4) secondary access, and, 5) the requirements of the International Fire Code; and,

WHEREAS, The Hearing Examiner re-opened the open record hearing on October 27, 2011; and

WHEREAS, public testimony was heard from those persons present; and

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry was been made into the public interest to be served by such change of zoning; and,

WHEREAS, the Hearing Examiner recommended approval of said proposed preliminary plat with additional conditions; and

WHEREAS, the Kittitas County Board of Commissioners make the following FINDINGS OF FACT and CONCLUSIONS AT LAW concerning said proposed rezone and preliminary plat:

1. Brookside Consulting, agent for the property owner Cooper Pass LLC, submitted an application for a rezone from Forest and Range to Rural-3 along with a Preliminary Plat to subdivide approximately 18.5 acres into 6-lots. .

2. The property is located north of Misty Mountain Way and south of Storie Lane, Cle Elum, WA in a portion of Section 28, T20N, R14E, WM, in Kittitas County. Assessor's map number: 20-14-28000-0007.

3. The Kittitas County Comprehensive Plan's Land Use Element designates the subject property as Rural and the current zoning Forest & Range.

4. Application for the Rezone and Preliminary Plat was received on August 6, 2008. The application was deemed complete on August 25, 2010. The Notice of Application was issued on September 30, 2010. Said notice was published in the official county newspaper of record and was also mailed to jurisdictional government agencies, adjacent property owners as required and other interested parties. The last day to submit written comments was November 1, 2010.

5. Community Development Services issued a Mitigated Determination of Non-Significance (MDNS) on April 28, 2011. No appeals were filed.

6. On May 26, 2011 the Hearing Examiner conducted an open record hearing to consider this matter and a remanded open record hearing requested by the Board of County Commissioners was conducted on October 27, 2011. On November 10, 2011 the Hearing Examiner submitted his Recommended Findings of Fact, Conclusions of Law, and Conditions of Approval of the Tamarack Valley Rezone (Z-10-04) and Preliminary Plat (LP-10-03).

7. The Board of County Commissioners conducted a closed record hearing on December 20, 2011 for the purpose of considering the Tamarack Valley Rezone (Z-10-04) and Preliminary Plat (LP-10-03).

8. The Board of County Commissioners after review of the record and deliberation closed the hearing and a motion was made and seconded that the proposed Tamarack Valley Rezone (Z-10-04) and Preliminary Plat (LP-10-03) be approved, the motion carried with a vote of 3 to 0.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby grants approval of the Tamarack Valley Rezone (Z-10-04) and Preliminary Plat (LP-10-03) and adopts the Kittitas County Land Use Hearing Examiner's Recommended Finds of Fact, Conclusions of Law, Decision and Conditions of Approval (Exhibit A) and the same hereby is, approved with the proposed development configuration (See Exhibit B).

DATED this 7th day of February, 2012 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Alan A. Crankovich, Chairman

ABSENT
Obie O'Brien, Vice Chairman

Paul Jewell, Commissioner

SEAL

ATTEST:
CLERK OF THE BOARD

Julie A Kjorsvik

APPROVED AS TO FORM:

Greg Zempel WSBA #19125

Exhibit "A"

KITTITAS COUNTY
LAND USE HEARING EXAMINER

IN THE MATTER OF	)	**RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL**
RZ-10-04 and LP-10-03	)	
Tamarack Valley Rezone and Preliminary Plat	)	
	)	

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on October 27, 2011, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. Brookside Consulting, agent for the property owner Cooper Pass LLC, has submitted an application for a rezone from Forest and Range to Rural-3 along with a Preliminary Plat to subdivide approximately 18.5 acres into 6-lots. (Staff report)

2. The project is proposed to be served by a Group B Public Water System and individual on-site septic systems. (Staff report)

3. The property is located north of Misty Mountain Way and south of Storie Lane, Cle Elum, WA in a portion of Section 28, T20N, R14E, WM, in Kittitas County. Assessor's map number: 20-14-28000-0007. (Staff report)

4. Site Information:

Total Project Size:	18.5 acres
Number of Lots:	6
Existing zoning district	Forest & Range
Proposed zoning district	Rural 3
Domestic Water:	Group B Public System
Sewage Disposal:	Individual on-site septic system
Power/Electricity:	Puget Sound Energy
Fire Protection:	Kittitas County Fire District #7
Irrigation District:	N/A

(Staff report)

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

6. Surrounding Property:

   North: Vacant
   South: Vacant
   East: Vacant
   West: Vacant
   (Staff report)

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

8. The subject property is zoned Forest & Range, which allows for a 20 acre minimum lot size. (Staff report)

9. Applications for a rezone from Forest & Range to Rural 3 and a 6-lot Preliminary Plat were received on August 6, 2008. The applications were deemed complete on August 25, 2010. (Staff report)

10. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner on September 23, 2010. (Staff report)

11. The Notice of Application was issued on September 30, 2010. Said notice was published in the official county newspaper of record and was also mailed to jurisdictional government agencies, adjacent property owners as required and other interested parties. The last day to submit written comments was November 1, 2010. (Staff report)

12. Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on April 28, 2011 in accordance with WAC 197-11-355 (Optional DNS process). There were no appeals filed. (Staff report)

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

14. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats. (Staff report)

15. This proposal as conditioned is consistent with the provisions of KCC 16.12 Preliminary Plat Subdivision Code. The application contained all required elements necessary to review this proposal with the exception of soil logs and water availability, which will be required prior to final plat approval. All proposed lots meet the dimensional standards of KCC 17.30A for lots zoned Rural 3. This proposal is consistent with the Kittitas County Code 16.12.150 in making recommendation as to the adequacy of the proposed road system, the proposed sewage disposal and potable water supply system and fire protection facilities within the subdivision. (Staff report)

16. The private road within the Plat is required to meet all Kittitas County Road Standards as outlined in the memorandum issued by the Department of Public Works prior to issuance of a building permit. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Staff report)

17. The following agencies provided comments during the comment period: Department of Ecology, Department of Commerce, Kittitas County Public Works and Environmental Health, These comments have been included as conditions of approval to address the agency concerns. (Staff report)

18. Three (3) individual landowner submitted comments during the comment period and these comments have been included as an exhibit in the Hearing Examiner packet and were considered in making the SEPA threshold determination. (Staff report)

19. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval. The following agencies provided comments during the comment period and these comments have been included as conditions of approval to address these agencies' concerns:

    19.1 Department of Ecology.
    19.2 USDA Forest Service.
    19.3 Kittitas County Department of Public Works.
    19.4 Kittitas County Fire Marshal's Office.
    19.5 Kittitas County Environmental Health.

    (Hearing Examiner finding based on the record)

20. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)

21. The Kittitas County Community Development Services recommended approval of these permits, subject to the recommended conditions of approval. (Public hearing record)

22. An open record public hearing after due legal notice was held on October 27, 2011. (Open record public hearing)

23. Appearing and testifying on behalf of the applicant were the following individuals: Attorney Mike Murphy, Allison Kimball, Mark Kirkpatrick and Sean Northrup. (Open record public hearing testimony)

24. Mr. Murphy provided argument regarding the applicant's position on several contested issues. (Open record public hearing testimony)

25. Ms. Kimball, who identified herself as an agent authorized to appear and speak on behalf of the applicant, testified regarding lot counts, the applicant's position on cumulative impacts and the applicant's position on fire flow and the need for secondary access. (Open record public hearing testimony)

26. Mr. Kirkpatrick testified that he was an agent authorized to appear and speak on behalf of the applicant. He provided testimony regarding the applicant's desire to place a cul-de-sac within the Tamarack Valley plat and not at the intersection of Storie Lane with Misty Mountain Way. He further provided testimony that the applicant wanted a gate at the end of Storie Lane at the south end of the Tamarack project. (Open record public hearing testimony)

27. The Hearing Examiner finds that a gate anywhere along Storie Lane is inconsistent with the long range transportation plan utilizing Storie Lane as a corridor. Additionally, a gate on Storie Lane negatively impacts the health, safety and welfare of the public as Storie Lane shall be dedicated and constructed as a public road to public road standards. (Open record public hearing testimony)

