BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

PRELIMINARY PLAT APPROVAL
ALLWEST LLC PERFORMANCE BASED CLUSTER PLAT (CL-10-01)

RESOLUTION

NO. 2012-_____

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 December 8, 2011. The project considered is a 16-lot Performance Based Cluster Plat which is described as follows:

The property is north of Manastash Road, west of Midfield Drive and south of Susan Road, Ellensburg, WA in a portion of Section 7, T17N, R18E, WM, in Kittitas County. Assessor's map number: 17-18-07040-0019. Proponent: Chris Cruse, authorized agent for Allwest LLC property owner.

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 preliminary plat; and,

WHEREAS, a closed record public hearing was held by the Board of County Commissioners on February 7, 2012 to consider the Hearing Examiner's recommendation on this matter; 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. Chris Cruse, authorized agent for Allwest LLC property owner, has applied for a preliminary plat to subdivide a 50.58 acre parcel via a performance based cluster plat; sixteen one acre lots and one 34.51 acre lot. The project is proposed to be served by a Group B water system and individual on-site septic systems.

2. The subject property is one tax parcel in the Agriculture 3 zone, located north of Manastash Road, west of Midfield Drive and south of Susan Road, Ellensburg, WA in a portion of Section 7, T17N, R18E, WM, in Kittitas County. Assessor's map number: 17-18-07040-0019.

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

4. Application for the Performance Based Cluster Plat was received on August 15, 2011. The application was deemed complete on August 23, 2011. The Notice of Application was issued on September 7, 2011. 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 September 22, 2012.

5. Community Development Services issued a Mitigated Determination of Non-Significance (MDNS) on November 10, 2011. No appeals were filed.

6. On December 8, 2011 the Hearing Examiner conducted an open record hearing to consider this matter where testimony was heard. On December 20, 2011 the Hearing Examiner submitted his Recommended Findings of Fact, Conclusions of Law, and Conditions of Approval of the Allwest LLC Performance Based Cluster Plat (CL-10-01).

7. The Board of County Commissioners conducted a closed record hearing on February 7, 2012 for the purpose of considering the Allwest LLC Performance Based Cluster Plat (CL-10-01).

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 Allwest LLC Performance Based Cluster Plat (CL-10-01) be approved, the motion carried with a vote of 2 to 0 with Commissioner O'Brien being absent.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby grants approval of the Allwest LLC Performance Based Cluster Plat (CL-10-01) 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 _____ day of _____ , 2012 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

_____
Alan A. Crankovich, Chairman

_____
Obie O'Brien, Vice Chairman

_____
Paul Jewell, Commissioner

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**
CL-11-01	)	**LAW, DECISION AND**
Allwest LLC	)	**CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on December 8, 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. Chris Cruse, authorized agent for Allwest LLC property owner, has applied for a preliminary plat to subdivide a 50.58 acre parcel via a performance based cluster plat; sixteen one acre lots and one 34.51 acre lot. The project is proposed to be served by a Group B water system and individual on-site septic systems. (Staff report)

2. The applicant is Allwest LLC, authorized agent Chris Cruse, 1000 Harvest Loop #300, Ellensburg, WA 98926. (Application materials)

3. The subject property is one tax parcel in the Agriculture 3 zone, located north of Manastash Road, west of Midfield Drive and south of Susan Road, Ellensburg, WA in a portion of Section 7, T17N, R18E, WM, in Kittitas County. Assessor's map number: 17-18-07040-0019. (Staff report)

4. Site Information:

Total Project Size:	50.58 acres
Number of Lots:	16
Zoning district	Agriculture 3
Domestic Water:	Group B water system
Sewage Disposal:	Individual on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #2 (Rural Ellensburg)
Irrigation District:	Kittitas Reclamation District

(Staff report)

5. Site Characteristics: The area is characterized as flat terrain used for agricultural purposes. (Staff report)

6. Surrounding Property:
North: Residential
South: Residential
East: Vacant
West: Vacant
(Staff report)

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

8. The subject property is zoned Agriculture 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). (Staff report)

9. A complete long plat application was submitted to Community Development Services on August 15, 2011. The application was deemed complete on August 23, 2011. The Notice of Application for the preliminary plat application was issued on September 7, 2011. 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 September 22, 2011. (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 and is included as part of the record. (Staff report)

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 November 10, 2011. The appeal period ended on November 29, 2011 at 5:00 p.m. No appeals were filed. (Staff report)

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 B water system and individual or community septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found small wetlands on the subject properties. (Staff report)

13. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats. (Staff report)

14. This proposal 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 Agriculture 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)

15. All roads are required to meet all Kittitas County Road Standards as outlined in the October 3, 2011 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Staff report)

16. The following agencies provided comments during the comment period: Department of Ecology, Department of Health, 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. (Staff report)

17. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval. (Hearing Examiner finding based on the record)

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

19. The Kittitas County Community Development Services recommended approval of this permit, subject to the recommended conditions of approval. (Public hearing record)

20. While this applicant is requesting performance based cluster platting, they are not requesting any bonus density points. The lots allowed under current zoning (Ag-3) results in these 50.58 acres, divided by 3-acre lots, allows for a total of 16 lots. (Public hearing record)

21. The project is consistent with the goals and policies of the Kittitas County Comprehensive Plan. Those goals include:

    21.1 GPO 3.1, to provide a sufficient number of housing units for future populations in rural areas of Kittitas County.

    21.2 GPO 3.6, to provide for future populations while protecting individual property rights.

    21.3 GPO 3.17, to provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County.

    21.4 GPO 3.18, to provide sufficient housing units while maintaining environmental quality.

    21.5 GPO 8.5, to facilitate the County's need for continued diversity and densities in uses on rural lands.

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

    (Public hearing record)

22. This application vested upon the issuance of the determination of a complete application. (Public hearing record)

23. The determination of complete application was issued on August 23, 2011, at approximately 11:00 a.m. (Public hearing record)

24. This determination of completed application and therefore this application is not affected by the Growth Management Hearing Board's Determination of Invalidity because the stay on enforcement of that order was not dissolved until August 23, 2011, at approximately 1:30 in the afternoon. (Public hearing record)

25. This application is to be construed by the rules and regulations in effect at the date and time of the determination of complete application. At the time of the issuance of the determination of complete application, the stay of the Growth Management Hearing Board's order was still in effect. (Public hearing record)

26. The following timeline is relevant:

    26.1 **December 11, 2006.** Kittitas County enacted Ordinance 2006-63 to update its comprehensive plan pursuant to the Growth Management Act (GMA), RCW 36.70A.130(1). Various parties challenged this ordinance by filing petitions for review with the Eastern Washington Growth Management Hearings Board (EWGMHB). *Kittitas County Conservation v. Kittitas County*, EWGMHB No. 07-1-0004c (hereafter "*Kittitas County Conservation I"*).

    26.2 **July 22, 2007.** Kittitas County enacted Ordinance 2007-22, revising the County's development regulations. Again, various parties filed petitions for review with the EWGMHB. *Kittitas County Conservation v. Kittitas County*, EWGMHB No. 07-1-0015 (hereafter "*Kittitas County Conservation II*").

    26.3 **August 20, 2007.** The EWGMHB issued its *Final Decision and Order* (FDO) in *Kittitas County Conservation I*. The EWGMHB found the County to be noncompliant with GMA on various issues, and issued a determination of invalidity with respect to the expansion of the County's Urban Growth Areas (UGAs) and the de-designation of Agricultural Resource Lands. The EWGMHB also found the County to be noncompliant with GMA with respect to rural zones of greater density than one dwelling unit per five acres (outside LAMIRDs), but did not issue a determination of invalidity with respect to the R-3 and Ag-3 zones.

    26.4 **November 13, 2007.** The Kittitas County Superior Court issued a stay of the FDO in "*Kittitas County Conservation I*".

    26.5 **March 28, 2008.** The EWGMHB issued its FDO in *Kittitas County Conservation v. Kittitas County, EWGMHB No. 07-1-0015 (hereafter "Kittitas County Conservation II")*. The EWGMHB found the Ag-3 and R-3 zones noncompliant and issued a determination of invalidity with respect to those zones.

    26.6 **April 24, 2008.** The Kittitas County Superior Court issued a stay of the FDO in "*Kittitas County Conservation II*".

26.7 **June 2, 2008.** The Kittitas County Superior Court issued a third stay in various cases consolidated under Cause No. 08-2-00195-7.

26.8 The various cases consolidated in the superior court were transferred to the Supreme Court.

26.9 **July 28, 2011.** The Supreme Court issued its opinion in the consolidated appeals. *Kittitas County v. EWGMHB*. The Court upheld parts of the EWGMHB's decisions regarding the Ag-3 zone. The opinion did not address the effect of the prior stays.

26.10 **August 15, 2011.** A complete application of the Allwest cluster plat was filed with CDS.

26.11 **August 23, 2011.** At 11:20 a.m., CDS emailed the notice of complete application to Allwest's agent.

26.12 **August 23, 2011.** At 1:34 p.m., the mandate was issued by the Supreme Court in *Kittitas County v. EWGMHB*. The Mandate states that the Decision became effective on August 17, 2011.

26.13 **October 10, 2011.** Judge Sparks entered an order confirming that all three stays previously issued in connection with the GMA appeals were dissolved effective August 23, 2011 at 1:34 p.m. That decision was not appealed by any party.

(Public hearing record)

27. An open record public hearing after due legal notice was held on December 8, 2011. (Open record public hearing)

28. The following 38 exhibits were admitted into the record:

28.1 Exhibit 1: Long Plat Application
28.2 Exhibit 2: Letter of Complete Application
28.3 Exhibit 3: Affidavit of Posting
28.4 Exhibit 4: Notice of Application
28.5 Exhibit 5: Comment letter from Dept. of Ecology 9/19/11
28.6 Exhibit 6: Comment letter from Public Health 10/10/11
28.7 Exhibit 7: E-mail comments from WA Dept. of Health 9/9/11
28.8 Exhibit 8: Comment letter from Kittitas Co. Fire Marshal 9/20/11
28.9 Exhibit 9: Memorandum – Kittitas Co. Public Works 9/12/11 & 10/3/11
28.10 Exhibit 10: Comment e-mail Rich Elliott, Kittitas Valley Fire & Rescue 9/20/11
28.11 Exhibit 11: E-mail comments from Chris Schedler 9/12/11
28.12 Exhibit 12: E-mail comments from Linda Rahm 9/16/11
28.13 Exhibit 13: Comment letter from Ted & Shelley Miller
28.14 Exhibit 14: Comment letter from Christopher Schedler 9/19/11
28.15 Exhibit 15: Comment letter from Carmen & Linda Rahm 9/19/11
28.16 Exhibit 16: E-mail comments from Kendal & Lisa Osborn 9/19/11
28.17 Exhibit 17: Comment letter from Joe & Mary O'Leary 9/20/11
28.18 Exhibit 18: E-mail comments from Tom Morris 9/21/11
28.19 Exhibit 19: Comment letter from Jil Zilligen 9/21/11

28.20 Exhibit 20: Comment letter from Bill & Lynette Arnold
28.21 Exhibit 21: Comment letter from Andrew & Janice Cohen 9/21/11
28.22 Exhibit 22: Comment letter from Robert & Sandra Ross 9/22/11
28.23 Exhibit 23: Comment letter from Justin Seth
28.24 Exhibit 24: Comment letter from Larry & Harriet Bland 9/22/11
28.25 Exhibit 25: Road easement agreement for the Midfield LLC Plat from Mitch Williams 9/27/11
28.26 Exhibit 26: Letter to Christina Wollman from Christopher Cruse re: access road width 2/28/11
28.27 Exhibit 27: Comment letter from Christopher Schedler 12/1/11
28.28 Exhibit 28: SEPA Determination of Nonsignificance (DNS) 11/10/11
28.29 Exhibit 29: Notice of Decision SEPA Action & Public Hearing
28.30 Exhibit 30: Hearing Examiner Staff Report
28.31 Exhibit 31: Letter from Mike Murphy to Hearing Examiner 12/7/11
28.32 Exhibit 32: Amended comment letter from the Fire Marshal 12/7/11
28.33 Exhibit 33: E-mail comments from Joe Gilbert, Environmental Health 12/8/11
28.34 Exhibit 34: E-mail comment from Neil Caulkins, Deputy Prosecutor 12/8/11
28.35 Exhibit 35: Letter from Larry & Harriet Bland 11/29/11
28.36 Exhibit 36: Table 12-1 Private Road Design Standards submitted by Alex Galbraith
28.37 Exhibit 37: Figure 12-2 Rural Local Access Roadway Section submitted by Alex Galbraith
28.38 Exhibit 38: Letter submitted by Alex Galbraith
(Open record public hearing)

29. Appearing and testifying on behalf of the applicant was Mitch Williams. Mitch Williams testified that he was an authorized representative of the applicant and was authorized to appear and speak on behalf of Allwest, LLC. Mr. Williams testified that the staff report was accurate as to its factual representations. Mr. Williams testified that all of the proposed conditions of approval were acceptable to the applicant. Mr. Williams testified that there will be irrigation rights for all 16 lots. He testified that there will be two Class B wells and that there will be actual water rights associated with this project. He testified that there will be a second cul-de-sac on Susan at the northeast corner of proposed Lot No. 2. He testified that there is a barn and agricultural pond on the site. He testified that the barn and the pond were used for his agricultural-related activities. He testified that the open tract created through this cluster plat would remain an agricultural use. He testified that all of the lots would have individual septic systems and that there was sufficient space for drainfields and reserve drainfields on each lot. Related to Exhibit 32, Mr. Williams testified that he agreed to the revised fire standard. (Open record public hearing testimony)

30. No member of the public testified in favor of this project. (Open record public hearing testimony)

31. Testifying in opposition to the project were the following persons who raised the following concerns:

31.1 Robert Ross: Mr. Ross testified that he owns land south of the project parcel and adjacent. He questioned the public benefit associated with this project. He also asked that the applicant guarantee that his well will not dry up.

On question by the Hearing Examiner, the applicant, Mitch Williams, testified that the public benefit relates to the public as a whole and the benefit is as stated in the application materials. Basically, Mr. Williams testified that the public benefit was the retention of a

substantial portion of this property in agricultural land production and utilizing smaller residential footprints, and clustering the residential units together so as to minimize the use of roads and expansion of utilities throughout the project site.

31.2 Alex Galbraith: Mr. Galbraith testified that his property borders Lots 2 and 3 to the north of the project area. He had questions as to the location of the cul-de-sac. He had questions as to how Susan Road was going to be widened. He questioned the granting of the road variance, indicating that he was not allowed to be a part of this process. Mr. Galbraith raised questions regarding the easement which he utilizes and whether or not this easement will allow access to the applicant's property.

31.3 Chris Schedler: Mr. Schedler testified to his concerns as to why this project was processed given a recent Supreme Court decision. He questioned the vesting date of this application, given the recent Supreme Court decision. He also questioned what he characterized as development planning issues, citing the recent Supreme Court issue indicating that 3-acre lots in agricultural districts are harmful. He does not believe this project protects the rural character.

31.4 Kendal Osborn: Mr. Osborn had concerns about whether or not this project was good for the general public. He testified that he is a real estate appraiser and that there are large inventory of vacant land in Kittitas County which, in his opinion, lowers property values.

31.5 Joe O'Leary: Mr. O'Leary's concerns related to the retention of the rural character of the area and the impact this project will have on the rural character. He believed the development is not consistent with this rural character. He also had concerns regarding groundwater south of Susan Road as well as standing water that occasionally occurs along Susan Road.

31.6 Harriet Bland: Ms. Bland testified that her family had been farming in this area for 50 years. Her testimony was that farming is made more difficult with residential development. She testified as to her observations of traffic on Manastash Road. She testified as to her understanding that Midfield Road was just made for 4 homes not an additional 16 homes. She had concerns regarding irrigation water as her farm irrigates 800 acres of farmland. She also testified as to her impression of the recent Supreme Court decision and how that impacts land uses in agricultural zones.

31.7 Carmen Rahm: Mr. Rahm, who resides at 1041 Susan Road, had concerns related to what was actually good for the public. As he saw it there were three options, those being no development, development only using 3-acre parcels and finally this type of cluster development. In Mr. Rahm's opinion, the only person benefiting from a cluster development would be the applicant and not the public as a whole.

31.8 Jil Zilligen: Ms. Zilligen, who resides at 361 Midfield, expressed her observations as to the unique beauty of this valley. She testified that there are rural areas as well as urban areas and that the two areas need to be kept separate. She testified as to her understanding that there are options available for persons who wish to buy smaller lots in more densely populated areas. Ms. Zilligen's opinion was that the best public benefit is to leave this land vacant. She testified that if this project is approved, she requested the following conditions

of approval:

31.8.1 That the open space be left an open in perpetuity;
31.8.2 That permanent traffic calming devices, including but not limited to speed bumps, be employed; and
31.8.3 That an access road on the west side of Manastash Road be required.

31.9 Alex Galbraith: Mr. Galbraith returned to testify as to his concerns as to why he and his neighbors were not included on the variance committee for the private road variance that directly impacts him.

31.10 Linda Rahm: Ms. Rahm testified that she and other residents of Susan Road are the owners of that private road. She testified that they maintain the road, plow the road, etc. Ms. Rahm testified that there is construction going on in the area that continues to damage Susan Road. Ms. Rahm wanted to know whether or not the applicant would fix Susan Road after his construction activities or whether they would be forced to fix the road. She also had questions as to how the road was going to be widened to 20' if there is only 18'3" of roadway at this time.

31.11 Robert Ross: Mr. Ross returned to testify to reiterate that those testifying are just trying to maintain their rural lifestyle. He said they see problems on the way.

(Open record public hearing testimony)

32. Mr. Williams returned to testify on behalf of the applicant. Mr. Williams pointed to Exhibit 25. He indicated that this road easement agreement included provisions for use and maintenance of the private roads. He reiterated that the public benefit includes those benefits are that are set forth in the Comprehensive Plan. (Open record public hearing testimony)

33. Michael Murphy, attorney for the applicant, provided legal argument and no evidence. (Open record public hearing testimony)

34. 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)

35. 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)

36. 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)

37. 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. The application vested upon Kittitas County's issuance of a determination of complete application, that being August 23, 2011, at 11:20 a.m.

12 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 CL-11-01, Allwest LLC, 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 was deemed complete on August 23, 2011 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. 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.

5. 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.

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

7. 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."

Platting Standards and Zoning Code:

8. Certificate of Title: A certificate of title of the property proposed to be platted shall be submitted with the final plat.

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

10. 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.

11. 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."

12. 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.

Stormwater and Drainage

13. 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.

14. 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.

15. 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.

16. 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.

17. Best management practices must be used to prevent any sediment, oil, gas, or other pollutants from entering surface or ground water.

Transportation and Infrastructure

18. Timing of Improvements: This application is subject to the latest revision of the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to final plat approval. 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.

19. 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 current Kittitas County Road Standards, 9/6/05 edition. Kittitas County Public Works shall require this road certification to be completed prior to final plat approval.

20. Road Name: Midfield Drive shall be labeled on the final plat.

21. Private Road Improvements – Midfield Drive: Access from Manastash Road to the final cul-de-sac shall be constructed to meet or exceed the conditions of a High-Density Private Road that serves 15-40 tax parcels. See current 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 is12%.
    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.

22. Private Road Improvements – Susan Road:

a. To serve lots 1 and 2, the road must be extended and a new cul-de-sac constructed in the vicinity of lot 2. No more than two lots can be served by a driveway off the end of a cul-de-sac.
b. Per the findings of Road Variance 11-08, the private portion of Susan Road must be verified to be 20' wide, including gravel and pavement, through the road certification process. The road extension may be constructed to 20' wide.

23. 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.

24. Plat Notes: Plat notes shall reflect the following:

a. Entire private road shall be inspected and certified by a civil engineer licensed in the State of Washington specifying that the road meets Kittitas County Road Standards as adopted September 6, 2005, prior to final plat approval. Any future subdivision or land use action will be reviewed under the most current road standards.
b. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.
c. Maintenance of the access is the responsibility of the property owners who benefit from its use.
d. An approved access permit will 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.
e. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
f. A public utility easement 10 feet in width is reserved along all lot lines. The 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation.

25. Joint-Use Driveway: A joint-use access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.

a. Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.

b. The surface requirement is for a minimum gravel surface depth of 6".
c. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
d. Any further subdivision or lots to be served by proposed access may result in further access requirements.

26. Single-Use Driveway: A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.

a. The roadway shall be a minimum of 8' wide with gravel surface.
b. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
c. Any further subdivision or lots to be served by proposed access may result in further access requirements.

27. Plat Approvals: All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

EXAMINED AND APPROVED
This _____day of _____, A.D., 20___.
_____
Kittitas County Engineer

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

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

30. 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.

31. 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.

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

33. 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

34. 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.

35. 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.

36. The proponent shall apply to Ecology for a permit to appropriate public groundwater. Ecology believes the Allwest LLC Cluster Plat which proposes to provide water through two group B water systems, is one project and is entitled to one groundwater exemption of 5,000 gallons per day and, therefore, requires a water right.

37. 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.

Fire Safety

38. Approved water storage of 30,000 gallons, with a private dry hydrant system shall be installed, or, the applicant may determine to provide every residence with an approved 13D residential sprinkler

system. Whichever option is chosen shall be noted on the final plat.

39. 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.

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

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

42. A separate permit is required for any private water storage or hydrant system and/or each individual sprinkler system.

Air Quality

43. 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.

44. 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:

    44.1 Identify all potential fugitive dust emission points.
    44.2 Assign dust control methods.
    44.3 Determine the frequency of application
    44.4 Record all dust control activities.
    44.5 Train personnel in the FDCP.
    44.6 Shut down during windy conditions.
    44.7 Follow the FDCP and monitor dust control efforts.

45. According to County standards, a water truck shall be available during construction to minimize dust emissions.

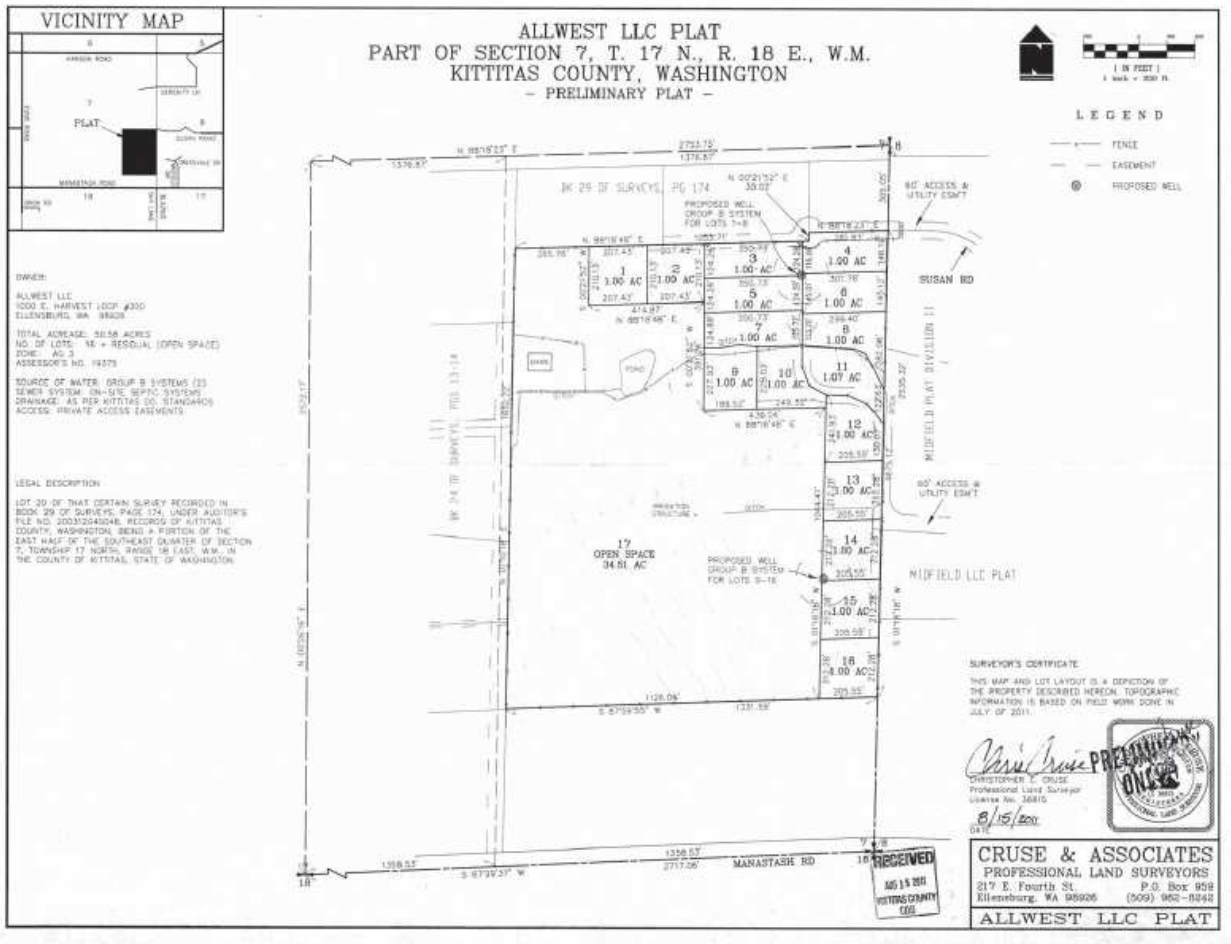
Dated this 20th day of December, 2011.

KITTITAS COUNTY HEARING EXAMINER

_____

Andrew L. Kottkamp

Exhibit "B"


VICINITY MAP
PLAT
ALLWEST LLC PLAT
PART OF SECTION 7, T. 17 N., R. 18 E., W.M.
KITTITAS COUNTY, WASHINGTON
– PRELIMINARY PLAT –
LEGEND
FENCE
EASEMENT
PROPOSED WELL
SUSAN RD
MANASTASH RD
MIDFIELD PLAT DIVISION II
MIDFIELD LLC PLAT
17
OPEN SPACE
34.81 AC
SURVEYOR'S CERTIFICATE
CHRISTOPHER E. CRUSE
Professional Land Surveyor
License No. 36815
8/15/2011
PRELIMINARY
ONLY
RECEIVED
AUG 15 2011
KITTITAS COUNTY
CDS
CRUSE & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
217 E. Fourth St. P.O. Box 959
Ellensburg, WA 98926 (509) 962-8242
ALLWEST LLC PLAT