

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

**PRELIMINARY PLAT APPROVAL
Fircrest Performance Based Cluster Preliminary Plat (P-07-27)**

RESOLUTION

NO. 2008- 1109

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 July 22, 2008 for the purpose of considering a preliminary plat known as the Fircrest Performance Based Preliminary Plat and described as follows:

The division of 21.0 acres into twelve (12) lots, map number 19-15-09000-0018.
Proponent: Wayne Nelson authorized agent for Misty Mountain LLC, landowners.

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

WHEREAS, due notice of the hearing has 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 by a vote of 3 to 1; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on November 18, 2008 to consider the Planning Commission's recommendation on this matter; and,

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

1. The Board of County Commissioners finds that Wayne Nelson authorized agent for Misty Mountain LLC, landowners, submitted an application on May 14, 2007.
2. The Board of County Commissioners finds that the proposed development is located south of Town of South Cle Elum, south of Forest Service Road #3350 also known as South Cle Elum Ridge Road, Cle Elum, WA 98922, and is located in a portion of Section 09, T19N, R15E, WM, in Kittitas County. Map number 19-15-09000-0018.

3. The Board of County Commissioners finds that the proposed development application included a preliminary plat depicting the division of one parcel totaling approximately 21.0 acres into twelve (12) lots. The lot sizes one (1) acre in size.
4. The Board of County Commissioners finds that Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on February 14, 2008. Said notice was mailed to interested jurisdictional agencies and landowners within 500 feet of the subject property, as required by law. Said notice was published in the Daily Record on February 11, 2008 and in the Northern Kittitas County Tribune on February 14, 2008.
5. The Board of County Commissioners finds that the Fircrest Performance Based Cluster Preliminary Plat was reviewed under the State Environmental Policy Act (SEPA). Based on comments received, a Mitigated Determination of Non-Significance was issued on May 30, 2008 under WAC 197-11-350. There were no appeals.
6. The Board of County Commissioners finds that all conditions of the SEPA Mitigated Determination of Nonsignificance shall be conditions of final approval (see Exhibit A).
7. The Board of County Commissioners finds that the applicant shall meet or exceed all rules and regulations set forth from the Department of Public Works as included in the issued memorandum.
8. The Board of County Commissioners finds that Kittitas County Planning Commission conducted an open record hearing on July 22, 2008 and testimony was taken from those persons present who wished to be heard. Due notice of this public hearing was given as required by law, and the necessary inquiry was made into the public interest to be served by this proposed subdivision.
9. The Board of County Commissioners finds that a closed record meeting was held on November 18, 2008 for the purpose of considering the preliminary plat known as the Fircrest Performance Based Cluster Preliminary Plat (P-07-27). A motion was made and seconded that the preliminary plat be approved. The motion carried by a 3-0 vote.
10. 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 grants preliminary plat approval to the **Fircrest Performance Based Cluster Preliminary 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 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.

2. Proof of potable water must be shown prior to final plat approval.
3. 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.
4. The Final Plat shall meet all requirements as listed in Chapter 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 short plat. (KCC 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. (KCC 16.20.040, 11, Plat drawing, Surrounding Area).
5. The declaration / dedication shown on the face of the plat does not meet current Kittitas County Code. Current Kittitas County Code requires that dedications must use one of the five examples of listed in K.C.C.16.24.090 and that the dedication language must be verbatim. The declaration / dedication shown on the face of the plat shall meet current Kittitas County Code.
6. The Vicinity Map shall clearly depict access to the Project Site, as well as any other applicable features, as required by K.C.C.16.20.020. The vicinity map or other graphical reference shall also reflect that all private roads end in a cul-de-sac.
7. 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 the issuance of a building permit for any of the structures within the proposed plat.
8. Current Kittitas County Road Standards, 9/6/05 edition requires the road to be engineered / designed per AASHTO and/or WSDOT standard for 40+ high density lots averaging less than 5.0 acres in size.

9. Permanent dead-end streets shall have a turn-around having an outside right-of-way easement diameter of at least 110' (55' radius) at the closed end. See Kittitas County Road Standards, 9/6/05 edition.
10. Cul-de-sac design, reference AASHTO.
11. Contact the Fire Marshall regarding any additional cul-de-sac requirements.
12. Second Access: Per Kittitas County Code 12.01.095 General Requirements.
 - c. At least two ingress-egress routes which are interconnected are required for all roads that serve more than 40 lots.
 - d. All roads that serve more than 40 lots are required to have two interconnected ingress-egress routes that independently connect to an on-system county road. If the second access is restricted to emergency access only, it must meet or exceed the following requirements:
 - e. 60' easement, 20' roadway width, BST/ACP surface, and a paved apron. Access restrictions such as gates or bollards must be approved by the Fire Marshall.
 - f. If the second access is to be used for ingress and egress, it must meet the same standards of the first access.
13. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
14. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
15. 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.
16. Contact the Kittitas County Fire Marshall regarding any additional access requirements for emergency response.
17. Mailboxes must be approved by U.S. Postal Service. Mailbox locations are site specific. 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 design standards before beginning construction.

18. Private roads shall meet the following conditions:

- a. Private roads shall meet the minimum access requirements of the International Fire Code as adopted by the County, and
- b. Shall 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
- c. Shall 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
- d. 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
- e. Will not result in land locking of existing or proposed parcels, and
- f. 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
- g. 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

19. The following note shall be placed on the face of the plat, short plat, or other development authorization:

- a. "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."

20. The acceptance block shall be as follows (per KCC 16.24.170):

- i. EXAMINED AND APPROVED
- ii. This _____ day of _____, A.D., 20____.
- iii. _____
- iv. Kittitas County Engineer

21. The following plat notes are required on the face of the plat:

- a. 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 and formally adopted by the Kittitas County Board of County Commissioners. Contact Kittitas County Public Works for additional requirements.
 - b. Entire private road shall achieve 95% compaction and shall be inspected and certified by a licensed engineer in the State of Washington specifying that the road meets current Kittitas County Road Standards prior to the issuance of building permit for this plat.
 - 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.
22. A 10' utility easement is generally established along the lot boundaries. KCC16.12.110 (4) Public Utilities. Where alleys are not provided, easements for public utilities shall be provided along lot lines where necessary, including any necessary access easements. There shall be a minimum of ten (10) feet in width. Where possible, the width of rear and side lot line easements shall be equally shared by abutting lots and easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions.
23. All ingress/egress and utility easements shall be clearly noted on the face of the plat. The easement width and type of easement shall be shown.]


24. Applicant shall verify all ingress/egress and utility easements from the nearest jurisdictional road to the plat. This easement shall be confirmed on the Subdivision Guarantee. All ingress/egress and utility easements shall have the AFN (Auditors Recording Number) on the face of the plat.
25. 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."
26. 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.
27. Both sheets shall reflect the plat number P-07-27.

NOW THEREFORE,


BE IT HEREBY RESOLVED by the Board of County Commissioners of Kittitas County, Washington, that said preliminary plat designated as Fircrest Performance Based Cluster Preliminary Plat and the same hereby is, approved with the proposed development configuration (See Exhibit B).

DATED this 2nd day of December, 2008 at Ellensburg, Washington.


BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON



Chairman



Vice-Chairman



Commissioner

APPROVED AS TO FORM:

Greg Zempel WSBA #19125



CLERK OF THE BOARD



Julie A Kjorsvik

EXHIBIT "A"

State Environmental Policy Act MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description: Fircrest Performance Based Cluster Plat (P-07-27) a 12-lot Performance Based Cluster Plat

Proponents: Misty Mountain LLC
206 W. First Street
Cle Elum, WA 98922

Location: The project is located south of the City of South Cle Elum off Forest Service Road #3350 also known as South Cle Elum Ridge Road, Cle Elum, WA 98922 located in a portion of Section 9, T19N R15E, W.M., in Kittitas County. Map number 19-15-09000-0018.

Lead Agency: Kittitas County Community Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An Environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The lead agency for this proposal has also determined that certain mitigation measures are necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS) for this project. These mitigation measures include the following:

The following conditions shall also apply based on the project specific analysis:

- I. Water and Septic
 - a. 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. The applicant shall contact the Washington State Department of Ecology for requirements at (509) 454-7289.
 - b. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.
 - c. The applicant shall develop a Group A Water System for the project. The Group A Water System shall be designed by a licensed engineer and approved by the Washington State Department of Health. The Group A water system shall be in place prior to final plat approval.