28. Mr. Northrup testified that he was the applicant on all three projects. He testified that it was the applicant's desire to keep Storie Lane as a private gated road. He testified that it was the applicant's intent to keep Storie Lane a private and gated road due to the interests of the applicant. (Open record public hearing testimony)

29. Christina Wollman of the Kittitas County Public Works Department testified that there is no requirement within the Little Creek plat alteration for a gate on Storie Lane. (Open record public hearing testimony)

30. Also testifying was Brenda Larsen, Fire Marshal for Kittitas County. Ms. Larsen testified that her interpretation of the International Fire Code was that it allowed the Fire Marshal to mitigate consequences of developments at her discretion due to the rural nature of this project. Ms. Larsen testified that if sprinkler systems were required for each residence that is constructed within this project, that fire flow requirements could be mitigated but not eliminated. Ms. Larsen testified that her interpretation of the International Fire Code was that if there were more than 30 lots within a project area, and that all of the residences had interior sprinklers, that no secondary access would be required. (Open record public hearing testimony)

31. The Hearing Examiner also finds that regarding fire flow requirements, while they may be lessened because the interior of buildings will have sprinklers, there is still fire danger to the exterior of buildings and the subject properties which require fire flow for not only the protection of the subject properties, but also for the benefit of the public to contain wild fires. (Open record public hearing testimony)

32. Ms. Wollman from Kittitas County Public Works further testified that there is a significant public benefit to require Storie Lane to be constructed to public road standards and to be dedicated as a public road down to Misty Mountain Way as consistent with the Long Range Transportation Plan. (Open record public hearing testimony)

33. Ms. Wollman further testified that the Kittitas County Board of County Commissioners has viewed this route down Storie Lane as a corridor for long range transportation plans and therefore development of Storie Lane as a public road and dedicated to the County is necessary to implement this plan. (Open record public hearing testimony)

34. Ms. Wollman further testified that Public Works is now requesting that road construction be finalized prior to final plat approval. This is primarily for safety issues in that if final road construction is not required until building permit stage, that effectively the roads may not be

completed if the individual property owners do not want to contribute towards this expense. (Open record public hearing testimony)

35. Ms. Wollman further testified, and the Hearing Examiner now finds, that the cumulative impacts of these three projects (Vista West, Tamarack Valley and Aspen Grove) and public safety issues directly related to these projects require the construction and dedication of Storie Lane as a County public road. (Open record public hearing testimony)

36. Ms. Wollman further testified that the County would be satisfied with a hammerhead turnaround design at the intersection of Storie Lane and Misty Mountain Way. This hammerhead would be necessary for the turnaround of school buses and snowplows. (Open record public hearing testimony)

37. Fire flow storage is required for this project because of significant risks of exterior residential fires and forest fires that may enter the project area. (Open record public hearing testimony)

38. The direct impact of this development and the cumulative impacts of all three developments (Vista West, Tamarack Valley and Aspen Grove) includes an increased risk of fires which are a public safety issue. (Open record public hearing testimony)

39. There was no public testimony at this hearing. (Hearing Examiner finding based on the record)

40. The Hearing Examiner issued his initial recommended Findings of Fact, Conclusions of Law, Conditions of Approval and Decision on June 8, 2011. (Open record public hearing)

41. On August 16, 2011, the Kittitas County Board of County Commissioners considered the Hearing Examiner's Recommended Decision at their regularly scheduled meeting. (Open record public hearing)

42. The Board of County Commissioners had five areas that they had questions regarding the Hearing Examiner's Recommended Decision. As the Hearing Examiner understands those five areas, they are as follows:

    42.1 Cumulative impacts of this project and other projects in the immediate area on the long-term transportation plan that was a part of the record.
    42.2 A specific lot count and the need for secondary access.
    42.3 Additional requirements as set forth in Mr. Valoff's email of July 18, 2011.
    42.4 General cumulative impacts of all of the projects in the area currently being considered.
    42.5 Concerns of the Kittitas County Fire Marshal regarding the application of the International Fire Code.

