



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

WHITE WATER PERFORMANCE BASED CLUSTER PLAT

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: White Water Performance Based Cluster Plat (LP-08-00028)
DATE: May 27, 2010

I. GENERAL INFORMATION

Requested Action: Dave Blanchard of Misty Mountain LLC, the authorized agent for Lonny Peter White and Joanne White, Peter A. White and Michael Lee White, landowners, for a 67-lot Performance Based Cluster Plat on 112.04 acres of land zoned Ag-3. The applicant is proposing 44.82 acres of open space, a Class A water system and active recreation in the form of water and trails.

Location: The project is located south of Lower Peoh Point Road, east of Iron Mountain Road, west of Godawa Lane, Cle Elum, WA, and is located in a portion of Section 01, T19N, R15E, WM, in Kittitas County. Map numbers 19-15-01053-0001, 0002, 0003, 0004, 19-15-01000-0003, 0035, and 0043.

II. SITE INFORMATION

Total Project Size: 112.04 acres
Number of Lots: 67
Domestic Water: Group 'A' water system
Sewage Disposal: Individual on-site septic system
Power/Electricity: Puget Sound Energy
Fire Protection: Fire District #7
Irrigation District: Not applicable

Site Characteristics: The area is generally flat and has been in use as agricultural land.

Surrounding Properties:

North: Vacant

South: Residential

East: Residential

West: Residential

Access: The site is accessed off of Pays Road via Iron Mountain Road on the west side and Godawa Lane from the east side of the property.

Zoning and Development Standards: The subject property is zoned Agriculture 3. Single family residences are permitted in this zone, as well as cluster plats (see 17.28.020 Uses Permitted).

Lot Size: The minimum lot size of a Agriculture 3 parcel is three acres except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.

Setbacks: There shall be a minimum front yard setback of twenty-five feet, a minimum side yard setback of five-feet and rear yard setback of twenty-five feet.

KCC 16.09 allows for **Performance Based Cluster Platting** to assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County. Public Benefit Rating System (PBRs) elements are items that are not already required by code. When a public benefit is demonstrated then bonus density points will apply. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of twenty five percent (25%) of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090.

The applicant has demonstrated the Public Benefit Rating System (PBRs) with the following elements. The Hearing Examiner can further condition these elements as necessary to meet the intent of the Ordinance for Performance Based Cluster Platting. These elements will be conditions of approval for the White Water Plat in order to qualify for the density bonus allowed through Performance Based Cluster Platting.

Element	Area	Bonus Points
Open space total	44.82 acres	40
Development Area	67.22	
Group A water system		50 points
Active Recreation (water & trails)		10
Total	112.04 acres	100points

Total bonus density points = 100 points. Total bonus density percentage =100%
 Density bonus limit in the Agriculture-3 zone for this proposal is 100%.

Calculations for project:

Current zone for project is Agriculture-3
 Allowed density for the Agriculture-3 zone is 1 unit per 3 acres
 Subject parcel is a total of 112.04 acres

Lots allowed under current zoning (AG-3) = **112.04 acres/3 acres = 37 lots**
(37 lots) x (total bonus density percentage 100%) = 74 total lots for cluster plat

III. ADMINISTRATIVE REVIEW

Notice of Application: A long plat application was submitted to Community Development Services on October 21, 2008. The Notice of Application for the preliminary plat application was issued on November 24, 2008. 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 December 9, 2008.

Posting of Site: 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 on November 4, 2008 by the applicant, returned to Community Development Services, and is included as part of the record.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as “Rural.” Kittitas County has established the following goals and policies to guide future housing developments in Rural areas. These goals and policies were developed in response to existing housing conditions and identified needs within the county. These goals and policies support the County Wide Planning Policies:

GPO 3.1 Provide a sufficient number of housing units for future populations in rural areas of Kittitas County;

GPO 3.6 Provide for future populations while protecting individual property rights;

GPO 3.17 Provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County;

GPO 3.18 Provide sufficient housing units while maintaining environmental quality;

GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands; and

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

V. ENVIRONMENTAL REVIEW

Based on review of the submitted application materials, correspondence received during the comment period Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on May 6, 2010 in accordance with WAC 197-11-355 (Optional DNS process). The appeal period ended on May 20, 2010. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Exhibits in the Hearing Examiner packet.

Written comments were received from the public. Public comments have been included as Exhibits in the Hearing Examiner packet.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff’s analysis and consistency review for the subject application.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan, including those listed above in section IV of this report. 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 onsite septic systems.

Consistency with the provisions of KCC 17A Critical Areas:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found no critical areas on the subject properties.

Consistency with the provisions of KCC 16.09: Performance Based Cluster Platting Code:

The application contained all required elements necessary to review this proposal with the exception of soil logs, which will be required prior to final plat approval. All proposed lots meet the dimensional standards of KCC 17.20 for lots zoned Agriculture 3. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code for Performance Based Cluster Plats.

Consistency with the provisions of KCC Title 12: Roads and Bridges:

The Department of Public Works has reviewed this proposal for consistency with KCC Title 12 Roads and Bridges. Several conditions have been applied to the construction of onsite private roads, as outlined in the July April 5, 2010 memorandum issued by the Department of Public Works, which will be required prior to issuance of a building permit. As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period: Washington State Department of Ecology, Kittitas County Department of Public Works, Kittitas County Public Health Department and Kittitas County Fire Marshal. Where appropriate, these comments have been included as conditions of approval.

Public Comments:

Written comments were received from the public submitted by several members of the public.

VIII. RECOMMENDATION

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12 and Title 16.09 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the White Water Performance Based Cluster Plat; file number (LP-08-00028), subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Dave Blanchard of Misty Mountain LLC, the authorized agent for Lonny Peter White and Joanne White, Peter A. White and Michael Lee White, landowners, for a 67-lot Performance Based Cluster Plat on 112.04 acres of land zoned Ag-3. The applicant is proposing 44.82 acres of open space, with active recreation provided in the form of water and trails.
2. The proposed lot sizes range from 0.51 acres to 4.01 acres. The project is proposed to be served a Group ‘A’ water system and individual onsite septic systems.
3. The project is located south of Lower Peoh Point Road, east of Iron Mountain Road, west of Godawa Lane, Cle Elum, WA, and is located in a portion of Section 01, T19N, R15E, WM, in Kittitas County. Map numbers 19-15-01053-0001, 0002, 0003, 0004, 19-15-01000-0003, 0035, and 0043.
4. Site Information:

Total Project Size:	112.04 acres
Number of Lots:	67
Domestic Water:	Group ‘A’ water system
Sewage Disposal:	Individual on-site septic system
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	Not applicable
5. Site Characteristics: The area is generally flat and has been in use as agricultural land.

6. Surrounding Properties:
 - a. North: Vacant
 - b. South: Residential
 - c. East: Residential
 - d. West: Residential
7. The Comprehensive Plan designation is “Rural.”
8. The subject property is zoned Agriculture 3, which allows for one residential unit per 3 acres.
9. A long plat application was submitted to Community Development Services on October 21, 2008. The Notice of Application for the preliminary plat application was issued on November 24, 2008. 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 December 9, 2008.
10. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the “Land Use Action” sign as provided by Community Development Services. The Affidavit of Posting was signed on November 4, 2008 by the applicant and returned to Community Development Services, and is included as part of the record.
11. Based on review of the submitted application materials, correspondence received during the comment period Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on May 6, 2010 in accordance with WAC 197-11-355 (Optional DNS process). The appeal period ended on May 20, 2010. No appeals were filed.
12. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group ‘A’ water system and individual onsite septic systems.
13. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found no critical areas on the subject properties.
14. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats.
15. The Department of Public Works has reviewed this proposal for consistency with KCC Title 12 Roads and Bridges. Several conditions have been applied to the construction of onsite private roads, as outlined in the April 5, 2010 memorandum issued by the Department of Public Works, which will be required prior to issuance of a building permit. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
16. The following agencies provided comments during the comment period: Washington State Department of Ecology, Kittitas County Department of Public Works, Kittitas County Public Health Department and Kittitas County Fire Marshal. Where appropriate, these comments have been included as conditions of approval.
17. Written comments were received from the public submitted by several members of the public.

Suggested Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. 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.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated October 21, 2008 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.
4. All current and future landowners must comply with the International Fire Code.

Platting Standards and Zoning Code:

5. Certificate of Title: A certificate of title of the property proposed to be platted shall be submitted with the final plat.
6. Lot Closures: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
7. Performance Based Cluster Plat Open Space Requirement: According to KCC 19.06.030, a minimum of 40% of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System. Prior to final plat approval, the applicant must clearly show and quantify how open space requirements have been met, as set forth in Performance Based Cluster Platting KCC 19.06.030 and KCC 16.09.100.
8. Right to Farm Notification Requirement: According to KCC 16.09.040, all Performance Based Cluster Platting conveyance instruments shall contain the following notice: The subject property is within or near existing agricultural or other natural resource areas on which a variety of activities may occur that are not compatible with residential development for certain periods of varying duration. Agricultural or other natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances. Kittitas County has adopted right to farm provisions contained in Section 17.74 of the Kittitas County Zoning Code.
9. Bonding for Public Benefit Features: According to KCC 16.09.080(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.

10. County Review of HOA Agreements, etc: Prior to final plat approval, the application shall submit to the County for review and approval consistent with KCC 16.09 of the following: a copy of all proposed restrictive covenants (CCRs), Homeowner's Association bylaws and applicable documents, maintenance agreements and operations plans related to roads, the Group A water system and recreation facilities and open spaces.
11. Irrigation Systems: Pursuant to KCC 16.18.080, a plat note regarding the irrigation systems is required for lots 3 acres or less in size. The following note shall be placed on the face of the final plat, "Lots shall be required to irrigate their individual lot or lots by the use of either a sprinkler irrigation system or a drip irrigation system."

Transportation and Infrastructure:

12. Timing of Improvements: This application is subject to the latest revision of the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the residence 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.
13. 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.
14. Private Road Requirements: The entire internal road system shall be constructed as a High-Density Private Road that serves more than 40 lots. Access easements shall be a minimum of 60' wide. The roadway shall be constructed to AASHTO standards, have a maximum grade of 12%, and be designed by an engineer. See current Kittitas County Road Standards, 9/6/05 edition. Road plans shall be submitted as required in KCC 12.08 and be approved by the County Engineer prior to construction.
15. Pays Road Intersection: The intersection at Pays Road shall be constructed as approved by the County Engineer. A final design shall be presented to the County Engineer and approved prior to final approval.
16. Lot 24: Access shall be provided to Lot 24.
17. Godawa Lane Spelling: Godawa Lane shall be spelled correctly on all documents. It is currently spelled incorrectly on Sheet 2 of the plat.
18. Gates: If this is a gated community, approval for the gate and key box system is required from the Fire Marshal.
19. 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.

20. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
21. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
22. 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.
23. 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.
24. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.

Onsite Sewage and Wastewater Treatment:

25. Soil Log or Site Evaluation: A soil log or site evaluation must be performed prior to the Public Health Department recommending final approval. WAC 246-272A governs on-site sewage systems in the State of Washington. Table 10, is the minimum land area requirement needed for on-site sewage systems, the minimum land area is determined by the soil type on site, and the type of water supply (individual wells or a public water system). It is strongly recommended that the applicant conduct soil logs as soon as possible to anticipate any difficulties citing the community drain fields.

Water and Stormwater:

26. Plat Notes: According to the Public Health Department, the following notes shall be placed on the final plat:
 - a. “The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.”
 - b. “Metering will be required on all new residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements.”
27. Water Neutrality: A determination of water neutrality will be required from the Department of Ecology before the Kittitas County Public Health Department can recommend final approval.
28. Water Availability: Final approval shall be conditioned upon:
 - a. Documentation from the State of Washington, Department of Ecology verifying the quantity of water required for the plat has been transferred, and
 - b. Completion of an affidavit of water availability, on a form available from the Public Health Department-- a well log from the State of Washington, Department of Ecology and a recent passing bacteriological test will meet the water availability requirement; and

- c. Demonstration and evidence that the following activities have taken place: all planned wells have been drilled, flow capacity is known, water storage mitigations are resolved, bacteriological and nitrate tests must be performed and deemed satisfactory from all wells to be used for domestic.
29. **NPDES Permit Requirement:** An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required if there is a potential for stormwater discharge from a construction site with more than one acre of disturbed ground. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.
30. **NPDES Permit Timing:** This NPDES Construction Stormwater General 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.

Air Quality

31. A burn permit must be obtained from Ecology if the proponent plans to burn trees or debris from the property. Only natural, unprocessed vegetation may be burned in an outdoor fire.
32. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, according to Department of Ecology standards, and then follow the plan for the construction of the project and the duration of activity on property.
33. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.

Fire Safety

34. Approved water storage with a private fire hydrant system shall be installed. The hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.
35. Water storage and hydrant spacing shall comply with the International Fire Code.
36. The minimum fire flow requirements for the residential structures shall be no less than 1,000 gpm for a duration of no less than 30 minutes. A reduction in fire flow of 50% is allowed when buildings are provided with an automatic sprinkler system.
37. No fire apparatus access lane shall have a slope greater than 12%. A Variance Permit will be required for any slopes or grades greater than allowed by County Code.
38. "No Parking-Fire Lane" signs must be posted per Fire Marshal requirements on all cul-de-sacs. Secondary access is required.
39. All bridges shall be required to be certified (over KRD canals, etc)
40. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire and Building Codes.

41. A separate permit is required for any private water storage or hydrant system.
42. Review of the final project submittals may include further requirements.
43. 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 reseeded of areas disturbed by development to preclude the proliferation of noxious weeds.”
44. 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.
45. Both sheets shall reflect the Plat number: LP-08-00028.

SEPA Mitigation

46. 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 develop a Group A Water System for this 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 completed prior to final plat approval. Demonstration of adequate water rights in relation to development of a Group A Water System shall be completed prior to final approval. Any deviations to the water system requirements shall undergo further environmental and plat review.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Stormwater: 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 design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit. Stormwater plans shall be submitted in accordance with KCC 12.06 and 12.08.
 - f. Seasonal drainage and/or stormwater runoff shall be addressed through an engineered stormwater detention design and installation.
 - g. Stormwater and surface runoff generated by this project shall be retained or detained and treated on-site in accordance with regulating agencies’ standards.

- h. Grading Plan: A grading plan prepared by an engineer licensed in the state of Washington shall be presented to Public Works prior to final approval. Depending on the amount of fill to be removed from the site, a haul route and road condition analysis may be required prior to approval of the grading plan. The grading plan shall be submitted in accordance with KCC 12.08, and shall be approved by the County Engineer.
- i. Environmental Health shall review and approve the location of the On-site Septic Systems in relation to the lake in order to ensure that contamination of the lake and septic system will not occur.
- j. A stormwater and pond management plat that is consistent with maintaining good water quality in the ponds shall be prepared and reviewed by Kittitas County and the Department of Ecology prior to final plat approval.

47. Transportation

- a. Provisions shall be included in the site development plan for appropriate snow storage and disposal per the stormwater requirements and approved by Kittitas County.
- b. The applicant shall submit plans for maintenance of this facility (e.g. Snowplowing, road maintenance, vegetation, etc.). This shall be addressed via the development of a formal road maintenance agreement or similar means.
- c. Trail: The proposed trail shall not travel through Tract A except for where any crossing structures are located. Crossing structures shall be designed wide enough to provide a separate pedestrian lane in addition to the full width of the required roadway. A trail easement or right-of-way should be provided for the portion of trail which passes through Lots 22, 23, 47-61, and any other location the trail may pass through private property.
- d. Tract A: Tract A is designated as right-of-way throughout the plat. Tract A shall be designed for the construction of a road with at least a 25 mph design speed. The tract will be privately owned, but may be dedicated in the future to Kittitas County for the construction of a new County road. This dedication will occur when requested by the County, or when the road is constructed to County public road standards and accepted onto the County road system by the Board of County Commissioners.
- e. Godawa Lane Improvements: Godawa Lane is currently classified as a Primitive Road and has an ADT of less than 100. Based on the results of the TIA, this project will increase the ADT to approximately 210 trips per day, which is above the 100 ADT threshold for primitive roads. Godawa Lane must be upgraded to a rural local access road, and the developer must follow all requirements of Kittitas County Road Standards, including:
 - i. Road Plans: The developer shall submit road plans for all public road improvements as follows: Plan and profile drawings for all roads shall be submitted to the County Engineer on mylar sheets twenty-two inches by thirty-six inches in size, and receive 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. No work may be started until such plans are approved. See current Kittitas County Road Standards 12.08 for more detailed information.
 - ii. Public Road Construction: Testing and Inspection: Prior to construction the developer shall schedule a pre-construction meeting with the Department of Public Works. No work may be started prior to the meeting. Testing services shall be retained by the developer. County inspection details will be determined during the pre-construction meeting.

- iii. Bonding: The developer shall submit a bond to the Department of Public Works following the requirements of 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.
- iv. Cul-de-Sac: A public use cul-de-sac shall be constructed on Godawa Lane at the plat entrance. The cul-de-sac may be located in right-of-way or a temporary easement dedicated to the public. The easement may be relinquished at such time Godawa Lane is improved to the end of the road and a cul-de-sac constructed there, or Tract A becomes a through County maintained road. The cul-de-sac turn-around shall have an outside right-of-way or easement diameter of at least 110 feet. 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.

48. Land Use and Recreation

- a. 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.
- b. 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).
- c. Pursuant to Kittitas County Code 16.18.080, a plat note regarding the irrigation systems is required for lots 3 acres or less in size. The note shall read as follows: "Lots shall be required to irrigate their individual lot or lots by the use of either a sprinkler irrigation system or a drip irrigation system."
- d. Prior to excavation, the applicant shall submit documentation for review and approval to CDS containing a timeline, haul routes, and location, placement, stockpiling and use of excavated material. All excavation and stockpiling shall comply with federal, state and local regulations. All stockpiling sites and use of excavated material shall be reviewed through a separate critical areas review process as sites are identified by the applicant. It shall be the responsibility of the applicant to pay any applicable review fees and submit appropriate documentation for review.
- e. Prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.

49. Air

- a. A Fugitive Dust Control Plan (FDCP) shall be developed and implemented during construction of the project and duration of activity on the property in order to control blowing dust and dirt.

50. Light and Glare and Aesthetics

- a. Any on-site lighting shall be downward shaded and directed on-site. No mercury vapor lights shall be allowed.
- b. Metal roofs with a reflective glare shall not be allowed.
- c. Trees and landscaping should be planted and maintained along all streetscapes and the perimeter of the residential cluster in order to reduce impacts of lighting or glare on existing and future residential areas.

51. 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.
- b. It is the developer's responsibility to dampen or deflect any traffic noise for this development. It shall not be the responsibility of WSDOT to create noise dampening facilities or structures within this development.
- c. Noise: the project shall adhere to regulations in Kittitas County Code 9.45, RCW 70, and WAC 173.60.040. Regulations regarding noise shall be addressed in CC&R's. Signage including noise regulations shall be posted on-site, and at a minimum shall be in the area in the proximity of the lake.

52. 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.

53. Utilities and Services

- a. All lots must be provided with adequate fire flow.
- b. All development must comply with International Fire Code (IFC) and Appendices.
- c. Adequate fire protection systems shall be provided subject to requirements of the Kittitas County Fire Marshal and Fire District 7. The requirements for private water systems for fire suppression are subject to review and approval by the Fire Marshal and Fire District 7.
- d. The Group A Water System will abide by the requirements of the Kittitas County Fire Marshal and the local fire district for fire flow and placement of fire hydrants.
- e. The minimum road width shall not be less than 20' in width.
- f. "No Parking- Fire Lane" signs must be posted at all cul-de-sacs per International Fire Code requirements.
- g. All cul-de-sacs must have a minimum turning radius of 50 feet.
- h. Construction documents for the proposed systems for fire suppression shall be submitted to Fire District #7 and the Fire Marshal's Office for review and approval prior to construction.

- i. 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.
- j. The applicant shall work with the local school district to provide for a safe location and passageway for a school bus stop. This location shall be delineated on the final mylar.