

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

**PRELIMINARY PLAT APPROVAL
FOREST RIDGE PERFORMANCE BASED CLUSTER PLAT (LP-08-00014)**

RESOLUTION

NO. 2010- 137

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 Hearing Examiner on October 28, 2010 for the purpose of considering a preliminary plat known as the Forest Ridge Performance Based Cluster Plat and described as follows:

A 171-lot performance based cluster plat on approximately 479 acres of land that is zoned Rural-5, located northeast of the City of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, WM.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022. Proponent: Iron Snowshoe, LLC, 206 W. First St., Cle Elum, WA 98922. Contact is David Blanchard.

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 Hearing Examiner recommended approval of said proposed subdivision; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on December 21, 2010 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 preliminary plat:

1. Iron Snowshoe LLC, property owner, has applied for a 171-lot performance based cluster plat on approximately 479 acres of land that is zoned Rural-5. The project is proposed to be served by a Group A water system and individual or community on-site septic systems.
2. The subject property is located northeast of the city of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, WM.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022.
3. A complete long plat application was submitted to Community Development Services on April 24, 2008. The application was deemed complete on July 17, 2009. The Notice of Application for the preliminary plat application was issued on July 30, 2009. 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 August 14, 2009.

4. Community Development Services issued a Mitigated Determination of Non-Significance (MDNS) on September 23, 2010. No appeals were filed.
5. The Hearing Examiner conducted an open record hearing on October 28, 2010 to consider this matter where testimony was heard. On November 10, 2010 the Hearing Examiner issued a recommendation of preliminary plat approval subject to conditions for the Forest Ridge Performance Based Cluster Plat (LP-08-00014).
6. The Board of County Commissioners conducted a closed record meeting on December 21, 2010 for the purpose of considering the preliminary plat known as the Forest Ridge Performance Based Cluster Plat (LP-08-00014). A motion was made and seconded that the preliminary plat be approved, the motion carried with a vote of 2 to 1 with Commissioner Crankovich voting against the proposal.
7. The Board of County Commissioners finds that additional conditions **are not** 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 Forest Ridge Performance Based Cluster Plat (LP-08-00014) and adopts the Kittitas County Land Use Hearing Examiner's Recommended Finds of Fact, Conclusions of Law, Decision and Conditions of Approval (See Exhibit A) and the same hereby is, approved with the proposed development configuration (See Exhibit B).

DATED this 28th day of December, 2010 at Ellensburg, Washington.



BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON

Mark McClain
Mark McClain, Chairman

Paul Jewell
Paul Jewell, Vice Chairman

OPPOSED
Alan A. Crankovich, Commissioner

Dep
ATTEST:
CLERK OF THE BOARD
Catherine Deane

APPROVED AS TO FORM:

Julie A Kjorsvik

Greg Zempel WSBA #19125

Exhibit "A"

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF
LP-08-14)	LAW, DECISION AND
Forest Ridge Performance Based Cluster Plat)	CONDITIONS OF APPROVAL
)	

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on October 28, 2010, 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. Iron Snowshoe LLC, property owner, has applied for a 171-lot performance based cluster plat on approximately 479 acres of land that is zoned Rural-5. The project is proposed to be served by a Group A water system and individual or community on-site septic systems. (Staff report)
2. The applicant is Iron Snowshoe, LLC, 206 W. First St., Cle Elum, WA 98922. Contact is David Blanchard. (Application materials)
3. The subject property is located northeast of the city of Cle Elum off of the extension of Columbia Street in Section 24, T.20N, R.15E, WM.; Kittitas County parcel map numbers 20-15-24000-0001, -0003, -0004, -0007, -0015, -0016, -0017, -0018, -0019, -0020, -0021, and -0022. (Staff report)
4. The proposed lots range in size from one-acre to 4-acres in size. The project is proposed to be served by a Group A water system and individual or community on-site septic systems. (Staff report)

5. Site Information:

Total Project Size:	479 acres
Number of Lots:	171
Zoning district	Rural 5
Domestic Water:	Group A water system
Sewage Disposal:	Individual/Community on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	None

(Staff report)
6. Site Characteristics: The area is characterized as mountain terrain. (Staff report)
7. Surrounding Property:

North: Vacant
South: Vacant
East: Vacant
West: Vacant

(Staff report)
8. The Comprehensive Plan designation is Rural. (Staff report)
9. The subject property is zoned Rural 5, which allows for one residential unit per 5 acres and one-half acres for platted cluster subdivisions served by public water and sewer systems. All subdivision lots under five acres in size must be served by public water and sewer systems (KCC 17.30A.040). (Staff report)
10. A complete long plat application was submitted to Community Development Services on April 24, 2008. The application was deemed complete on July 17, 2009. The Notice of Application for the preliminary plat application was issued on July 30, 2009. 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 August 14, 2009. (Staff report)
11. 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)
12. 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 September 23, 2010. The appeal period ended on October 7, 2010 at 5:00 p.m. No appeals were filed. (Staff report)

13. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group A water system and individual or community septic systems. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found wetlands, seasonal stream areas of steep slopes and potential landslide areas on the subject properties. (Staff report)
14. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats. (Staff report)
15. All roads are required to meet all Kittitas County Road Standards as outlined in the September 8, 2010 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, Washington Department of Transportation, Washington Fish & Wildlife, Kittitas County Department of Public Works, 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. An open record public hearing after due legal notice was held on October 28, 2010. (Open record public hearing testimony)
21. The following documents were admitted as Exhibits at the open record hearing:
 - 21.1 Exhibit 1: Long Plat Application & Environmental Checklist
 - 21.2 Exhibit 2: Affidavit of Posting
 - 21.3 Exhibit 3: Letter of Complete Application
 - 21.4 Exhibit 4: Letter from Sapphire Skies re: Explanation of Water Rights use for projects 7/14/09
 - 21.5 Exhibit 5: Notice of Application
 - 21.6 Exhibit 6: Affidavit of Mailing & Publication
 - 21.7 Exhibit 7: Memo from Kittitas Co. Public Works 7/17/09

- 21.8 Exhibit 8: Memo from Kittitas Co. Environmental Health 7/31/09
- 21.9 Exhibit 9: Comment letter from Kittitas Co. Fire Marshal's Office 8/24/09
- 21.10 Exhibit 10: Comment letter from WDF&W 8/14/09
- 21.11 Exhibit 11: Comment letter from Dept. of Ecology 8/27/09
- 21.12 Exhibit 12: Sapphire Skies letter responding to WDF&W comments 8/19/09
- 21.13 Exhibit 13: Sapphire Skies letter responding to Dept. of Ecology comments 8/31/09
- 21.14 Exhibit 14: Comment letters from Kittitas Co. Public Health 1/11/09 & 9/30/09
- 21.15 Exhibit 15: Sapphire Skies letter responding to Public Health's comments 10/21/09
- 21.16 Exhibit 16: Letter to Iron Snowshoe LLC from Anna Nelson, CDS Contract Planner re: early notice EIS 10/28/09
- 21.17 Exhibit 17: Preliminary Storm Drainage Report 12/14/09
- 21.18 Exhibit 18: Downstream Analysis 8/1/09
- 21.19 Exhibit 19: Stream & Wildlife Habitat Study
- 21.20 Exhibit 20: Critical Areas Report 12/15/09
- 21.21 Exhibit 21: Revised Transportation Impact Analysis 11/19/09
- 21.22 Exhibit 22: Revised SEPA Checklist date stamped 12/29/09
- 21.23 Exhibit 23: Revised Plat Drawings 12/2009
- 21.24 Exhibit 24: Road Plan & Profile date stamped 12/29/09
- 21.25 Exhibit 25: Abandoned Mine Lands Report 11/17/09
- 21.26 Exhibit 26: Revised Forest Ridge Narrative & Public Benefit Rating System Chart date stamped 12/29/09
- 21.27 Exhibit 27: Letter from Sapphire Skies re: supplemental information submitted 12/28/09
- 21.28 Exhibit 28: Comment letter from WSDOT 2/4/10
- 21.29 Exhibit 29: 2/16/10 Memo from Public Works re: Stormwater issues
- 21.30 Exhibit 30: 3/4/10 letter from Brookside Consulting re: response to Public Works stormwater issues
- 21.31 Exhibit 31: 3/26/10 Public Works memo re: responses to comments
- 21.32 Exhibit 32: Comment letter from WSDOT 4/26/10
- 21.33 Exhibit 33: Forest Ridge Geological Hazards Assessment 8/19/10
- 21.34 Exhibit 34: Memo from Public Works 9/8/10
- 21.35 Exhibit 35: SEPA MDNS issued 9/21/10
- 21.36 Exhibit 36: Notice of Decision SEPA Action & Public Hearing
- 21.37 Exhibit 37: Hearing Examiner Staff Report
- 21.38 Exhibit 38: October 28, 2010, letter from Dr. Bonnie Reay of Cle Elum City Council to the Hearing Examiner
- 21.39 Exhibit 39: September 15, 2010, Kittitas County request for public records with attachment
- 21.40 Exhibit 40: November 9, 2009, letter from Mandy Weed to Catherine Clerf with attachments related to a public disclosure request
- 21.41 Exhibit 41: Transcript of handwritten statement of Catherine Clerf at September 21, 2010, Board of County Commissioner meeting

21.42 Exhibit 42: Series of emails between Christina Wollman, Kittitas County Public Works, Matt Morton, City of Cle Elum, Jim Leonhard and Jan Olivier from September 8, 2010, through September 14, 2010
(Open record public hearing record)

22. Testifying on behalf of the applicant was Shawn Northrup. Mr. Northrup testified that he is the owner of the property and the applicant. Mr. Northrup indicated that the applicant agreed with all of the proposed conditions of approval stated within the staff report as well as the Mitigated Determination of Nonsignificance. He stated that the project would utilize pedestrian paths within the open space, would comply with dark sky ordinances and would prohibit wood stoves as a primary means of heating. (Open record public hearing testimony)
23. Also testifying on behalf of the applicant was Mark Kirkpatrick. Mr. Kirkpatrick testified that the stormwater system will be designed to withstand a 100-year storm event. It will be designed to account for both rain and snow events and will provide retention for stormwater up to a 25-year storm event. He stated that the plat map had multiple dark shaded areas which represent potential location of stormwater ponds and bioswales. (Open record public hearing testimony)
24. Mr. Northrup returned to testify concerning off-site traffic mitigation measures. (Open record public hearing testimony)
25. Mr. Northrup also represented that the project will have a second access point during Phase 1. Regarding off-site improvements, Mr. Northrup acknowledged that Forest Ridge will be required to participate with Columbia Street (Cle Elum) mitigation when required to do so by traffic volume generated by the development. (Open record public hearing testimony)
26. No member of the public testified in favor of the project. (Open record public hearing testimony)
27. Testifying in opposition to the project were the following persons:
 - 27.1 Bonnie Reay: Dr. Reay represented that she was testifying on behalf of the Cle Elum City Council and the City of Cle Elum. Dr. Reay is a current member of the Cle Elum City Council.

Dr. Reay's testimony is found in Exhibit 38.

Although Dr. Reay testified that the City of Cle Elum was not involved in discussion of off-site mitigation measures, the applicant submitted Exhibit 42, documenting City of Cle Elum Public Works' involvement in suggesting mitigation measures for this project as late as September, 2010.

27.2 Catherine Clerf: Also testifying in opposition to the project was Catherine Clerf. Ms. Clerf submitted Exhibits 39, 40 and 41. Ms. Clerf had concerns as to egress through this northeast corner of the project area and whether or not this was for future development to the property to the north of the subject property. Ms. Clerf also echoed Dr. Reay's comments as to why an environmental impact statement was not required. Ms. Clerf had concerns over wetlands identified as J and K and testified that no development should occur on those wetlands. She was curious as to whether or not this project area is within a fire district as there was conflicting information within the application materials and the Mitigated Determination of Nonsignificance. Finally, Ms. Clerf testified that none of the roads within the development should be greater than 12% grade.