    (Open record public hearing)

43. While the Board of County Commissioners (BOCC) discussed remedying their concerns at the hearing with additional conditions of approval, in the end they voted to remand this matter to the Hearing Examiner to create a clearer record regarding their identified concerns. (Open record public hearing)

44. One concern of the BOCC was that the Hearing Examiner had misinterpreted their position on the application of the International Fire Code on projects such as the matter being considered. (Open record public hearing)

45. In a discussion with County Prosecuting Attorney Neil Caulkins, the BOCC reaffirmed their position that the International Fire Code can be applied at the project approval level as authorized under RCW 58.17.110. (Open record public hearing)

46. Additionally, the BOCC remanded this matter specifically for the Hearing Examiner to consider the Kittitas County long-range transportation plan and the identification of a transportation corridor through Storie Lane to Misty Mountain Way. (Open record public hearing)

47. At the open record public hearing, the Kittitas County Fire Marshal indicated that a second access would not be necessary so long as the applicant were to comply with additional requirements as set forth in the International Fire Code. (Open record public hearing)

48. It is clear to the Hearing Examiner that the cumulative impacts of the Vista West Performance Based Cluster Plat, Tamarack Valley Rezone and Preliminary Plat and Aspen Grove Preliminary Plat require that Storie Lane be developed into a public road pursuant to County standards. (Open record public hearing)

49. The applicant has indicated that they have sufficient right-of-way through Storie Lane to dedicate to Kittitas County so that the applicant may construct Storie Lane to public road standards. (Open record public hearing)

50. The Kittitas County Public Works Department and Fire Marshal indicated that Storie Lane, at the intersection with Misty Mountain Way, can be constructed as a hammerhead to allow emergency vehicle and school bus turnaround, as opposed to the previously discussed cul-de-sac. The hammerhead design will allow the applicant to develop this intersection using currently controlled property and right-of-way. (Open record public hearing)

51. The following exhibits from the open record public hearing held on May 26, 2011, were admitted into the record:

Exhibit 1:	Long Plat Application & Environmental Checklist.
Exhibit 2:	Letter of Complete Application.
Exhibit 3:	Affidavit of Posting.
Exhibit 4:	Notice of Application.
Exhibit 5:	Comment letter from Dept. of Ecology 10/29/10.
Exhibit 6:	Comment letter from Dept of Commerce 10/14/10 & 11/17/10.
Exhibit 7:	Comment letter from Kittitas Co. Public Health 9/24/10.
Exhibit 8:	Comment letter from Kittitas Co. Fire Marshal's Office 10/20/10 & 12/1/10.
Exhibit 9:	Memorandum – Kittitas Co. Public Works 10/4/10, 12/13/10, 2/2/11 & 2/8/11.
Exhibit 10:	Comment letter from Russel & Linda Libby 10-26-10.
Exhibit 11:	Comment letter from Bill & Liz Doyle 6/10/10.
Exhibit 12:	E-mail comment from Deidre Link 11/1/10.
Exhibit 13:	Comment letters from Mike Murphy 12/29/10 & 4/5/11.
Exhibit 14:	Letter from CDS to Allison Kimball 2/28/11.

Exhibit 15: SEPA Mitigated Determination of Nonsignificance.
Exhibit 16: Notice of Decision SEPA Action & Public Hearing.
Exhibit 17: Hearing Examiner Staff Report.
Exhibit 18: Tamarack Valley Zoning Map.
Exhibit 19: Tamarack Valley Aerial Map.
Exhibit 20: May 25, 2011, letter from Marc Kirkpatrick of Encompass Engineering & Surveying to Cooper Pass, LLC.
(Application materials and staff report)

52. Additionally, all testimony admitted in the May 26, 2011, hearing remain a part of this record. (Public hearing record)

53. Additionally, admitted into the record at this remand hearing were the following exhibits. The exhibits are prefaced by the letter "R" referencing that they are exhibits to the "remand" hearing.

Exhibit R-1: Board of County Commissioners Agenda Session Minutes dated August 16, 2011.
Exhibit R-2: CD recording of Board of County Commission Agenda Session dated August 16, 2011.
Exhibit R-3: Memo from Neil Caulkins to Board of County Commissioners dated September 2, 2011.
Exhibit R-4: Comment memos (3) from Kittitas County Public Works dated October 17, 2011.
Exhibit R-5: Comment memo from Kittitas County Fire Marshal's Office dated October 17, 2011.
Exhibit R-6: Hearing Examiner staff reports for Vista West Performance Based Cluster Plat (CL-09-01), Tamarack Valley Rezone and Preliminary Plat (LP-10-00003) and Aspen Grove Preliminary Plat (LP-10-04).
Exhibit R-7: Brookside Consulting letter to the Hearing Examiner dated October 25, 2011.
Exhibit R-8: Maps depicting lots in the vicinity to explain the confusion as to the total lot count that will access from the Storie Lane Bridge.
Exhibit R-9: October 6, 2011 email from Brookside Consulting to Dan Valoff identifying the remand issues and inquiring if there are any cumulative impacts other than transportation.
Exhibit R-10: February 8, 2011 memo from Christina Wollman to Dan Valoff identifying the no second access route is required at this time.
Exhibit R-11: April 7, 2011 email Brenda Larsen to Dan Valoff & Brookside Consulting stating that the Prosecutor's office has determined that fire flow and access may not be addressed at the development stage until a new code has been adopted.
Exhibit R-12: Updated transportation analysis by TraffEx date October 21, 2011.
Exhibit R-13: September 14, 2011/October 6, 2011 email conversation between the Storie Lane Bridge Engineer and the County Engineer regarding the improvements necessary to the bridge prior to final approval of the Little Creek Ranches Plat Alteration as well as the projects at hearing.
Exhibit R-14: Notice of Decision & Resolution 2010-095 approving the Little Creek Ranches Plat Alteration to allow access over the Storie Lane Bridge.
Exhibit R-15: October 26, 2011 letter from Encompass Engineering to Mr. Andrew Kottkamp.
Exhibit R-16: Proposed Fire Code language for new Title 20.12 (Fire Flow).
Exhibit R-17: Email from Dan Valoff to Kittitas County Board of County Commissioners dated July 18, 2011.
Exhibit R-18: Mapping of subject area.

Exhibit R-19: Drawing of proposed cul-de-sac at Storie Lane and Misty Mountain Way.
Exhibit R-20: Drawings of Tamarack Valley Plat dated October, 2011 by surveyor David Nelson.
Exhibit R-21: Aerial map.
Exhibit R-22: Aerial map.
Exhibit R-23: Handout from the applicant.
(Public hearing record)

54. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located. (Hearing Examiner finding based on the record)

55. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval. (Hearing Examiner finding based on the record)

56. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities. (Hearing Examiner finding based on the record)

57. The long range transportation plan identifies the need for a corridor between Nelson Siding Road and Fowler Creek Road. The extension of Storie Lane is a route along this proposed corridor and must be constructed as a public road. The transportation plan states in Chapter 5 that "[D]evelopers (anyone subdividing land) will be required to build and dedicate the right-of-way for these roads to the County." (Staff report)

58. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference. (Hearing Examiner finding based on the record)

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this recommended decision.

2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.

3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.

4. Public use and interest will be served by approval of this proposal.

5. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges.

6. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.

7. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.

8. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.

9. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.

10. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.

11. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

12. The Hearing Examiner is allowed to give substantial deference to a local agency in interpreting local codes, rules and regulations.

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

III. RECOMMENDED DECISION

Based on the above Recommended Findings of Fact and Recommended Conclusions of Law, the Hearing Examiner hereby recommends that Application RZ-10-04 and LP-10-03, Tamarack Valley Rezone and Preliminary Plat, be **APPROVED** subject to the following Recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

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

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.

2. The project shall proceed in substantial conformance with the plans and application materials which were deemed complete on August 25, 2010 except as amended by the conditions herein.

3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

4. All current and future landowners must comply with the International Fire Code and its Appendices.

5. It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.

6. Soil logs need to be scheduled and dug at a mutually convenient time. The developer/owner shall provide soil logs as per Chapter 246-272 WAC or as amended. The information obtained will be recorded and placed in the plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and does not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.

7. Proof of potable water must be shown prior to final plat approval.

8. A plat note discussing the spread of noxious weeds shall be shown on the plat and shall read: "Per RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds, accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeding of areas disturbed by development to preclude the proliferation of noxious weeds."

9. Road Certifications shall to be completed or the road construction bonded prior to final plat approval not at building permit.

10. The conditions of the Little Creek Plat Alteration (LP-10-01) shall be completed in accordance with Resolution 2010-095 prior to final plat approval.

11. The application states that residences will utilize a Group B Public Water System; therefore, the following information is required prior to final plat approval:

    Applicants shall have a well site inspection performed by KCPHD staff; complete and submit a Group B Public Water System Workbook to either KCPHD for water systems with 3-9 connections or Washington State Department of Health (DOH) for water systems with 10-14 connections or as amended by DOH; have the well(s) drilled; and submit a copy of an agreement with an approved Kittitas County Satellite Management Agency. All infrastructure for the Group B Water System including the well/pump house and storage tanks must be completed or the developer/owner can bond for completion. Final approval of the Group B Public Water System including issuance of the public water system ID number from DOH is required prior to recommendation by KCPHD for final approval. If a bond is in place, final approval will still be recommended but all infrastructure must be completed before issuance of the first building permit within the subdivision.

12. Water Use for Group B System. The Department of Ecology states: the Upper Kittitas Ground Water Rule restricts all new appropriations of groundwater within the upper Kittitas. This project lies within the affected area. The rule does allow for new uses of groundwater if:

    12.1 A building permit has been granted and vested prior to July 16, 2009;
    12.2 A qualifying 'group use' under WAC 173-539A was established prior to July 16, 2009; or
    12.3 The project is determined by Ecology to be 'water budget neutral.'

    The proponent shall apply to Ecology for a permit to appropriate public groundwater or, if seeking to use the groundwater exemption, shall submit to Ecology a request for determination that the proposed exempt use would be water budget neutral. No new exempt uses under RCW 90.44.050 may commence unless Ecology has approved a request for determination that the proposed exempt use would be water budget neutral.

13. Water for Dust Suppression. The Department of Ecology States: water use from road construction and dust suppression will likely be necessary given that new roads and grading are planned. Water use for construction and dust compression are not listed uses eligible for appropriation under RCW 90.44.050. Therefore, a water right will be required for water used for short term and long term construction and dust suppression needs. Temporary permits may be obtainable in short time-periods.

Zoning and Platting Standards:

14. The KRD canal easement line at the northern end of Lot 1 is shown as a solid line, but it should be a dashed line. Solid lines indicate lot lines; however, the northern lot line of Lot 1 is the centerline of the KRD Canal. The final plat shall show the KRD easement line on Lot 1 as a dashed line, consistent with other easements on the plat.

15. Final mylars shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.

16. Both sheets shall reflect the Plat number: LP-08-00026.

Critical Areas:

17. The applicant states that areas of the project site have steep slopes up to 45%. To address difficulties inherent to construction on steep slopes, the following note shall be placed on the face of the final plat:

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

Transportation and Infrastructure

18. Timing of Improvements: Roads must be constructed or bonded for prior to final approval.

19. Private Road Certification: Private roads, if any, serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with current Kittitas County Road Standards, 9/6/05 edition. Kittitas County Public Works shall require this road certification to be completed or the road construction bonded for prior to final approval.

    The private road certification shall also include compaction testing results by a method approved by KCC 12.09.040 and the WSDOT Standard Specifications 2-03.3(14), and address roadside safety.

20. Road Names: All roads shall be labeled on the plat.

21. Required Prior to Final: All requirements of the Little Creek Ranches Plat Alteration LP-10-00001 shall be completed prior to receiving final approval for this plat.

22. Transportation Plan New Corridor: The Long Range Transportation Plan identifies the need for a corridor between Nelson Siding Road and Fowler Creek Road. The extension of Storie Lane is a route along this proposed corridor and must be constructed as a public road. The Transportation Plan states in Chapter 5 that "developers (anyone subdividing land) will be required to build and dedicate

the right of way for these roads to the County."

23. Public Road Improvements: The road from the end of Storie Lane to the intersection with Misty Mountain Way shall be constructed as a public road and the right of way dedicated to the County. A turnaround shall be constructed at the intersection of Storie Lane and Misty Mountain Way. The applicant shall follow all of the bonding, stormwater, design and inspection requirements outlined in Kittitas County Road Standards. A pre-design meeting shall be scheduled with the County Engineer to discuss specific design requirements and construction timing.

24. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

25. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.

26. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.

27. Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.

28. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.

29. Mailbox Placement: The U.S. Postal Service requires that private roads with 6 or more residences install USPS approved Cluster Box Units (CBUs) at a safe location at the mouth of the private road. Contact your local Post Office for location and additional design requirements before beginning construction..

Water and Sewer

30. The final plat notes shall include the following statements:

    a. *The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.*

    b. *Metering will be required on all new residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements."*

31. Final approval will be conditioned upon the developer/owner of the plat providing proof of potable water. Proof of potable water can be provided through several different ways depending on the source of water proposed as described and outlined in the Board of County Commissioners Resolution 2010-082.

32. Applicants shall submit a well log(s) from a well located within the subdivision of land. If a well log does not exist, a four (4) hour well draw down test shall be provided prior to recommendation by KCPHD for final plat approval. If shared wells are proposed, a recorded shared well user's agreement is required for each proposed parcel. If the proposed subdivision does not have an existing well within the boundaries, a hydrogeological report with documentation/evidence to support a claim regarding adequate availability of groundwater for the proposed number of potable water wells must be submitted prior to recommendation for final plat approval. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed Hydrogeologist.

Fire Safety

33. Approved water storage with a private fire hydrant system shall be installed. The hydrant system shall be subject to plan review and approval through the Fire Marshal's Office and shall be subject to an annual Operational Permit.

34. Water storage and hydrant spacing shall comply with the International Fire Code.

35. The minimum fire flow requirements for the residential structures shall be no less than 1,000 gpm for a duration of no less than 30 minutes or as otherwise approved by the Fire Marshal. A reduction in fire flow of 50% is allowed when buildings are provided with an automatic sprinkler system.

36. No fire apparatus access lane shall have a slope greater than 12%. A Variance Permit will be required for any slopes or grades greater than allowed by County Code.

37. "No Parking-Fire Lane" signs must be posted per Fire Marshal requirements on all cul-de-sacs.

38. Secondary access is required, or each residence accessed off of the single access road shall be required to have sprinkler protection as required by the County Fire Marshal's Office, with all associated permits issued. The sprinkler requirements shall be noted as a plat note on the final plat.

39. All bridges and gates across any private road shall be required to be permitted and certified.

40. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2009 International Fire and Building Codes.

41. A separate permit is required for any private water storage or hydrant system.

42. Review of the final project submittals may include further requirements.

SEPA Mitigation

43. All development, design and construction shall comply with those mitigation measures listed as "Voluntary Mitigation" in the SEPA Mitigated Determination of Nonsignificance, dated January 6, 2011, including the following:
    a. All stormwater facilities will be designed in accordance with DOE's *Stormwater Management Manual for Eastern Washington.*

b. Energy-efficient and "green" building practices will be encouraged for future residents.
c. Construction hours will be limited to normal daytime hours, 7:00 am – 6:00 pm.
d. Future CC&Rs should encourage the use of natural building materials and natural or earth-tone colors.
e. If ground disturbance or other activities related to the proposed development result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact shall be made with the Washington State DAHP, SHPO and/or affected tribes. Work shall remain suspended until the find is assessed and appropriate consultation is conducted.
f. Existing private roads will be improved in compliance with Kittitas County standards.

44. The following mitigation conditions from the SEPA Mitigated Determination of Non-Significance shall be noted on the face of the final plat and included in the Covenants, Conditions, and Restrictions (CC&Rs) document recorded with the final plat:

