

Exhibit "A"

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF
LP-09-00008)	LAW, DECISION AND
Airport Heights Preliminary Plat)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on October 14, 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. Terra Design Group, authorized agent for Schuler Deneen Family Ranch LLC, Schuler, James K care of Deneen, Pat, PDQ Construction, landowners, have submitted an application for a Preliminary Plat to subdivide approximately 34.29 acres into 10-lots. The proposed lots will be 3 acres in size. There will be an area south of these lots that will be considered as Tract A that will be 3.69 acres in size for the possible future expansion of the Cle Elum Municipal Airport. The subject property is currently zoned Ag-3. The project is proposed to be served by a Group A Public Water System and individual or possibly a community septic areas if soils permit. (Staff report)
2. The applicant is Schuler Deneen Family Ranch LLC and James K. Schuler, % Pat Deneen, PQD Construction Inc., PO Box 808, Cle Elum, WA 98922. (Application materials)
3. The project is proposed to be served by a Group A Public Water System and individual or community septic systems. (Staff report)
4. The property is east of the City of Cle Elum, north of Airport Road, off Danko Road, Cle Elum, WA 98922 and is located in a portion of Section 30, T20N, R16E, WM, in Kittitas County. Map numbers 20-16-30030-0004, 0008, 0009 and 20-16-30056-0016. (Staff report)

5. Site Information:

Total Project Size:	34.29
Number of Lots:	10
Existing zoning district	Ag-3
Domestic Water:	Group A Public System
Sewage Disposal:	Individual or community septic systems
Power/Electricity:	PUD
Fire Protection:	Kittitas County Fire District #7
Irrigation District:	N/A

(Staff report)

6. Site Characteristics: The site is relatively flat on the southern portion of the property, to rolling hills towards the north. The vegetation contains scattered trees to the north and west side, while the southern portion is a grassy field. (Staff report)

7. Surrounding Property:

North: Residential
South: Open Space
East: Cle Elum Municipal Airport
West: Residential
(Staff report)

8. The Comprehensive Plan designation is Rural. (Staff report)

9. The subject property is zoned Ag-3, which allows for a 3 acre minimum lot size. (Staff report)

10. Applications for the 10-lot Preliminary Plat were received on November 17, 2009. The applications were deemed complete on December 14, 2010. (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 on January 20, 2010. (Staff report)

12. The Notice of Application was issued on February 4, 2010. Said notice was published in the official county newspaper of record and was also mailed to jurisdictional government agencies, adjacent property owners as required and other interested parties. The last day to submit written comments was February 19, 2010. (Staff report)

13. Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on September 23, 2010 in accordance with WAC 197-11-355 (Optional DNS process). There were no appeals filed. (Staff report)

14. 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 Public System. Staff has conducted and an administrative critical area

review in accordance with KCC 17A and found areas of steep slopes in excess of 25% slope on site in the northerly portion of the project site. (Staff report)

15. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats. (Staff report)
16. The Kittitas County Department of Public Works has conditioned that the existing temporary cul-de-sac shall be removed, and Danko Road improved to public road standards from approximately the west end of the temporary cul-de-sac to the beginning of the public use cul-de-sac. The exact location of improvements shall be determined by Public Works prior to design. A public use cul-de-sac shall be constructed to public road standards at the end of Danko Road. The cul-de-sac shall be constructed on the Airport Heights property and have an outside right-of-way diameter of 110 feet. The right-of-way shall be dedicated to the public. The driving surface shall be at least 96 feet in diameter. The road is required to meet all Kittitas County Road Standards as outlined in the memorandum issued by the Department of Public Works prior to issuance of a building permit. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Staff report)
17. The following agencies provided comments during the comment period: WSDOT Aviation, Department of Ecology, City of Cle Elum, and Kittitas County Department of Public Works. These comments have been included as conditions of approval to address the agency concerns. (Staff report)
18. Several landowner submitted comments during the comment period and these comments have been included as an exhibit in the Hearing Examiner packet and were considered as conditions of approval. (Staff report)
19. 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)
20. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)
21. The Kittitas County Community Development Services recommended approval of this permit, subject to the recommended conditions of approval. (Public hearing record)
22. An open record public hearing after due legal notice was held on October 14, 2010. (Public hearing record)
23. Admitted into the record were Exhibits 1 through 17 as referenced in the staff report and file materials. (Open record public hearing)
24. Also admitted into the record were the following exhibits:
 - 24.1 Exhibit 18: This is a copy of an email dated October 7, 2010, from Craig Johnson to Dan Valoff.
 - 24.2 Exhibit 19: This is an October 14, 2010, letter from Carter Timmerman, Aviation

Planner, Washington State Department of Transportation, to the Kittitas County Hearing Examiner

- 24.3 Exhibit 20: This is a CD of the applicant's PowerPoint presentation.
- 24.4 Exhibit 21. This is an October 13, 2010, letter from Chad Allen of Encompass Engineering & Surveying to Chad Bala of Terra Design Group, Inc.
- 24.5 Exhibit 22: This is a Land Lease Agreement between PQD Construction Inc. and City of Cle Elum.
- 24.6 Exhibit 23: This is a copy of "Airports and Compatible Land Use Volume 1, Revised February 1999" from the Washington State Department of Transportation Aviation Division.
- 24.7 Exhibit 24: This an October 14, 2010, letter from Craig Johnson to Kittitas County. (Open record public hearing exhibits)
25. For the record, Exhibits 1 through 24 were all admitted into the record. (Open record public hearing)
26. Appearing and testifying on behalf of the applicant was Attorney Jeff Slothower. Mr. Slothower testified that he was an agent authorized to appear and speak on behalf of the applicant. Mr. Slothower testified that the project was within Zones 3, 5 and 6 of the designated Aircraft Accident Safety Zone for the Cle Elum Airport. (Open record public hearing testimony)
27. Mr. Slothower further testified that all residential development would be located in areas currently within the Zone 6 designation and that no residential development, accessory structures, fences, livestock, outbuildings or similar uses would be allowed in the portions of the subject property within Zones 3 and 5. (Open record public hearing testimony)
28. The applicant agreed to a Part 77 Airspace Obstruction Analysis as suggested by the City of Cle Elum under Item 2 of their February 19, 2010, comment letter. (Open record public hearing testimony)
29. The applicant agreed to the plat notation suggested by the City of Cle Elum under Items 3 and 4 of their February 19, 2010, comment letter. (Open record public hearing testimony)
30. The applicant disagreed with the requirement for an aviation easement or to depict a planned runway for the Cle Elum Airport on the plat. (Open record public hearing testimony)
31. Also testifying on behalf of the applicant was Chad Allen of Encompass Engineering. He generally testified that the proposed stormwater plan meets Washington State Department of Transportation requirements and he understands the need to avoid attracting wildlife that could potentially endanger aircraft. (Open record public hearing testimony)
32. No member of the public testified in favor of the project. (Open record public hearing testimony)

33. Testifying in opposition to the project were the following persons:
- 33.1 Craig Johnson: Mr. Johnson is a neighbor of the subject property and a pilot. His primary concerns related to safety issues related to wildfires and possible ability to escape from wildfire through the plat. He also raised concerns regarding protection of the airport from residential encroachment and risks to pilots and the public as a result of accidents in or near residential areas. He was in support of the lease with the City of Cle Elum. In fact, he was hopeful that the lease area may increase.
 - 33.2 Also speaking in opposition to the project was Virgil Thovson. Mr. Thovson has been a pilot since 1946 and has had the unfortunate life experience of having friends die because of homes located near runways. He had questions concerning about what would happen when the lease with the City of Cle Elum expires.
 - 33.3 Also speaking in opposition of the project was Catherine Clerf. She objected because the Cle Elum Airport is an essential public facility for Kittitas County and that the residential development will impact its expansion. She believes that there should be an airport overlay zone but there is not and that this is a situation that the applicant is merely exploiting.
 - 33.4 Speaking in opposition of the project was Hugh Frazier. Mr. Frazier was opposed to the project because it involved housing near the airport and may include bodies of water near the airport which would be dangerous to pilots and those on the ground.
(Open record public hearing testimony)
34. 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)
35. 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)
36. 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)
37. 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-09-00008, Airport Heights Preliminary 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.
2. The project shall proceed in substantial conformance with the plans and application materials which were deemed complete on August 20, 2008 except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. All current and future landowners must comply with the International Fire Code and its Appendices.
5. 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.

6. 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.
7. Proof of potable water must be shown prior to final plat approval.
8. Based on the comments received during the public comment period and other information submitted with this project permit application, a SEPA Mitigated Determination of Nonsignificance (MDNS) was issued by Community Development Services on September 23, 2010. The following are the mitigations contained within the MDNS and shall be conditions of approval:

I. Water and Septic

- A. Withdrawals of groundwater on the subject property will be subject to the rules and regulations adopted and administered 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 measures 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. Prior to final approval, identification of individual or community septic areas along with completed site evaluations shall be required by Kittitas County Environmental Health.

II. Transportation

- A. The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the Department of Public Works, as listed in the attached memorandum.

III. Air

- A. 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 the 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 regarding this permit.
- B. Prior to any grading, clearing or construction, erosion control measures shall be in place and shall be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. The erosion control sediment plan shall be a part of the Stormwater Prevention Plan, as referenced in Item A of this section.
- C. 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.

IV. Light and Aesthetics

- A. All outdoor lighting shall be shielded, directed downward and away from adjacent neighbors and the Cle Elum Municipal Airport.