27.3 Diedra Link: Ms. Link testified that in her opinion GPO 3.1 had not been met. She testified that 6,000 lots had approved for development within Kittitas County in the last four years and that this was more than adequate inventory of lots for projected residential growth within the County.

27.4 Kevin Daily: Mr. Daily also testified in opposition to the project. His personal concerns related to stormwater, roads, multiple unresolved issues and fire protection. He stated that his land was to the southwest of the project area and is not within Fire District No. 7. He also testified as to easement problems concerning the applicant and Mr. Daily's property and how difficult it has been to resolve those issues. He questioned how more significant unresolved issues for this project will be resolved when, as he put it, even his simple issue could not be resolved.

(Open record public hearing testimony)

28. In rebuttal, Mark Kirkpatrick testified for the applicant that of the 478 acres within the project area, only 79 acres drained towards the City of Cle Elum through Balmers Canyon while the remainder of the property drained through Steiners Canyon. He also testified that the impervious surface of the project would be between 12% and 15% of the entire site. The point of this testimony was that 85% to 88% of the property would be pervious allowing for the rain and snow to be naturally absorbed into the ground according to the soil's capacity. (Open record public hearing testimony)

29. Mr. Northrup also provided additional testimony. Mr. Northrup recognized that there was a written public comment received from Scott Huish that was not referenced in the staff report. Mr. Northrup also testified that there were meetings between the applicant, the County and the City of Cle Elum Public Works & Planning Departments regarding this project. Mr. Northrup submitted Exhibit 42 as evidence of the City of Cle Elum's participation in the development of mitigation measures and off-site project mitigation measures for the project. Mr. Northrup testified that the road access point on the northeast portion of the project is required by certain easements upon which the subject

property is required to protect. He testified that Wetlands J and K are protected through the proposed conditions of approval. Mr. Northrup testified that while the project area is not currently within Fire District No. 7, approval is imminent. Mr. Northrup testified that the problem regarding Mr. Daily's property involved what Mr. Northrup termed as "floating" easements that go through the subject property according to prior forest and logging requirements. Mr. Northrup stated that they will move the road back onto the project boundary. He also testified that the final stormwater plan and build-out will prevent water from flowing from the project area onto Mr. Daily's land. (Open record public hearing testimony)

30. The applicant has requested performance based increases in bonus density based upon the public benefit rating system. (Open record public hearing testimony)
31. The applicant is proposing 191.38 acres of open space (40% of project) allowing for 40 bonus points. (Open record public hearing testimony)
32. The applicant is proposing a Group A water system which allows for 50 points. (Open record public hearing testimony)
33. This allows for a total of 90 points and a total bonus density percentage of 90% which ultimately allows for 182 total lots for this cluster plat. (Open record public hearing)
34. In the event that a Group A water system is not developed, those points shall not be awarded. In the event the applicant does not provide for a minimum of 191.38 acres of open space, then those 40 points will not be allowed. (Open record public hearing)
35. 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)
36. 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)
37. 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)
38. 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. 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 LP-08-14, Forest Ridge Performance Based Cluster Plat, 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.

Platting Standards and Zoning Code:

2. Certificate of Title: A certificate of title of the property proposed to be platted shall be submitted with the final plat.
3. Lot Closures: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
4. 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.
5. 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.". All open space tracts shall be identified on the face of the final plat.
6. 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.
7. Clustering of Lots: Lots shall be designed to meet the requirements of KCC 16.09.100.A relating to clustering requirements.
8. Performance Based Cluster Plat Open Space: The preliminary plat map states that 193.38 acres (or 40% of the total site) meets the definition of "Open Space" contained in Chapter 16.09.100.C (on the date of application). Prior to final plat approval, the applicant shall present to the County for review and approval a map demonstrating that at least 40% of the total plat area meets the open space requirements of Chapter 16.09. For purposes of calculating open space, the following areas shall not be included: Commercial Forest setback area; seasonal streams and their 15' buffer area; wetlands and buffers; areas where development is otherwise restricted, and private roadways within open space.

9. 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.
10. Both sheets shall reflect the Plat number: LP-08-00014.

Critical Areas:

11. Wetland Impacts: The proposed plat area contains ten wetlands. All wetland areas and their buffers shall be shown on the face of the final plat. The plat shall also contain the following note:
Development involving disturbance to wetlands may require additional County review and possible mitigation. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts shall be required to be replaced at a ratio of 2:1 for Category 2, 1.5:1 for Category 3, and 1:1 for Category 4 (KCC 17A.04.050).
12. Wetland J: The applicant's wetland biologist identifies Wetland J as a Category 2 high value wetland measuring 2,008 square feet in area. This wetland has a required minimum buffer of 25 feet according to 17A.04.020. The proposed design places Wetland J in Lots 152 and 156. A private road crosses through Wetland J and its buffer. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts to Category 2 wetlands shall be required to be replaced at a ratio of 2 square feet created for every 1 square foot lost (KCC 17A.04.050). Impacts to buffers may be mitigated through buffer averaging, as allowed by KCC 17A.04.050. Prior to final plat approval, the applicant shall redesign the layout to prevent unavoidable impacts to Wetland J and its buffer, and submit a wetland replacement plan and/or wetland buffer averaging plan, if necessary, for County review and approval.
13. Wetland K: The applicant's wetland biologist identifies Wetland K as a Category 2 high value wetland measuring 525 square feet. The proposed design places Wetland K in Lots 151 and 152. A private road crosses through Wetland K. KCC 17A.04.015 requires all wetland impacts to be avoided to the extent practical. Any unavoidable wetland impacts to Category 2 wetlands shall be required to be replaced at a ratio of 2 square feet created for every 1 square foot lost (KCC 17A.04.050). Prior to final plat approval, the applicant shall redesign the layout to prevent unavoidable impacts to Wetland J and its buffer, and submit a wetland replacement plan, if necessary, for County review and approval.
14. Stream Crossings: The preliminary plat map contains ten instances where private roads cross mapped streams and their buffers. It is the applicant's responsibility to obtain appropriate state permits for all stream crossings.
15. Stream Buffer Impacts: The proposed plat area contains five streams. Chapter 17A.07.010.2 establishes performance standards for buffers of streams. Type 5 streams

are subject to a 15 foot building setback. All streams and their buffers shall be shown on the face of the final plat. The plat shall also contain the following note:

A 15 foot building setback is required from seasonal streams. Stream crossings may require additional permitting from state agencies.

16. Access to Lots: Some lots contain natural conditions making access from the private roads difficult. Notes shall be placed on the face of the final plat stating:

Access to some lots requires crossing a seasonal stream. Additional permitting may be required to access these lots from the private road.

Access to some lots requires crossing a critical slope area. Additional technical design may be required to access these lots from the private road.

17. The following note shall be placed on the face of the final plat:

The placement of buildings and structures on or adjacent to ascending or descending slopes steeper than 1 unit vertical in 3 units horizontal (33.3-percent slope) shall conform to the building setback requirements of current adopted building codes (IRC Section R403.1.7 and IBC Section 1805.3.1). Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official is permitted to require an investigation and recommendation of a qualified engineer to demonstrate the requirements necessary to construct a building on or adjacent to ascending or descending slopes. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity and erosion characteristics of slope material.

Stormwater and Drainage

18. 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.
19. 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.
20. 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.

21. 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.
22. Best management practices must be used to prevent any sediment, oil, gas, or other pollutants from entering surface or ground water.