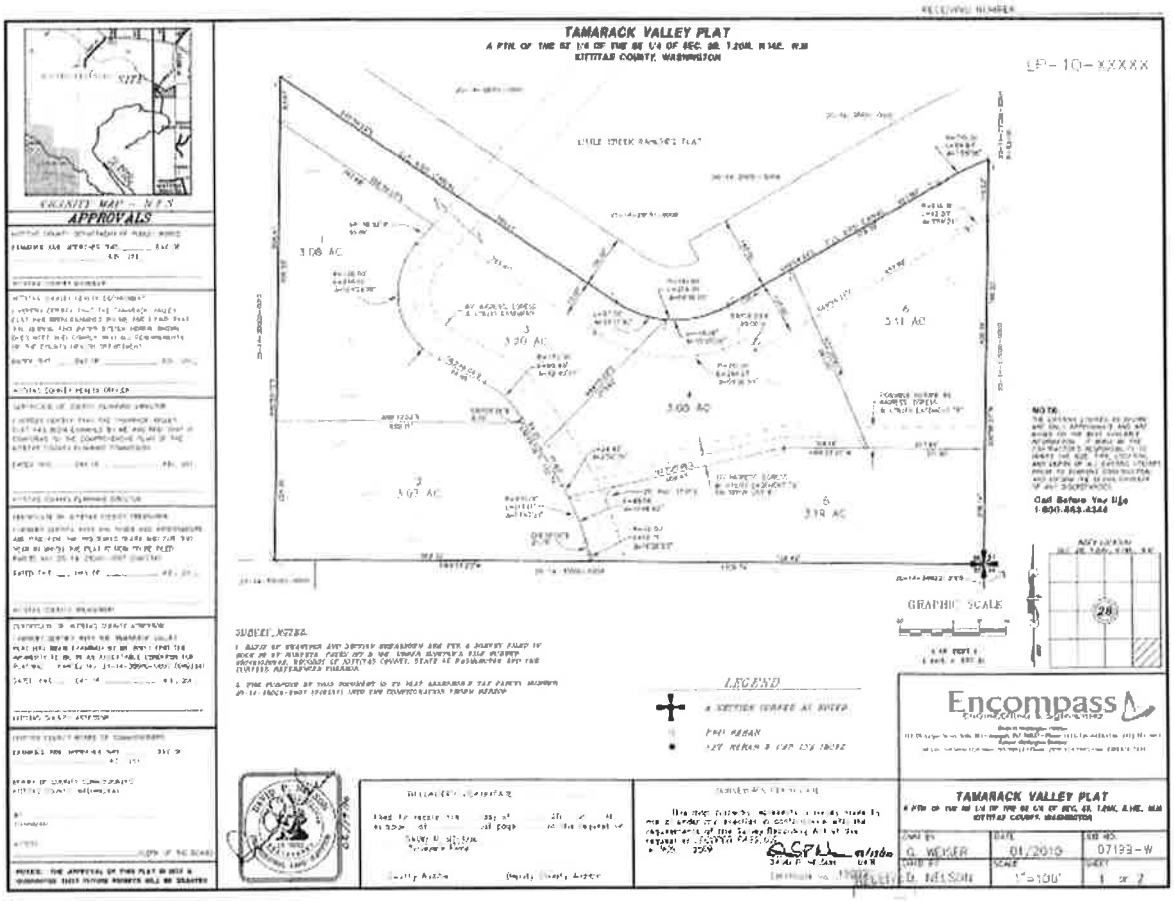
a. *All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.*

Dated this 10th day of November, 2011.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp

Exhibit "B"


TAMARACK VALLEY PLAT
A PTN. OF THE SE 1/4 OF THE SE 1/4 OF SEC. 28, T.20N., R.14E., W.M.
KITTITAS COUNTY, WASHINGTON
CP-10-XXXXX
VICINITY MAP - N.T.S.
APPROVALS
LITTLE CREEK RANCHETTES PLAT
1
3.08 AC.
2
3.20 AC.
3
3.07 AC.
4
3.05 AC.
5
3.11 AC.
6
3.19 AC.
NOTE
Call Before You Dig
1-800-553-4344
GRAPHIC SCALE
SURVEY NOTES:
LEGEND
A SECTION CORNER AS NOTED
FND REBAR
SET REBAR & CAP LS# 19012
Encompass
TAMARACK VALLEY PLAT
A PTN. OF THE SE 1/4 OF THE SE 1/4 OF SEC. 28, T.20N., R.14E., W.M.
KITTITAS COUNTY, WASHINGTON
DRAWN BY
G. WEKER
DATE
01/2019
JOB NO.
07193-W
SCALE
1"=100'
SHEET
1 OF 2
SURVEYED BY
KELLEY D. NELSON