

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON

PRELIMINARY PLAT APPROVAL  
WALDWOODS 12-LOT PERFORMANCE BASED CLUSTER PLAT (P-07-07)

RESOLUTION

NO. 2008- 107

**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 March 11, 2008 for the purpose of considering a preliminary plat known as the Waldwoods Performance Based Cluster Plat and described as follows:

Division of one parcel totaling approximately 21.00 acres into a total of twelve (12) lots submitted by Mark Wald, landowner pursuant to KCC 16.09. Parcel number 19-15-09000-0012.

**WHEREAS**, testimony was taken from those persons present who wished to be heard; 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 (5-1); and,

**WHEREAS**, a closed record public meeting was set by the Board of County Commissioners on April 1, 2008 and 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. Mark Wald, landowner, submitted an application for a 12-lot Performance Based Cluster Plat pursuant to Kittitas County Code 16.09 on approximately 21 acres of land that is zoned Rural-3 to Kittitas County Community Development Services on February 27, 2007.
2. Said development application included a preliminary plat depicting the division of one parcel into 12 lots. The identification of 4.63 acres of open space. See attached plat map for the preliminary plat and attached Exhibit B for specific calculations as applicable to KCC 16.09. The subject property is located southwest of the City of Cle Elum, off of Westside Road and FS Road 3350, Cle Elum, WA 98922, located within Section 09, T19N, R15E, WM in Kittitas County. Tax parcel number 19-15-09000-0012.

3. Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on March 22, 2007. 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 SEPA Mitigated Determination of Non-Significance (MDNS) was issued by Kittitas County Community Development Services on April 17, 2007. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law. Deadline to appeal this determination is May 2, 2007.
5. An administrative site analysis was completed by the staff planner in compliance with Title 17A. The northern ¼ of the subject property has a BPA easement crossing from east to west. No other critical areas exist on the project site.
6. The Board of County Commissioners granted preliminary approval to the Waldwoods Preliminary Plat (P-05-32) on March 7, 2006 by the signing of Resolution 2006-33. On June 8, 2006 Kittitas County received a letter from Mr. Wald requesting to withdraw his preliminary approval. The current proposal before the Planning Commission is the only active land use proposed on the subject property.
7. On May 8, 2007, the Planning Commission held a public hearing to consider the Waldwoods Cluster Plat (P-07-07). At said hearing concerns were raised regarding applicability of bonus density and its relation to the BPA easement on the property. The Planning Commission at said hearing voted 5-1 to remand the project back to staff to address the issue regarding bonus density.
8. On February 26, 2008, the project was brought back to the Planning Commission after addressing the remand issue. Said hearing was continued to March 11, 2008 to consider the Waldwoods Plat to address density bonus calculations and number of lots allowed. The number of lots of the plat dropped from 13 to 12 lots as allowed in the points accrued for the Performance Based Cluster Plat. On February 21, 2008, the applicant submitted a revised preliminary plat reflecting the 12 lots
9. An open record hearing was held on March 11, 2008 and that testimony was taken from those persons present who wished to be heard. The Board of County Commissioners also finds that 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.
10. The Board of County Commissioners finds that a closed record meeting was held on April 1, 2008 for the purpose of considering the preliminary plat known as the Waldwoods Performance Based Cluster Plat. A motion was made and seconded that the preliminary plat be approved. The motion carried in with a vote of 3-0
11. Additional conditions are necessary to protect the public's interest.
12. All proposals of the applicant during the Planning Commission hearing shall be conditions of approval.

**NOW, THEREFORE BE IT HEREBY RESOLVED:** That the Kittitas County Board of Commissioners hereby give preliminary plat approval to the Waldwoods Performance Based Cluster Plat with the following conditions:

1. Withdrawals of groundwater on the subject property will be subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology.
2. As a condition per the April 5, 2007 letter from the Bonneville Power Administration (BPA), prior to final plat approval all activities planned within the BPA right-of-way need to be approved by BPA prior to their occurrence in order to ensure that conflicts between BPA use and proposed land use activities are avoided. In order to avoid problems in this location and to notify prospective landowners, the following plat note shall be included on the plat map:
  - a. *The Bonneville Power Administration (BPA) imposes certain conditions on the portions of these lots encumbered by its high voltage transmission right-of-way. BPA does not allow structures to be built within the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation. Information regarding the permitting process for proposed uses of the right-of-way may be addressed to BPA Real Estate Field Services at (877)417-9454*
3. As a condition per the March 10, 2008 letter from Shallbetter Law, prior to final plat approval the applicant shall provide sufficient evidence (i.e. a recorded easement) to show that the applicant actually has a legal right to use each route that the applicant designates as a means of ingress/egress for the Waldwoods plat.
4. Required on Final Plat: The Final Plat must meet all requirements as listed in section 16.20 of the Subdivision Code; including content, format, etc.
5. Timing of Road Improvements: This application was received by Kittitas County on February 2, 2007; therefore it is subject to the latest revision of the Kittitas County Road Standards, dated 9/6/05. Prior to final approval roads must either be built or bonded. A Performance Bond or acceptable financial guarantee may be used per the conditions outlined in the current Kittitas County Road Standards.
6. :Access for Lots 1, 2, 3, 4, 5, 8, 9 & 12: Access for Lots 1, 2, 3, 4, 5, 6, 9 & 12 shall be via access easement "Q", as shown on the face of the plat. The proposed access easement "Q" shall be constructed as a High-Density Private Road and serve no more than 14 tax parcels, and shall meet or exceed the high-density road requirements as shown below. Any further subdivision or lots to be served by proposed access may result in further access requirements.
  - a. Access Easements shall be improved to a minimum of 40'. The roadway width shall be 20', with 1' shoulders = 22' total width.
  - b. All easements shall provide for AASHTO radius at the intersection with a County Road.
  - c. Minimum centerline radius will be 60'.

- d. Surface requirement 6" gravel surface.
  - e. Maximum Grade 8% flat, 12% rolling or mountainous.
  - f. Stopping Site Distance, reference AASHTO.
  - g. Entering Site Distance, reference AASHTO.
  - h. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
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7. Joint Use Driveway – Access Easements “R” & “S” for Lots 6 & 7 and Lots 10 & 11: Access for lots 6 & 7 and lots 10 & 11 shall be via a minimum 20' access easement, as shown as easements “R” and “S”, on the face of the preliminary plat
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8. Private Road Maintenance Agreement: A Road Maintenance Agreement(s) between property owners served by these roads (directly or indirectly) shall be required. The applicant should contact the other parties involved to coordinate with them on the road improvements and to share in a proportional cost of construction and maintenance. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
9. Second Access: Per Kittitas County Code 12.01.095 General Requirements:
- At least two ingress-egress routes which are interconnected are required for all roads that serve more than 40 lots.*
- A second access shall be required prior to issuance of a building permit for any of the lots within the Waldwoods Subdivision.
10. 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.
11. Lot Closure: It is the responsibility of the Professional Licensed Survey (PLS) to ensure the lot closures are correct and accurate.
12. Roadside Features: (See current Kittitas County Road Standards)
13. 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.
14. Cul-de-sacs: (See current Kittitas County Road Standards)

- a. Cul-de-sac design, reference AASHTO.

15. Addressing:

- a. It is recommended contacting 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.

16. The following requirements are from Chapter 12 of the Current Kittitas County Road Standards, as adopted 9/6/05. Chapter 12 – PRIVATE ROADS, 12.12.010 General

Private roads shall meet the following conditions:

1. Private roads must meet the minimum access requirements of Section 902 – FIRE DEPARTMENT ACCESS – of the International Fire Code as adopted by the County, and
2. Must be designed and constructed in conformance with AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400) 2001, as now exists or hereafter amended, and
3. Must be inspected and certified by a licensed professional engineer for conformance with the above referenced standards. In the alternative, an applicant may request the private roadway to be inspected and subject to the approval of the Public Works Director. If certification by the Public Works Director/County Engineer is desired, submission of road plans and necessary testing documentation that confirms compliance with Kittitas County Road Standards is required, and services will be performed on a reimbursable basis, and
4. Permanently established by an easement recorded with the Kittitas County Auditor or Right-of-way, providing legal access to each affected lot, dwelling unit, or business, and
5. Will not result in land locking of existing or proposed parcels, and
6. Maintained by the developer or legally responsible owner or homeowners' association or other legal entity made up of all benefited property owners, under the provisions of an acceptable and recorded "Private Road Maintenance Agreement", and
7. Clearly described on the face of the plat, short plat, or other development authorization and clearly signed at street location as a private street or road, for the maintenance of which Kittitas County is not responsible and a disclosure statement of the same is filed with the County Auditor, and
8. The following note shall be placed on the face of the plat, short plat, or other development authorization: "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."

17. The following note shall be placed on the face of the plat: "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."
18. A plat note discussing the spread of noxious weeds shall be shown on the short 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."
19. 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).
20. 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.
21. Proposed Restrictive Covenants (CCRs), Homeowner's Association Bylaws and applicable documents, and proposals related to roads, Group B Water System, On Site Sewage, recreation and open space need to be reviewed, approved and recorded as appropriate for consistency with the applicant's proposal and KCC 16.09 for final approval. Any conditions of approval of the Group B Water System and On Site Sewage shall be a condition of the final plat approval and included as a plat note as appropriate.
22. All applicable boundary line adjustments involving the subject parcels shall be finalized and recorded to reflect the configuration as depicted in the plat and boundary line adjustment.
23. Both sheets shall reflect the plat number P-07-07.
24. Full year's taxes must be paid on parcel number 19-15-09000-0012.

NOW THEREFORE,

BE IT HEREBY RESOLVED by the Board of County Commissioners of Kittitas County, Washington, that said preliminary plat designated as Waldwoods Performance Based Cluster Plat and the same hereby is, approved with the proposed development configuration and mitigation measures attached hereto.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON

\_\_\_\_\_  
Mark McClain, Chairman

\_\_\_\_\_  
Alan A. Crankovich, Vice-Chairman

\_\_\_\_\_  
Commissioner

ATTEST:  
CLERK OF THE BOARD

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie A Kjorsvik

\_\_\_\_\_  
Greg Zempel WSBA #19125

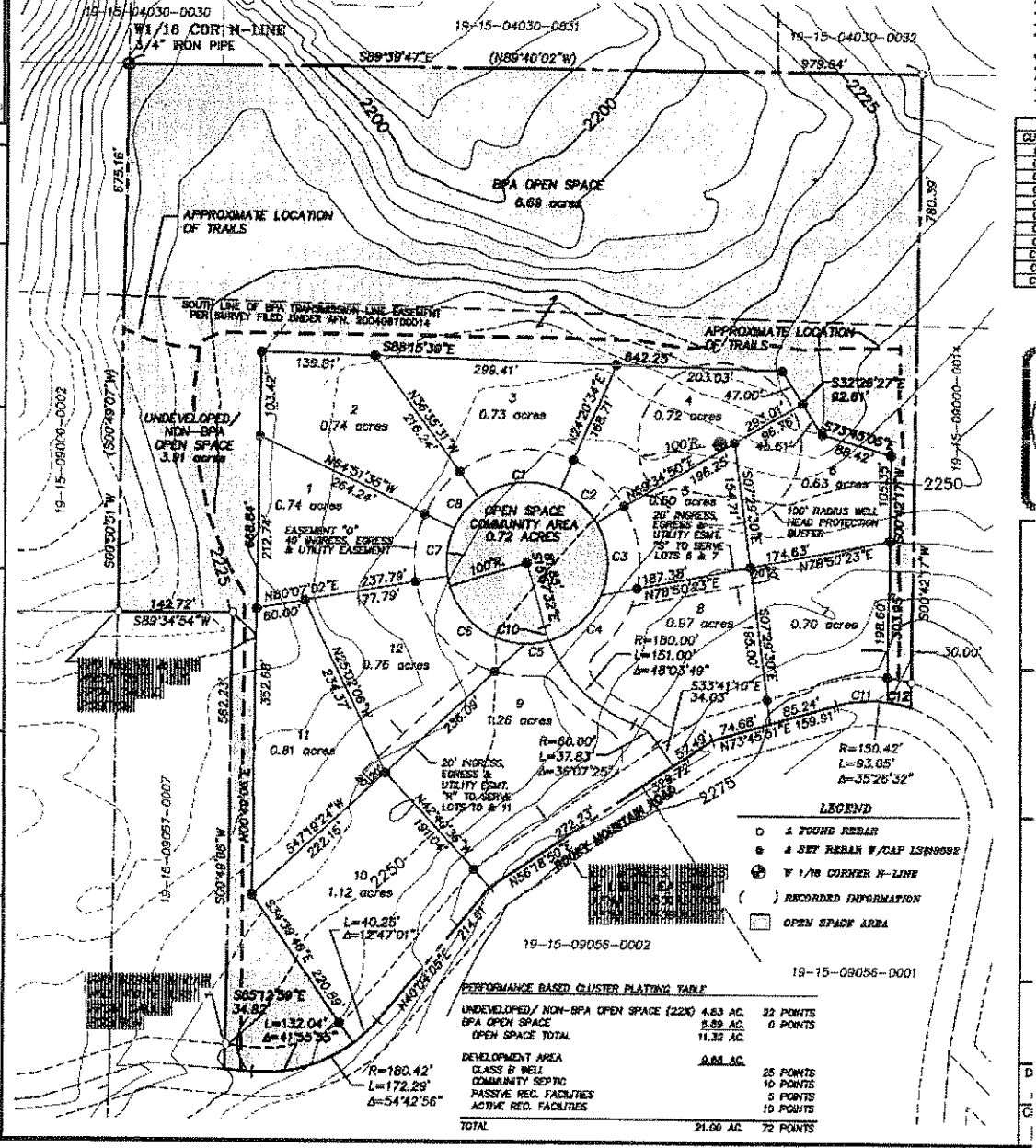
Plat Map of Waldwoods Performance Based Cluster Plat

OWNER:  
 MARK & MARGA WALK  
 1501 30TH AVE S  
 SEATTLE WA 98144  
 PARCEL #19-15-09000-0012  
 ACRES: 21.00 ACRES  
 12 LOTS  
 WATER SOURCE: CLASS B SYSTEM  
 SEWER SOURCE: SRP210  
 DATE: 2-2

# WALDWOODS

## PERFORMANCE BASED CLUSTER PLAT

LOCATED IN SECTION 9, T.19N., R.15E., W.M.  
 KITTITAS COUNTY, STATE OF WASHINGTON



**PERFORMANCE BASED CLUSTER PLATING TABLE**

UNDEVELOPED / NON-BPA OPEN SPACE (220)	4.83 AC.	32 POINTS
BPA OPEN SPACE	0.89 AC.	0 POINTS
OPEN SPACE TOTAL	11.32 AC.	
DEVELOPMENT AREA	9.68 AC.	
CLASS B WELL		25 POINTS
COMMUNITY SEPRIC		10 POINTS
PASSIVE REC. FACILITIES		8 POINTS
ACTIVE REC. FACILITIES		10 POINTS
<b>TOTAL</b>	<b>21.00 AC.</b>	<b>72 POINTS</b>

- LEGEND**
- & FOUND REBAR
  - & SET REBAR W/CAP 1/8" DIA
  - ⊕ W 1/16 CORNER N-LINE
  - ( ) RECORDED INFORMATION
  - OPEN SPACE AREA



**EXHIBIT B: WALDWOODS 12-LOT PERFORMANCE BASED CLUSTER PRELIMINARY PLAT (P-07-07) CALCULATIONS**

**The applicant has demonstrated the Public Benefit Rating System (PBRs) with the following elements:**

<b>Element</b>	<b>Points</b>	
Place 22% of the land, 4.63 acres, in Open Space for perpetuity	22	
Community Septic System	10	
Develop a Class B Water System	25	
Provide for passive recreation – including walking /biking trails	5	
Provide for active recreation – including park benches and bird watching features	10	
	72	<b>Total Points</b>

Total bonus density points = 72 points → Total bonus density percentage = 72%

Density bonus limit in the Forest & Range zone for this proposal is 100%.

Calculations for project:

Current zone for project is Rural-3

Allowed density for the Rural-3 zone is 1 unit per 3 acres.

Subject parcel is a total of 21.00 acres.

Lots allowed under current zoning =  $21.00 \text{ acres} / 3 \text{ acres} = 7$  (approximate lots allowed under current zoning)

Number of lots allowed with density bonus of 100% =  $7$  (lots allowed under current zoning) +  $5$  (lots for 100% density bonus) = **12** lots (total for Performance Based Cluster Plat)

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**RESOLUTION**

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**WHEREAS**, testimony was taken from those persons present who wished to be heard; 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,

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2. Said development application included a preliminary plat depicting the division of one parcel into 12 lots. The identification of 4.63 acres of open space. See attached plat map for the preliminary plat and attached Exhibit B for specific calculations as applicable to KCC 16.09. The subject property is located southwest of the City of Cle Elum, off of Westside Road and FS Road 3350, Cle Elum, WA 98922, located within Section 09, T19N, R15E, WM in Kittitas County. Tax parcel number 19-15-09000-0012.

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7. Clearly described on the face of the plat, short plat, or other development authorization and clearly signed at street location as a private street or road, for the maintenance of which Kittitas County is not responsible and a disclosure statement of the same is filed with the County Auditor, and
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23. Both sheets shall reflect the plat number P-07-07.
24. Full year's taxes must be paid on parcel number 19-15-09000-0012.

NOW THEREFORE,

BE IT HEREBY RESOLVED by the Board of County Commissioners of Kittitas County, Washington, that said preliminary plat designated as Waldwoods Performance Based Cluster Plat and the same hereby is, approved with the proposed development configuration and mitigation measures attached hereto.

DATED this 15<sup>th</sup> day of April, 2008 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS  
KITITITAS COUNTY, WASHINGTON

[Signature]  
Mark McClain, Chairman

[Signature]  
Alan A. Crankovich, Vice-Chairman

vacant  
Commissioner

APPROVED AS TO FORM:

[Signature]  
Greg Zempel WSBA #19125



[Signature]  
Julie A Kjorsvik

Plat Map of Waldwoods Performance Based Cluster Plat

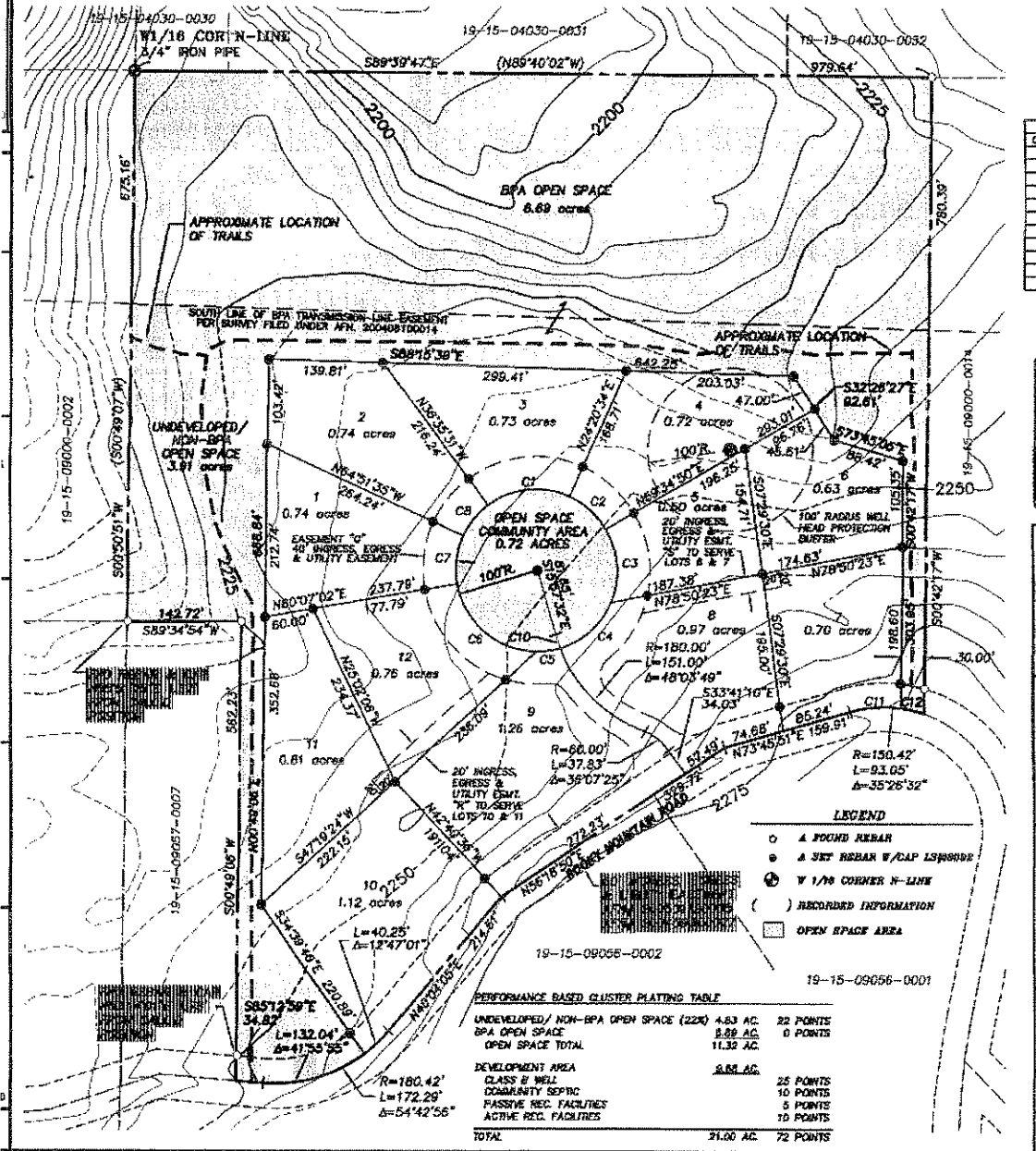


DENR:

MARK & MARIA WALP  
1651 30TH AVE S  
SEATTLE WA 98144  
PARCEL 819-15-0000-0014  
ACERAGE 21.00 ACRES  
12 LOTS  
WATER SOURCE: CLASS B SYSTEM  
SEWER SOURCE: SEPTIC  
ZONE: B-3

# WALDWOODS

## PERFORMANCE BASED CLUSTER PLAT LOCATED IN SECTION 9, T.19N., R.15E., W.M. KITITAS COUNTY, STATE OF WASHINGTON



**PERFORMANCE BASED CLUSTER PLATING TABLE**

UNDEVELOPED/ NON-BPA OPEN SPACE (22%)	4.83 AC.	22 POINTS
BPA OPEN SPACE	8.88 AC.	0 POINTS
<b>OPEN SPACE TOTAL</b>	<b>11.32 AC.</b>	
<b>DEVELOPMENT AREA</b>	<b>8.88 AC.</b>	
CLASS B WELL		25 POINTS
COMMUNITY SEPTIC		10 POINTS
PASSIVE REC. FACILITIES		5 POINTS
ACTIVE REC. FACILITIES		10 POINTS
<b>TOTAL</b>	<b>31.00 AC.</b>	<b>72 POINTS</b>

- LEGEND**
- A FOUND REBAR
  - A SET REBAR W/CAP LSHORDB
  - ∇ 1/16 CORNER N-LINE
  - ( ) RECORDED INFORMATION
  - OPEN SPACE AREA

**EXHIBIT B: WALDWOODS 12-LOT PERFORMANCE BASED CLUSTER PRELIMINARY PLAT (P-07-07) CALCULATIONS**

**The applicant has demonstrated the Public Benefit Rating System (PBRs) with the following elements:**

<b>Element</b>	<b>Points</b>	
Place 22% of the land, 4.63 acres, in Open Space for perpetuity	22	
Community Septic System	10	
Develop a Class B Water System	25	
Provide for passive recreation – including walking /biking trails	5	
Provide for active recreation – including park benches and bird watching features	10	
	72	<b>Total Points</b>

Total bonus density points = 72 points → Total bonus density percentage = 72%

Density bonus limit in the Forest & Range zone for this proposal is 100%.

Calculations for project:

Current zone for project is Rural-3

Allowed density for the Rural-3 zone is 1 unit per 3 acres.

Subject parcel is a total of 21.00 acres.

Lots allowed under current zoning =  $21.00 \text{ acres} / 3 \text{ acres} = 7$  (approximate lots allowed under current zoning)

Number of lots allowed with density bonus of 100% =  $7$  (lots allowed under current zoning) +  $5$  (lots for 100% density bonus) = **12** lots (total for Performance Based Cluster Plat)