- d. All waters/waterways/ditches/springs located on the subject property shall be delineated and shown on the final mylars. Improvements to such water features shall not impact on-site and off-site use.
- e. Erosion control measure must be in place prior to any clearing, grading or construction. These control measures must prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. The applicant shall contact the Washington State Department of Ecology regarding requirements if there is a potential for discharge from a construction site larger than one acre.
- f. The applicant shall contact the Washington State Department of Ecology regarding the requirements from a Stormwater Prevention Plan (Erosion Sediment Control Plan) for all construction sites.
- g. On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system construction and a copy of the design shall be included with the road certification and is required prior to the issuance of a building permit.
- h. Stormwater and surface runoff generated by this project shall be retained and treated on-site in accordance with regulating agencies' standards.
- i. Site grading shall comply with Kittitas County Code 14.08. Plans shall be submitted for review and approval to CDS and Public Works prior to development.

II. Transportation

- a. The project will be subject to the rules and regulations of the Kittitas County Road Standards, and the Conditional Preliminary Approval issued by Kittitas County Department of Public Works dated February 26, 2008.
- b. In accordance with Kittitas County Code 12.01.095, a second ingress-egress route is required to serve this plat. The second ingress-egress route shall meet all requirements set forth by the Department of Public Works. The purpose of the second ingress-egress route shall be described accurately as either being restricted to emergency access only or as being a second ingress-egress of which it must meet the same standards as the primary access. Its location and accurate description shall be depicted on the final mylars. The second access route shall be fully constructed or bonded for prior to final plat approval.

III. Land Use and Recreation

- a. The applicant will place 45% of the land, 9.0 acres, in Open Space for perpetuity and designate the open space area on the final Mylar.
- b. The applicant will provide passive recreation such as picnicking areas within the designated open space area and project site.

- c. The applicant will provide active recreation activities such as trails throughout the designated open space area and project site.
- d. Proposed Restrictive Covenants (CCRs), Homeowner's Association Bylaws and applicable documents, and proposals related to roads, Group A 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 A Water System and On Site Sewage shall be a condition of the final plat approval and included as a plat note as appropriate.
- e. All proposals of the applicant as contained in their application that are not in conflict with these mitigations shall be conditions of approval and shall be considered as mitigations.
- f. Prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.

IV. Air

- a. If the applicant plans to burn trees or debris from the property, the applicant shall obtain a burn permit from the Department of Ecology. Only natural unprocessed vegetation may be burned in an outdoor fire. It is the applicant's responsibility to contact the Department of Ecology regarding this permit.
- b. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the project site. Additionally, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts or damaging property or business. As a result, the applicant shall be responsible for creating a site-specific Fugitive Dust Control Plan (FDCCP) before starting this project. The plan shall be followed throughout the duration of any activity and construction of the project.

V. Noise

- a. Construction activities shall comply with KCC 9.45 (Noise). Construction activities shall comply with KCC 9.45 (Noise). Construction hours shall be from 7:00am to 7:00 pm.

VI. Cultural

- a. If any items of possible cultural or historic significance are encountered during construction activities, work shall be immediately halted with the area and a large enough perimeter established in order to maintain the integrity of the site. Kittitas County Community Development Services, the State Historic Preservation Office and the Yakama Nation, as relevant, shall be immediately consulted.

VII. Utilities and Services

- a. All development must comply with International Fire Code (IFC) and Appendices.
- b. The minimum road width shall not be less than 20' in width.

- c. "No Parking- Fire Lane" signs must be posted at all cul-de-sacs per International Fire Code requirements.
- d. All cul-de-sacs must have a minimum turning radius of 50 feet.
- e. Mail routes shall be approved by the postmaster. 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. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.

This Mitigated DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced on or before 5:00 pm, June 13 2008.

Responsible

Official: _____
Dan Valoff

Title: Staff Planner

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
(509) 962-7506 Fax 962-7682

Date: May30, 2008

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$500.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 PM, June 13, 2008. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

