



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

## STAFF REPORT

### VISTA WEST PERFORMANCE BASED CLUSTER PLAT

TO: Kittitas County Hearing Examiner  
FROM: Kittitas County Community Development Services Staff  
RE: Vista West Performance Based Cluster Plat (LP-09-01)  
DATE: December 9, 2010

#### I. GENERAL INFORMATION

Requested Action: Fortune Creek LLC, property owner, have applied for a 10-lot performance based cluster plat on approximately 21.09 acres of land that is zoned Rural-3. The project is proposed to be served by a Group B water system and individual on-site septic systems.

Location: The subject property is located southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North ½ of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.

#### II. SITE INFORMATION

Total Project Size: 21.09 acres  
Number of Lots: 10  
Zoning District: Rural-3  
Domestic Water: Group B water system  
Sewage Disposal: Individual on-site septic systems  
Power/Electricity: Puget Sound Energy  
Fire Protection: Fire District #7  
Irrigation District: None

Site Characteristics:

North: Vacant

South: Vacant

East: Vacant

West: Vacant

Access: The proposed project will have access from Storie Lane via an existing bridge over the KRD canal and connected to existing private roadways. The access road will be constructed to meet Kittitas County Road Standards. All required roadway improvements will be the responsibility of the developer. A second access route is not required.

Zoning and Development Standards: The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting Rural-3 zones will be to minimize adverse effects on adjacent natural resource lands.

**KCC 16.09** allows for **Performance Based Cluster Platting** to assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural

lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County. Public Benefit Rating System (PBRS) elements are items that are not already required by code. When a public benefit is demonstrated then bonus density points will apply. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of twenty five percent (25%) of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090.

**The applicant has demonstrated the Public Benefit Rating System (PBRS) with the following elements.** The Hearing Examiner can further condition these elements as necessary to meet the intent of the Ordinance for Performance Based Cluster Platting. These elements will be conditions of approval for the Vista West Plat in order to qualify for the density bonus allowed through Performance Based Cluster Platting.

<b>Element</b>	<b>Area</b>	<b>Bonus Points</b>
Open space total (48%)	11.45 acres	0
Open space density bonus (43%)	9.05 acres	43 points
Stream buffer within open space	2.40 acres	0
Development Area	9.64	0
Group B water system		25 points
<b>Total</b>	<b>21.09 acres</b>	<b>68points</b>

Total bonus density points = 68 points. Total bonus density percentage =68%  
Density bonus limit in the Rural 3 zone for this proposal is 68%.

Calculations for project:

Current zone for project is Rural 3  
Allowed density for the Rural 3 zone is 1 unit per3 acres  
Subject parcel is a total of 21.09 acres

Lots allowed under current zoning (Rural 3) = **21.09 acres/3acres = 7 lots**  
(7 lots) x (total bonus density percentage **68%**) = **14 total maximum lots for cluster plat**  
Proposed lot yield = **10**

**III. ADMINISTRATIVE REVIEW**

Notice of Application: A complete long plat application was submitted to Community Development Services on December 16, 2009. The application was deemed complete on January 13, 2010. The Notice of Application for the preliminary plat application was issued on March 25, 2010. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on April 9, 2010.

Posting of Site: 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 and is included as part of the record.

**IV. COMPREHENSIVE PLAN**

The Kittitas County Comprehensive Plan designates the subject property as Rural. Kittitas County has established the following goals and policies to guide future housing developments. These goals and policies were developed in response to existing housing conditions and identified needs within the county, and support the County Wide Planning Policies:

GPO 3.1 Provide a sufficient number of housing units for future populations in rural areas of Kittitas County.

GPO 3.6 Provide for future populations while protecting individual property rights.

GPO 3.17 Provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County.

GPO 3.18 Provide sufficient housing units while maintaining environmental quality.

GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.

GPO 8.46 Residential development in rural lands must be in areas that can support adequate private water and sewer systems.

## **V. ENVIRONMENTAL REVIEW**

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on October 28, 2010. The appeal period ended on November 12, 2010 at 5:00 p.m. No appeals were filed.

## **VI. AGENCY AND PUBLIC COMMENTS**

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Exhibits in the Hearing Examiner packet.

No public comments were submitted on this proposal at the time of staff review.

## **VII. PROJECT ANALYSIS**

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

### Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan, including those listed above in section IV of this report. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group B water system and individual onsite septic systems.

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

Staff has conducted an administrative critical area review in accordance with KCC 17A and found wetlands, areas within the 100-year floodplain, and areas of steep slopes on the subject properties.

### Consistency with the provisions of KCC 16.09: Performance Based Cluster Platting Code:

The application contained all required elements necessary to review this proposal with the exception of soil logs, 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. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code for Performance Based Cluster Plats.

Consistency with the provisions of KCC Title 12: Roads and Bridges:

All roads are required to meet all Kittitas County Road Standards as outlined in the October 4, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Department of Ecology, USDA Forest Service, Kittitas County Department of Public Works, Fire Marshal’s Office and Environmental Health. These comments have been included as conditions of approval to address these agency concerns.

Public Comments:

No letters from the public were submitted on this proposal at the time of writing of the staff report.

**VIII. RECOMMENDATION**

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12 and Title 16.12 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends **approval** of the Vista West Performance Based Cluster Plat; file number (LP-09-01), subject to the following findings of fact and conditions:

**Suggested Findings of Fact**

1. Fortune Creek LLC, property owner, have applied for a 10-lot performance based cluster plat on approximately 21.09 acres of land that is zoned Rural-3. The project is proposed to be served by a Group B water system and individual on-site septic systems.
2. The subject property is located southwest of the City of Cle Elum, accessed off of Storie Lane via Nelson Siding Road, Cle Elum, WA. The property is located in a portion of the North ½ of Section 33, T20N R14E WM. in Kittitas County. Map number: 20-14-33000-0007.
3. The proposed lots range in size from approximately 0.92 acres to 1.15 acres in size. The project is proposed to be served by a Group B water system and individual on-site septic systems.
4. Site Information:
 

Total Project Size:	21.09 acres
Number of Lots:	10
Zoning district	Rural 3
Domestic Water:	Group B water system
Sewage Disposal:	Individual on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	None
5. Site Characteristics: The area is characterized as mountain terrain.
6. Surrounding Property:
  - North: Vacant
  - South: Vacant
  - East: Vacant
  - West: Vacant
7. The Comprehensive Plan designation is Rural.

8. The subject property is zoned Rural 3, which allows for one residential unit per 3 acres and one-half acres for platted cluster subdivisions served by public water and sewer systems. All subdivision lots under three acres in size must be served by public water and sewer systems (KCC 17.30.040).
9. A complete long plat application was submitted to Community Development Services on December 16, 2009. The application was deemed complete on January 13, 2010. The Notice of Application for the preliminary plat application was issued on March 25, 2010. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on April 9, 2010.
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 and is included as part of the record.
11. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on October 28, 2010. The appeal period ended on November 12, 2010 at 5:00 p.m. No appeals were filed.
12. 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 A water system and individual or community septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found wetlands, areas within the 100-year floodplain, and areas of steep slopes on the subject properties.
13. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats.
14. All roads are required to meet all Kittitas County Road Standards as outlined in the October 4, 2010 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
15. The following agencies provided comments during the comment period: Department of Ecology, USDA Forest Service, Kittitas County Department of Public Works, Fire Marshal's Office and Environmental Health. These comments have been included as conditions of approval to address these agency concerns

**Suggested Conclusions:**

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges.

## **Suggested Conditions of Approval:**

### **Platting Standards and Zoning Code:**

1. Certificate of Title: A certificate of title of the property proposed to be platted shall be submitted with the final plat.
2. Lot Closures: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
3. Conditions, Covenants, and Restrictions: Prior to final plat approval, a copy of the proposed final Conditions, Covenants, and Restrictions shall be submitted to Community Development Services for review and approval.
4. Open Space Tracts: Prior to final plat approval, all areas not included in development lots shall be labeled as individual tracts. Tracts shall not be further subdivided or altered. All tracts, except the tract(s) containing the private road area, shall be labeled "Open Space."
5. Open Space Tract Ownership and Maintenance: Open space tracts shall be jointly owned and maintained by the developer or legally responsible owner or homeowner's association or other legal entity made up of all benefited property owners.

### **Critical Areas:**

6. Wetland Impacts: The proposed plat area contains a wetland area along Little Creek. No development is proposed in this mapped wetland or within approximately 600 feet. The plat shows a trail passing through the wetland and across Little Creek, and notes this trail is possible for future construction "at the discretion of the owner." Construction of this trail will require compliance with Title 17A Critical Areas.
7. Flood Prone Areas: The project site contains frequently flooded areas associated with Little Creek, which is under the jurisdiction of the County's Shoreline Master Program. No lots are proposed within the floodplain boundary, but a trail for possible future construction is shown. Any development within floodplain associated with Little Creek is subject to 17A.05.020 "No net loss of floodplain storage" and applicable provisions of the Conservancy environment included in the Shoreline Master Program.
8. Future Trail Construction: The following note shall be placed on the face of the final plat:

*The approval of CL-09-00001 does not authorize construction of the proposed trail system noted as "future construction at the discretion of the owner." The proposed trail passes through a wetland, floodplain, and "Conservancy" shoreline environment. Trail construction shall be subject to County review and approval for compliance with Title 17A Critical Areas and the Shoreline Management Program, and additional wetland and flood storage analysis may be required prior to trail construction.*

### **Stormwater and Drainage**

9. This project will require a NPDES Construction Stormwater General Permit from the Washington State Department of Ecology. This permit requires that the SEPA checklist fully disclose anticipated activities, including building, road construction, and utility placements. Obtaining a permit is at least a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.

10. The NPDES permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
11. Erosion control measures must be in place prior to any clearing, grading or construction. These control measures must be effective to prevent soil from being carried into surface water by storm water runoff. Sand, silt, and soil will damage aquatic habitat and are considered pollutants.
12. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.
13. Best management practices must be used to prevent any sediment, oil, gas, or other pollutants from entering surface or ground water.

### **Transportation and Infrastructure**

14. Timing of Improvements: This application is subject to the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the structures within this plat. A Performance Bond or acceptable financial guarantee may be used, in lieu of the required improvements, per the conditions outlined in the current Kittitas County Road Standards.
15. Private Road Certification: Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with 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 prior to the issuance of a building permit for any of the structures within the proposed plat.
16. 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.
17. Road Names: All roads shall be labeled on the final plat.
18. Private Road Improvements: Access from the end of the County road to the cul-de-sac within the plat shall be constructed to meet or exceed the conditions of a High-Density Private Road that serves 15-40 tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
  - a. Access easements shall be a minimum of 60' wide. The roadway shall have a minimum width of 22', with 1' shoulders, for a total width of 24'.
  - b. Minimum centerline radius shall be 60'.
  - c. Surface requirement BST/ACP.
  - d. Maximum grade is 12%.
  - e. Stopping site distance, reference AASHTO.
  - f. Entering site distance, reference AASHTO.
  - g. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
  - h. Any further subdivision or lots to be served by proposed access may result in further access requirements.

- i. All roads located within this development or roads that provide access to this development shall be constructed to current county road standards unless any other maintenance agreements, forest service road easements or state easements require higher road standards. The higher of the road standards shall apply.
  - j. All easements shall provide for AASHTO radius at the intersection with a county road.
  - k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right-of-way.
19. Cul-de-Sac: A cul-de-sac turn-around having an outside right-of-way or easement diameter of at least 110 feet shall be constructed at the closed end of all dead-end roads serving 3 or more lots. The driving surface shall be at least 96 feet in diameter. Cul-de-sacs must also conform to the requirements specified by the 2009 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
  20. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
  21. 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.
  22. 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.
  23. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
  24. 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**

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

*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.*

### **AND**

*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.*

26. Adequate Potable Water Supply Statement: Final approval is 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.

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.

27. 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:

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

The proponent shall apply to Ecology for a permit to appropriate public groundwater of, 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.

28. 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.

29. Water Usage Impacts to Little Creek. The Department of Ecology States: the checklist does not address impacts to water supplies or to Little Creek, which runs through the site. There are approximately 5.3 cfs of confirmed water rights from Little Creek immediately downstream from the project. Little Creek has limited water supplies and there is not a consistent supply of water to satisfy the existing confirmed rights. The location, construction, and use of the project's well(s) will have an affect on the ability of the Little Creek water right holders to exercise their rights. The timing and magnitude of impact to the Little Creek water right holders is not addressed in any of the documents provided. When the Little Creek water right holders are not satisfied, any additional impact results in the impairment of these rights (Supreme Court of WA *Postema v. PCHB No. 67549-0*). In Washington State, the statute does not allow for de minimis impairment of an existing right. Therefore, groundwater may not be consistently legally available to this project.

All consumptive water use must be adequately mitigated for prior to use pursuant to WAC 173- 539A. ALL unmitigated new consumptive uses will result in negative environmental impacts and be in violation of State law (WAC 173-539A). The subject property lies within one of the state's most water-short areas. Unmitigated use of water by the project will have a direct impact on senior water rights. When senior water rights are not met, each new unmitigated groundwater use, small as it may be, will result in the impairment of senior water rights. If mitigation is offered, all commenting agencies and persons should have an opportunity to address any potential concerns with or the adequacy of the mitigation offered. If

you have any questions concerning the Water Resources comments, please contact Kurt Walker at (509) 454-4237.

### **Fire Safety**

30. Approved water storage with a private fire hydrant system shall be installed. The hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.
31. Water storage and hydrant spacing shall comply with the International Fire Code.
32. The minimum fire flow requirements for the residential structures shall be no less than 1,000 gallons per minute for a duration of no less than 30 minutes. A reduction in fire flow of 50% is allowed when a building is provided with an automatic sprinkler system.
33. 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.
34. "No Parking—Fire Lane" signs must be posted per Fire Marshal requirements on all cul-de-sacs.
35. Secondary access is required.
36. All bridges shall be required to be certified.
37. All development, design and construction shall comply with Kittitas County Code Kittitas County Zoning and the 2006 International Fire and Building Codes.
38. A separate permit is required for any private water storage or hydrant system.
39. Review of the final project submittals may include further requirements.

### **Air Quality**

40. WAC 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.
41. The applicant should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for construction of the project and duration of activity on the property. The FDCP should include, but is not limited to, the following components:
  - Identify all potential fugitive dust emission points.
  - Assign dust control methods.
  - Determine the frequency of application
  - Record all dust control activities.
  - Train personnel in the FDCP.
  - Shut down during windy conditions.
  - Follow the FDCP and monitor dust control efforts.
42. According to County standards, a water truck shall be available during construction to minimize dust emissions.

### **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 October 28, 2010, including the following:
  - a. All stormwater facilities will be designed and constructed in accordance with the Department of Ecology’s Stormwater Management Manual for Eastern Washington.
  - b. Energy-efficient and “green” building practices will be encouraged for future residences.
  - c. Construction will be limited to 7am-6pm during the summer, and 8am-6pm during the winter.
  - 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 should result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact 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. The applicant may construct a trail that will provide opportunities for active and passive recreation.
  
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.