Transportation and Infrastructure

23. Timing of Improvements: This application is subject to the current version of the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the residences within this plat. A Performance Bond or acceptable financial guarantee may be used, in lieu of the required improvements, per the conditions outlined in the current Kittitas County Road Standards.
24. 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 the issuance of a building permit for any of the structures within the proposed plat.
25. Second Access: A second access is required of this project. Prior to final approval for each phase, the applicant shall conduct an analysis showing whether the threshold for a second access has been met. If a second access is required, the applicant must submit to Public Works for approval a route that has easement or other access rights secured and recorded. The second access must conform to Kittitas County Road Standards and the second access requirements as clarified by the Board of County Commissioners on April 2, 2007. The BOCC clarified KCRS 12.01.095(2) with the following requirements: 1) If the second access is restricted to emergency access only, it must meet or exceed the following requirements: 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 Marshal; 2) If the second access is to be used for ingress and egress, it must meet the same standards as the first access.
26. 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 2006 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
27. 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.
28. 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.
29. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
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. 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.

Air Quality

33. Dust, diesel emissions, and wood stove emissions are possible sources of air pollution from this project. The applicant shall comply with all state and County standards for air emissions and obtain any necessary air quality permits from applicable agencies.
34. According to County standards, a water truck shall be available during construction to minimize dust emissions.

Water and Sewer

35. The applicant has proposed a Group A Public Water System. Prior to final plat approval, the applicant shall submit a signed letter of agreement between the public water system purveyor or official and the land developer/owner granting delivery of potable water for the entire development. If the public water system is being developed specifically for the subdivision/plat, the water system must be approved by Washington State Department of Health (DOH), including issuance of a public water system ID number, prior to recommendation by Kittitas County Public Health Department for final plat approval.
36. Community septic systems with wastewater flows under 3,500 gallons/day are permitted by the Kittitas County Public Health Department. For flows exceeding 3,500 gallons/day, design review and approval will be needed from the Washington State Department of Health. For flows greater than 14,500 gallons/day, design review and approval will be needed from the Washington State Department of Ecology.
37. The maximum allowable slope for septic drain fields will depend on permitting agency. According to Kittitas County Code 13.04.150(5) no drain field disposal system may be designed for a site with a slope of greater than 30% grade. According to WAC 246-272A the maximum allowable slope is 45% grade.
38. Prior to final approval, the final Mylar must identify the wastewater disposal option for each lot and the locations of the proposed drain fields that do not exceed the maximum allowable slope.

Fire Safety

39. Design and construction must comply with Kittitas County Code, Kittitas County Zoning, the 2006 International Fire and Building Codes, and all other development agreements.
40. Given the provided pre-review documents, these residences will require fire flow of 100 gallons per minute for a duration of no less than 30 minutes. A reduction in required fire flow of 5- percent is allowed when the buildings are provided with an approved automatic sprinkler system.
41. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. A standpipe or hydrant system with an adequate source of water (supply), a distribution system and adequate pressure for delivery shall be installed for this plat. Hydrant spacing shall comply with International Fire Code and its appendices' requirements.
42. A separate permit and deposit shall be required for installation of a hydrant/standpipe system.
43. The Kittitas County Fire Marshal's Office will require a minimum of three (3) complete sets of plans for full review: 1) Office Copy; 2) Permit Copy; and 3) Fire Department

Copy.

44. This property is currently located outside of a fire district. As such, until such time that the development is within a Fire District, all future development must meet the International Urban Wild Land Interface Code for building construction, defensible space allocation, access, etc.
45. Roads with a slope or grade greater than 12% shall not be allowed.

SEPA Mitigation

46. A Mitigated Determination of Nonsignificance (MDNS) was issued on September 23, 2010. The mitigation measures in the MDNS shall be conditions of final plat approval.
47. The following mitigation conditions from the SEPA Mitigated Determination of Non-Significance shall be noted on the face of the final plat and included in the Covenants, Conditions, and Restrictions (CC&Rs) document recorded with the final plat:
 - a. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.
 - b. The use of wood burning stoves shall be prohibited.
 - c. Snow removal shall be the responsibility of the Homeowners Association. Snow storage shall be limited to those areas shown on the face of the plat and shall be located outside of wetland and stream areas and their buffers.

Dated this 10th day of November, 2010.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp

