

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF
LP-11-00002)	LAW, DECISION AND
Sasse Ridge Plat)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on January 10, 2013, 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

- Wayne Nelson, agent for the property owner, Sasse Ridge LLC, submitted a preliminary Plat application to subdivide approximately 30.61 acres into 10 three acre single-family residential lots. The lots range in size from 3.01 to 3.12 acres in size and are proposed to be served by a community water system with individual onsite septic systems or a community drain field. The project is proposed on a site zoned R-3. (Staff report)
- The subject property is located approximately 7 miles northwest of the city of Roslyn, east of Salmon La Sac Road and north of Hex Mountain Drive, Ronald WA in a portion of Section 21, T. 21 N., R. 14 E., W.M., in Kittitas County, Washington. Assessor's map number: 21-14-21000-0016. (Staff report)

3. Site Information:

Total Project Size:	30.61 acres
Number of Lots:	10
Domestic Water:	Community Water System
Sewage Disposal:	Individual on-site septic system or community drainfields
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District 7
Irrigation District:	None

(Staff report)

4. Site Characteristics:

North: Vacant

South: Vacant

East: Vacant

West: Vacant / across Salmon La Sac Road is Lake Cle Elum
(Staff report)

5. Site Characteristics: The area is primarily covered in forest and relatively steep slopes exceeding 25% slope. The property is separated from Lake Cle Elum by vacant land and Salmon La Sac Road with no direct access to the shoreline. (Staff report)
6. The Comprehensive Plan designation is Rural. (Staff report)
7. The subject property is zoned Rural-3, which allows for one residential unit per 3 acres. (Staff report)
8. A complete long plat application was submitted to Community Development Services on August 17, 2011. The Notice of Application for the preliminary plat application was issued on November 17, 2011. 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 2, 2011. (Staff report)
9. 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 December 21, 2012. The appeal period ended on January 9, 2013 at 5:00 p.m. No appeals were filed. (Staff report)
10. 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 community water system and individual septic systems or community drainfields. Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas which include steep slopes. (Staff report)
11. This proposal is not consistent with the Kittitas County Zoning Code 17.30.055 Yard Requirements – Zones Adjacent to Commercial Forest Zone. The preliminary plat map does not show the required 200-foot buffer for properties bordering or adjacent to the commercial forest zone. The minimum lot size is 3 acres. The lots in this proposal range in size from 3.01 ac. to 3.12 ac. (Staff report)
12. This proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats. (Staff report)
13. All roads are required to meet all Kittitas County Road Standards as outlined in the November 14, 2012 memorandum issued by the Department of Public Works. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Staff report)

14. The following agencies provided comments during the comment period: The Yakama Nation, Washington State Department of Health, Washington State Department of Ecology, Kittitas County Department of Public Works, Kittitas County Public Health and Kittitas County Fire Marshal. These comments have been included as conditions of approval to address these agency concerns. (Staff report)
15. Comments were also provided by the Yakama Nation. (Staff report)
16. 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)
17. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)
18. The Kittitas County Community Development Services recommended approval of this permit, subject to the recommended conditions of approval. (Public hearing record)
19. An open record public hearing after due legal notice was held on January 10, 2013. (Open record public hearing)
20. Admitted into the record were the following exhibits:
 - 20.1 Exhibit 1: Long Plat Application & SEPA Checklist Packet from Applicant.
 - 20.2 Exhibit 2: Staff analysis information.
 - 20.3 Exhibit 3: Letter of Complete Application dated August 23, 2011.
 - 20.4 Exhibit 4: Affidavit of Posting dated August 30, 2011.
 - 20.5 Exhibit 5: Notice of Application dated November 17, 2011.
 - 20.6 Exhibit 6: Affidavit of Mailing & Publication dated November 17, 2011.
 - 20.7 Exhibit 7: Returned to Sender Notice of Application dated November 21, 2011.
 - 20.8 Exhibit 8: Comment letter from KC Public Health to CDS dated September 2, 2011.
 - 20.9 Exhibit 9: Comment letter from KC Fire Marshal's office to CDS dated September 20, 2011.
 - 20.10 Exhibit 10: Email from Heather Cannon (DOH) to Dan Valoff (CDS) dated November 23, 2011.
 - 20.11 Exhibit 11: Letter from KC Dept. Public Works to applicant requesting additional information dated November 28, 2011.
 - 20.12 Exhibit 12: Comment letter from DOE to CDS dated December 1, 2011.
 - 20.13 Exhibit 13: Comment letter from Yakama Nation to CDS dated February 14, 2012.
 - 20.14 Exhibit 14: Letter from Applicant to Christina Wollman (KC DPW) dated June 13, 2012.
 - 20.15 Exhibit 15: Memorandum – KC Dept. Public Works to CDS dated November 14, 2012.
 - 20.16 Exhibit 16: Email from DOE to Lindsey Ozbolt (CDS) dated December 17, 2012.
 - 20.17 Exhibit 17: Email from James Rivard (KC Public Health) to Lindsey Ozbolt (CDS) dated December 20, 2012.
 - 20.18 Exhibit 18: SEPA MDNS dated December 21, 2012.

- 20.19 Exhibit 19: Notice of Decision SEPA Action & Public Hearing dated December 21, 2012.
- 20.20 Exhibit 20: Affidavit of Mailing & Publication dated December 21, 2012.
- 20.21 Exhibit 21: Returned to Sender Notice of Action SEPA Decision and Public Hearing dated December 27, 2012.
- 20.22 Exhibit 22: Email from Anne Watanabe to Lindsey Ozbolt (KC CDS) dated January 2, 2013.
- 20.23 Exhibit 23: Hearing Examiner Revised Staff Report for January 10, 2013, hearing from KC CDS.
- 20.24 Exhibit 24: Sasse Ridge – Preliminary Plat Map dated August 17, 2011.
- 20.25 Exhibit 25: January 10, 2013, letter to the Hearing Examiner from Melissa Bates.
- 20.26 Exhibit 26: PowerPoint presentation of staff at open record public hearing.
- 20.27 Exhibit 27: 10-page document beginning with email dated January 10, 2013, from Lindsey Ozbolt to John Marvin, Habit Biologist, Yakama Nation. The remainder of the documents are Mr. Marvin’s email to Ms. Ozbolt with the attached comments of the Yakama Nation.
- 20.28 Exhibit 28: 4-page document beginning with letter from Phil Rigdon, Deputy Director of Natural Resources for the Yakama Nation, to Kittitas County Community Development Services with the attached memorandum (2 pages) from John Marvin to Phil Rigdon dated January 2, 2013, and a 1-page photocopy of an envelope from the Yakama Nation to Kittitas County Community Development Services date-stamped received January 9, 2013.
- 20.29 Exhibit 29: 5 pages beginning with an email from Lindsey Ozbolt to Jessica Lally, Yakama Nation Archaeologist, with an attached January 9, 2013, letter from Johnson Meninick, Yakama Nation Cultural Resource Manager (2 pages), and June 30, 2006, letter from Johnny Smartlowit, Chairman, Yakama Nation Cultural Committee, to Kittitas County Public Works.
- 20.30 Exhibit 30: 24 pages submitted by Catherine Clerf beginning with a 2-page memorandum from Ms. Clerf to the Kittitas County Commissioners with attached remaining documents.

(Open record public hearing)

- 21. Appearing and testifying on behalf of the applicant was Anne Watanabe. Ms. Watanabe testified that she was the attorney for the applicant, was an authorized agent authorized to appear and speak on behalf of the applicant. She stated that the first bullet point of Exhibit 13 did not apply to this project. She testified that all of the proposed conditions of approval were acceptable to the applicant. She testified that the applicant understood that final plat approval was conditioned upon the applicant obtaining the appropriate water permit. (Open record public hearing testimony)
- 22. No member of the public testified in favor of the project. (Hearing Examiner finding based on the record)
- 23. Testifying in opposition to the project was Melissa Bates. Ms. Bates testified consistent with her January 10, 2013, letter (Exhibit 25). She testified as to her concerns regarding water in the area as more particularly set forth in Exhibit 25. (Open record public hearing testimony)

24. Testifying in opposition to the project was Catherine Clerf. Ms. Clerf submitted Exhibit 30 which was admitted into the record. Ms. Clerf testified as to her concerns about dense residential development occurring next to commercial natural resources. She testified as to the subject area as being steep and prone to slides. She testified that the area was quite windy. She testified as to her concerns regarding Hex Mountain Road and cumulative impacts of residential development in the area. She testified that in her opinion these cumulative residential impacts require a second access. (Open record public hearing testimony)
25. 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)
26. 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)
27. 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)
28. 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-11-00002, Sasse Ridge 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 on file dated August 17, 2011 except as amended by the conditions herein.
3. A certificate of title of the property proposed to be platted shall be submitted with the final plat.
4. A note shall be placed on the final plat stating that any construction within areas of 33% or greater slope will require geotechnical engineering per IRC R403.7.7 and/or IRC 1805.3.1 or current adopted code.
5. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
6. All current and future landowners must comply with the International Fire Code.
7. 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.
8. Computer sheets shall be submitted with the final plat showing the closure of plat boundaries, blocks, lots or any tract. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
9. As KCC 17.30.055 requires, the final plat shall show a 200-foot buffer on all properties bordering or adjacent to properties zoned commercial forest.
10. 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.

11. According to the Public Health Department, individual final plat approval will be conditioned upon:
 - a. Completion of soil logs which meet the septic availability requirement;
 - b. Documentation from the State of Washington Department of Ecology verifying that the quantity of water required for the plat has been transferred;
 - c. Placement of all proposed wells and submittal of well logs showing yields consistent with the requirement above and require nitrate and bacteriological tests showing potability of that water.

12. All applicants for subdivision utilizing wells shall have a note placed on the face of the final mylars that states:
 - a. "The approval of this division of land included 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."

13. The Final Plat shall meet all requirements as listed in Chapter 16.20 of the Subdivision Code, as follows:

16.20.020 Final Plat General Information

- a. The final plat shall be drawn on polyester film in a neat and legible manner.
- b. The final plat shall be drawn to such a scale as to make a sheet eighteen inches by twenty-four inches. Should this size sheet unduly congest the drawing, the plat may be submitted on two or more sheets of the above dimensions. The perimeter of the subdivision shall be depicted with heavier lines than appear elsewhere on the plat. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch on the sides. The scale shall be one (1) inch equals two hundred (200) feet, or greater, unless otherwise approved by the director.
- c. All lettering shall be printed with permanent ink.
- d. Each sheet of the final plat shall contain the subdivisions name at the top of the sheet in large letters followed underneath with the section, township, range, county and state. The space for recording the receiving number is in the upper right hand corner, sheet numbers at the bottom of the sheets.
- e. It shall show all courses and distances necessary to re-stake any portion of said plat.
- f. Required monuments shall be shown together with a legend of monuments on the face of each plat sheet. (Ord. 2005-31, 2005)

16.20.040 Plat Drawing

- a. Section Data. All section, township, municipal and county lines lying within or adjacent to the subdivision;
 - b. Tie Monuments. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries;
 - c. Plat Monuments. The location of all permanent control monuments found or established within the subdivision;
 - d. Boundaries. The boundary of the subdivision, with complete bearings and lineal dimensions in heavier lines;
 - e. Bearing and Distances. The length and bearings of all straight lines, the radii, arcs, and central angles of all curves;
 - f. Lot Dimensions. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field;
 - g. Road Names. The location, width, centerline, and name or names or number of all streets within and adjoining the subdivision;
 - h. Easements. The location and width, shown with broken lines, and description of all easements. Easements may be described in the plat restrictions in lieu of being shown on the plat drawings;
 - i. Lot Numbers. Numbers assigned to all lots and blocks within the subdivision;
 - j. Adjacent Owners. Names of owners of land adjacent to the subdivision, and the names of any adjacent subdivisions;
 - k. Surrounding Area. All surrounding property shall be shown in dotted lines and letters with names of plats, roads, adjoining lots, canals, and etc., and if un-platted shall be so indicated;
 - l. Vicinity Maps. A vicinity map showing the boundary of the plat in relation to the surrounding area such as adjacent subdivisions, rivers, creeks, roads or highways, canals, etc. Minimum area shown would be the section or sections containing the platted area with a scale of approximately 4" = 1 mile;
 - m. Contours. Contour lines are not shown on a final plat as required on the preliminary plat;
 - n. Miscellaneous Items. North arrow, scale and legend of monuments to be shown on open area of sheets;
 - o. Grid Coordinates. A tie shall be made and shown on the plat if plat is within one mile of any such monument.
 - p. Well location. The drawings shall be marked with a "w" indicating location of the well and a broken line showing the one hundred foot radius around such.
 - q. Ditches. Location of existing ditches apparent or of record. (Ord. 2005-31, 2005)
14. 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 structures 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.
15. 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.

16. Private Road Improvements: Access shall be constructed to meet or exceed the conditions of a High-Density Private Road that serves 15-40 tax parcels. See current Kittitas County Road Standards, 9/6/05 edition.
 - a. Access easements shall be a minimum of 60' wide. The roadway shall have a minimum width of 22', with 1' shoulders, for a total width of 24'.
 - b. Minimum centerline radius shall be 60'.
 - c. Surface requirement BST/ACP.
 - d. Maximum grade is 12%.
 - 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 right-of-way.
17. 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 2009 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
18. Joint-Use Driveway: A joint-used 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.
19. 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 or 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.
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.
25. 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.
26. 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.
27. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precaution be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonable with the use and enjoyment of property, causing health impacts, or damaging property or business.

28. 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.”
29. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
30. Both sheets shall reflect the Plat number: LP-07-00015.
31. 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.
32. 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.
33. Approved water storage of 40,000 gallons, with a private fire hydrant system shall be installed. This amount may be reduced by 50% when the plat note requires residential sprinkler systems to be installed.
34. Water storage and hydrant spacing shall comply with the International Fire Code.
35. 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.
36. “No Parking-Fire Lane” signs must be posted per Fire Marshal requirements on all cul-de-sacs.
37. All bridges and gates across any private road shall be required to be permitted and certified.
38. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2009 International Fire and Building Codes.
39. A separate permit is required for any private water storage or hydrant system. The hydrant system shall be subject to plan review through the Fire Marshal’s Office and shall be subject to an annual Operational Permit.
40. Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on December 21, 2012. The following are the mitigation contained within the MDNS and shall be conditions of approval:

40.1 **Geotechnical**

- 40.1.1 **Geotechnical**: This proposed subdivision is located on an identified landslide. Prior to final plat approval, the applicant shall conduct additional geotechnical analysis to better understand the site conditions and projected impacts of the proposed development on the identified landslide area. Results of this additional analysis may result in changes to the plat layout, including changes to the number of lots, location of internal access roads, location of septic drain fields, location of stormwater facilities, and other site elements. The analysis shall include a report indicating subsurface condition through subsurface exploration and appropriate analysis indicating overall stability.
- 40.1.2 **Final Design**: If the final design of the project changes because of geotechnical constraints or other reasons, the project will be re-evaluated for road construction requirements. Alterations to these requirements will be discussed and agreed upon by Public Works and the applicant.

40.2 **Water and Septic**

- 40.2.1 To satisfy the water requirements of Kittitas County Public Health Department, this project must meet the potable water requirements for preliminary and final approval as outlined in Resolution No. 2010-082 dated 8-17-10. This resolution has been attached to the MDNS.
- 40.2.2 Soil logs must be performed prior to the Public Health Department recommending preliminary approval of the plat application. Once the soil logs are conducted and approved by the Public Health Department, the requirement for septic availability will have been satisfied. Soil logs were conducted on 10/13/11 and were satisfactory to the Public Health Department.

40.3 **Transportation**

- 40.3.1 **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 imported and/or exported 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.

40.4 **Stormwater**

- 40.4.1 Activities such as road widening, stump pulling and clearing grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.

40.4.2 **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 for review to Public Works 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.

40.5 Cultural Resources and Historic Preservation

40.5.1 The applicant shall immediately contact the Washington State Department of Archaeology & Historic Preservation, and the Yakama Nation 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.

40.6 Light and Aesthetics

40.6.1 All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

40.7 Noise

40.7.1 Development and construction practices during building of this project shall only occur between the hours of 7:00 am to 7:00 pm to minimize the effect of construction noise on nearby residential properties.

41. The following mitigation condition 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.

Dated this 22nd day of January, 2013.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp