

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

**PRELIMINARY PLAT APPROVAL
Happy Trails Plat (P-06-38)**

RESOLUTION

NO. 2008- 23

WHEREAS, according to Kittitas County Code Chapter 16, relating to the Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing was held by the Kittitas County Planning Commission on February 27, 2007 for the purpose of considering a preliminary plat known as the Happy Trails Plat and described as follows:

The division of 14.57 acres into nine lots, tax parcel number 17-19-06040-0026.
Proponent: Chris Cruse, authorized agent for Tall Brothers LLC, landowner.

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 platting; and,

WHEREAS, the Planning Commission recommended approval of said proposed subdivision 4-0 (two members absent); and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on January 15, 2008 to consider the Planning Commission'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 preliminary plat:

1. Chris Cruse, authorized agent for Tall Brothers LLC, submitted an application for a 9-lot plat (Happy Trails Plat P-06-38) on 14.57 acres of land that is zoned Rural Residential. This application was deemed complete by Kittitas County Community Development Services on May 15, 2007. The subject property is located North of Kittitas Hwy. and west of No. 6 Road comprising a portion of the S ½ of Section 06, T. 17N., R 19E., W.M. in Kittitas County. Map number #17-19-06040-0026.
2. The said development application included a preliminary plat depicting the division of

one 14.57 acre parcel into nine parcels.

3. Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on May 15, 2007. The Board of County Commissioners finds further that said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law.
4. Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this comment period and other information on file with our office, a Mitigated SEPA Determination of Non-Significance (MDNS) was issued by Kittitas County Community Development Services on July 25, 2007. See attached Exhibit A for specific mitigations. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law.
5. An administrative site analysis was completed by the staff planner in compliance with Title 17A. There are no known critical areas located on the subject property.
6. An open record hearing was held on August 14, 2007. The hearing was continued to September 11, 2007 and then continued to November 27, 2007 to consider this matter and that testimony was taken from those persons present who wished to be heard. Due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed subdivision.
7. The Board of County Commissioners finds that a closed record meeting was held on January 15, 2008 for the purpose of considering the preliminary plat known as the Happy Trails Plat. A motion was made and seconded that the preliminary plat be approved. The motion carried in with a vote of 2-0 (Commissioner Crankovich was absent).
8. The Board of County Commissioners finds that additional conditions are necessary to protect the public's interest.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby give preliminary plat approval to the Happy Trails Plat with the following conditions:

1. 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 your plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and do not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.

2. Proof of potable water must be shown prior to final plat approval.
3. For final approval of a shared well, a source site inspection must be performed prior to drilling. The completion of the Group B Workbook, with the appropriate testing and paperwork must also be submitted, reviewed and approved.
4. For final approval of an individual well, the submittal of well logs or a hydrogeological report with documentation/evidence to support the claim regarding adequate availability of groundwater for the proposed number of potable water wells is required. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed Hydrogeologist.
5. All applicants for subdivision (short and long plats) utilizing wells shall have a note placed on the face of the final mylars that states: "Kittitas County relies on its record that a supply of potable water exists. The approval of this division of land includes no guarantee or assurance that there is a legal right to withdraw groundwater within the land division."
6. Required on Final Plat: The Final Plat shall meet all requirements as listed in section 16.20 of the Subdivision Code; including content, format, etc. The following items will be required on the Final Plat Submittal:
 - a) Adjacent Property Owners: The adjacent property owners and surrounding properties shall be on the face of the final plat. (K.C.C.16.20.040, 10, Plat drawing, Adjacent Owners).
 - b) Surrounding Area: All surrounding property shall be shown in dotted lines and letters with names of plats, roads, adjoining lots, canals, and etc., and if un-platted shall be so indicated. (K.C.C.16.20.040, 11, Plat drawing, Surrounding Area).
7. Road Name(s): Road names shall be subject to the approval of the Kittitas County Department of Public Works.
8. Newly Proposed Road(s): The newly proposed road(s) appear to be extensions of Delta Street and Quartz Mtn. Drive, as depicted by the 60' right of way, this would appear to indicate that this is being proposed as a county "on-system" road, similar to the Grasslands Park Plat extension of Quartz Mtn Drive. Delta Street and Quartz Mtn. Drive are designated as Class 09 Rural Local Access Roads per Kittitas County Road Standards 12.03.030, C. This would be consistent with previous development actions and with current policy (KCC 16.12.080). Construction of the roads to County Road Standards does not guarantee acceptance on system.
9. Internal Roads: The newly proposed road shall be constructed as defined in Kittitas County Road Standards 12.03.010 Road Classifications and 12.03.020, C.
 - i. 12.03.010 Road Classifications: *County roads or streets are classified*

functionally as indicated in the following Sections 12.03. Function is the controlling element for classification and shall govern right-of-way, road width and road geometrics. Other given elements such as access, arterial spacing, and average daily traffic count, (ADT) are typical.

- ii. 12.03.020, C: Rural Local Access (Class 09). Road, which provides direct access to adjoining properties within a neighborhood. These constitute all rural mileage not classified as principal arterial, minor arterial, major collector, or minor collector mileage.*

10. Road Plans: Developers shall submit road plans as follows: Plan and profile drawings for all roads shall be submitted to the county engineer on film or linen sheets twenty-two inches by thirty-six inches in size, and receive his approval before proceeding with construction. The drawing standards used in preparing the drawings shall conform to the current drawing standards employed by the department of public works. All plans for roads, drainage, and utility construction are to be designed and prepared by a licensed professional engineer. Staking for road construction and adequate survey control for utility construction shall be provided at the subdivider's expense. Any Additional Lots Served by this Access: Any further subdivision or addition lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

11. Construction Control and Inspection: Work performed in the construction or improvement of county roads, future county roads, whether by or for a private developer, by county forces, by county contractor or by private contractor, shall be done in accordance with standards and approved plans (Section 12.08). Inspections shall take place during the following construction stages:

- a. Clearing and grubbing;
- b. Road system drainage;
- c. Road subgrade;
- d. Road ballast grade;
- e. Completion of road surfacing.
- f. The platlor shall pay all costs involved in said inspection services. The plat bond will not be released or the final plat approved until inspection costs are paid in full.
- g. It shall be the responsibility of the developer to notify the public works director in advance of the required inspections. All materials used and all work performed must be to the satisfaction of the public works director prior to acceptance by the county.

12. Bonding: The developer shall submit a bond to the Department of Public Works (See current Kittitas County Road Standards 12.01.150). Failure to comply with these Standards may result in denial of plan or development permit approval, revocation of prior approvals, or legal action for forfeiture of performance guarantee.

- a. **CONSTRUCTION PERFORMANCE GUARANTEES**: In lieu of the completion of any required improvements prior to approval of a final plat, short plat or other land-use action, the developer shall provide a performance guarantee in an amount and with satisfactory surety and conditions providing for and securing to Kittitas County the actual design, construction and installation of such improvements within a period specified by the Director. The Director will enforce the guarantee through appropriate legal and equitable remedies. If a surety bond is provided for public or private roads, the amount of the bond shall equal one hundred and thirty-five (135%) of the estimated design and construction cost. When a letter of escrow or cash is used, which will be acceptable only for public roads, the amount covered shall be for one hundred fifteen percent (115%) of the estimated construction cost as reviewed and concurred by the Public Works Director.

The amount of the financial guarantee may be reduced during construction proportionally to the amount of work completed, as said work is approved by the Public Works Director.

Building Permits will not be issued until road construction is completed or bonded to the subject dwelling or structure and approved by the County or a licensed professional engineer. The developer is legally and financially responsible for ensuring all roads are constructed in accordance with this code.

- b. **MAINTENANCE PERFORMANCE GUARANTEES**: The successful performance of public improvements shall be guaranteed for a period of not less than two years from the date of acceptance or Final Construction Approval (which ever is last). The amount of the maintenance guarantee shall be ten percent (10%) of the construction cost and the form of the maintenance financial guarantee shall be approved by the Public Works Director. Maintenance guarantees will not be required when the required performance guarantee is \$1,000.00 or less. (Ord. 2005-30, 2005)

13. Access Permit: 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.

14. Storm Water: Developer shall provide a storm water plan for surface water flows entering, flowing within and leaving the subject property. The plan is to conform to the following standards and requirements (see current Kittitas County Road Standards 12.06.050):

- a. The Kittitas County Director Of Public Works may require plans for storm drainage and detention facilities to be prepared by a registered civil engineer currently licensed by the state of Washington and qualified by experience and education in the field of hydraulics, hydrology, or a closely related field. Storm water plans or revisions to any approved plan shall be reviewed and approved by the public works department prior to any construction.
- b. On-site storm water improvements must be sufficient to mitigate impacts due to flooding, erosion, sedimentation or pollution.
- c. All drainage system elements must provide for adequate maintenance and accessibility at all times. Storm water facilities shall be designed to eliminate interference from underground utilities and from conditions, which exceed design loads for any pipe or other structural element.
- d. The designer of any storm water element shall consider system reliability in terms of layout, specifications of materials and methods of installation.
- e. The impact of a system failure should be analyzed both in terms of on- site and off-site effects. The impacts may be to adjacent properties or to elements of the public drainage system or other private systems.
- f. No drainage originating inside of a building or structure shall be connected to the storm water or surface water systems.
- g. Developer shall meet all other applicable laws for water quality prior to discharge to any wetland, stream, or lake.
- h. Developers are encouraged to be innovative and give high priority to fish, wildlife, plant materials and related total resource management systems.

15. Approaches: All approaches to county roads shall be constructed as follows:

- a. An approved access permit will be required from the Department of Public Works, prior to creating any new driveway access, or performing any work within the county road right-of-way.
- b. Maintenance of driveway approaches shall be the responsibility of the owner(s) whose property they serve. Kittitas County will not maintain accesses.

16. Access to the plat: Access to the plat will be via Quartz Mountain Drive or Mt. Baldy Lane, no direct access to No. 6 Road or Kittitas Highway will be allowed.

17. Lot Closure: It is the responsibility of Cruse and Associates to ensure the lot closures are correct and accurate.

18. Addressing:

- a. The applicant shall 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.

19. Fire Protection:

- a. The applicant shall contact the Kittitas County Fire Marshall regarding any additional access requirements for Emergency Response.

20. Irrigation Water: Irrigation water will need to comply with irrigation District requirements and continued in front of and through the site to any downstream users. No irrigation water or tail water will be conveyed in the county right of way along the projects county road frontage.

21. Wellhead Buffers: Wellhead Buffers will not encroach within County Maintained R/W.

22. 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."

23. Pursuant to Kittitas County Code 17.74.060A, a Plat Note regarding the Right to Farm Ordinance is required. The note shall read as follows: "The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A.060(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." (RCW 7.48.305).

24. 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.

25. Both sheets shall reflect the plat number P-06-38.

26. Full year's taxes must be paid on parcel number 17-19-06040-0026.


27. The applicant will need to meet all requirements and conditions of approval from the Ellensburg Water Company prior to final plat approval.

NOW THEREFORE,


BE IT HEREBY RESOLVED by the Board of County Commissioners of Kittitas County, Washington, that said preliminary plat designated as Happy Trails Plat and the same hereby is, approved with the proposed development configuration (See Exhibit A) and mitigation measures.

DATED this 5th day of February, 2008 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON



Mark McClain, Chairman

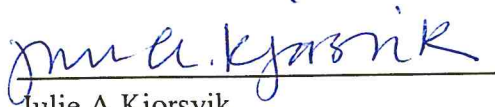


Alan A. Crankovich, Vice- Chairman



David B. Bowen, Commissioner





Julie A Kjorsvik

APPROVED AS TO FORM:

Greg Zempel WSBA #19125