V. Public Safety

- A. Prior to final approval the developer shall be required to conduct a Part 77 Airspace Obstruction Analysis with the Federal Aviation Administration for the proposed plat to; evaluate the effect of the construction or alteration on CEMA operating procedures, determine the potential hazardous effect of the proposed construction on air navigation, identify mitigating measures to enhance safe air navigation, and for the charting of new objects.
- B. The following plat note shall appear on the face of the final plat:

This subdivision is in the vicinity of the Cle Elum Municipal Airport and is located within the designated Cle Elum Municipal Airport Runway Safety Zone and within the FAR Part 77 Imaginary Surfaces for Runway 7-25. Future landowners should expect to experience noise, vibrations, fumes, dust, the effects of lighting, and other effects associated with the operation of an airport or aircraft taking off or landing at an airport. No use shall be permitted that causes discharge into the air of fumes, smoke, dust or similar which will obstruct the visibility and/or adversely affect the operation of an aircraft or interfere with navigational facilities or equipment necessary to aircraft operation. No development or use shall occur that in any way interferes with the safe operation of aircraft in the airspace and aviation ways of the Cle Elum Municipal Airport.

- C. The following plat note shall appear on the face of the final plat:

Building location, types, heights, and densities shall not encroach upon or otherwise impact Cle Elum Municipal Airports current for future compliance with Federal Aviation Administration (FAR) Part 77 Imaginary Surface requirements as detailed in Part 77 Airspace Obstruction Analysis performed prior to final plat approval by the developer and recorded under Kittitas County Auditor's File No. _____.

VI. Noise

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

VII. 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.

VIII. 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.
9. Danko Road: The existing temporary cul-de-sac shall be removed, and Danko Road improved to public road standards from approximately the west end of the temporary cul-de-sac to the beginning of the public use cul-de-sac. The exact location of improvements shall be determined by Public Works prior to design.
10. Cul-de-Sac: A public use cul-de-sac shall be constructed to public road standards at the end of Danko Road. The cul-de-sac shall be constructed on the Airport Heights property and have an outside right-of-way diameter of 110 feet. The right-of-way shall be dedicated to the public. The driving surface shall be at least 96 feet in diameter.
11. 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.
12. Easement 'Q' shall be constructed to meet or exceed the requirements of a High-Density Private Road that serves 3-14 tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
- a. Access easements shall be a minimum of 40' wide. The roadway shall have a minimum width of 20', with 1' shoulders, for a total width of 22'.
 - b. Minimum centerline radius will be 60'.
 - c. Surface requirement is for a minimum gravel surface depth of 6".
 - d. Maximum grade 8% flat, 12% rolling or mountainous.
 - e. Stopping site distance, reference AASHTO.
 - f. Entering site distance, reference AASHTO.
 - g. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - h. Any further subdivision or lots to be served by proposed access may result in further access requirements.
 - i. All roads located within this development or roads that provide access to this development shall be constructed to current county road standards unless any other maintenance agreements, forest service road easements or state easements require higher road standards. The higher of the road standards shall apply.
 - j. All easements shall provide for AASHTO radius at the intersection with a county road.
 - k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road.

13. A cul-de-sac turn-around having an outside right-of-way 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.
14. A joint-use access shall serve no more than 2 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.
15. 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.
16. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
17. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
18. 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.
19. 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.
20. Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
21. 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.
22. 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
- h) The following note shall be placed on the face of the plat, short plat, or other development authorization:
"Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel."

23. 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."

24. Final mylars shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.

25. Both sheets shall reflect the Plat number: LP-09-00008.

Hearing Examiner Conditions of Approval

26. The developer shall be required to conduct a Part 77 Airspace Obstruction Analysis with the Federal Aviation Administration for the proposed plat.

27. The following notices are to appear on the face of the final plat:

This subdivision is in the vicinity of the Cle Elum Municipal Airport and is located within the designated Cle Elum Municipal Airport Runway Safety Zone and within the FAR Part 77 Imaginary Surfaces for Runway 7-25. Future landowners should expect to experience noise, vibrations, fumes, dust, the effects of lighting, and other effects associated with the operation of an airport or aircraft taking off and landing at an airport. No use shall be permitted that causes discharge into the air of fumes, smoke, dust, or

similar which will obstruct the visibility and/or adversely affect the operation of an aircraft or interfere with navigational facilities or equipment necessary to aircraft operation. No development or use shall occur that in anyway interferes with the safe operation of aircraft in the airspace and avigation ways of the Cle Elum Municipal Airport.

Building location, types, heights and densities shall not encroach upon or otherwise impact Cle Elum Municipal Airports current or future compliance with the Federal Aviation Administration FAR Part 77 Imaginary Surface requirements as detailed in the Part 77 Airspace Obstruction Analysis performed prior to final plat approval by the developer and recorded under Kittitas County Auditors File No. _____

No through-the-fence access will be granted to adjacent residential development.

28. All proposed stormwater facilities shall meet both the FAA and WSDOT best management practices for aviation related stormwater facilities.
29. All residential development shall occur in those areas of the project located within Zone 6 of the Aircraft Accident Safety Zone designations. There shall be no residential development, accessory buildings, fences, or livestock located in any portion of the subject properties located in Zones 3 and/or 5 as currently designated within the project area.

Dated this 26th day of October, 2010.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp