BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

PRELIMINARY PLAT APPROVAL
TAMARACK RIDGE PRELIMINARY PLAT (LP-07-00018)

RESOLUTION

NO. 2013-_____

WHEREAS, according to Kittitas County Code Title 16, relating to Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing was held by the Kittitas County Hearing Examiner on January 10, 2013 for the purpose of considering a preliminary plat known as the Tamarack Ridge Plat and described as follows:

> *The division of 78.49 acres into a 37 lot performance based cluster plat subdivision. The subject property is located southwest of the town of South Cle Elum, south of Westside Road and north of South Cle Elum Ridge in portion of Section 1, T. 19 N., R. 14 E., W.M., Kittitas County, Washington. Assessor's map number: 19-14-01054-0007. Proponent: Stuart Vista LLC, landowner.*

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

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such platting; and,

WHEREAS, the Hearing Examiner recommended approval of said proposed preliminary plat; and,

WHEREAS, a closed record public hearing was held by the Board of County Commissioners on April 2, 2013 and continued to May 7, 2013 to consider the Hearing Examiner's recommendation on this matter; and,

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

1. The original request from Ivana Halvorsen, Barghausen Consulting Engineers of Kent WA, authorized agent for Stuart Vista LLC, landowners, applied for a 32-lot Performance Based Cluster Plat on approximately 50 acres of land that is zoned Rural-3. The project is proposed to be served by a public water system with individual septic systems or a

community drain field. Allison Kimball, Brookside Consulting of Cle Elum WA, authorized agent for Stuart Vista, LLC landowners, revised the application in November 2010, combining Tamarack Ridge Performance Based Cluster Plat (LP-07-00018) and Starlite Heights Performance Based Cluster Plat (LP-07-00016) into one project called Tamarack Ridge Performance Based Cluster Plat (LP-07-00018). The revised proposal is for a total 37 lots on 78.49 acres to be served by a Group A public water system with individual onsite septic systems or a community drain field. The project is proposed on a site zoned Rural-3.

2. The subject property is located southwest of the town of South Cle Elum, south of Westside Road and north of South Cle Elum Ridge in a portion of Section 1, T. 19 N., R 14 E., W.M., Kittitas County, Washington. Assessor's map numbers: 19-14-01054-0007.

3. The Kittitas County Comprehensive Plan's Land Use Element designates the subject property as Rural and the zoning this project is vested to is Rural 3 as it existed in 2007.

4. A complete long plat application was submitted to Community Development Services on April 10, 2007. The Notice of Application for the preliminary plat application was issued on October 31, 2007. 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 project was re-noticed on November 8, 2007. The last day to submit written comments was on November 26, 2007.

5. 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 October 30, 2009. The appeal period ended on November 13, 2009 at 5:00 p.m. No appeals were filed. Based upon the revised information received by Community Development Services and the revisions to the project, a new Mitigated Determination of Non-Significance (MDNS) was issued on December 21, 2012. The appeal period ended on January 7, 2013. No appeals were filed.

6. The Hearing Examiner hearing was held on January 10, 2013 at 6:00 p.m. Public comment was taken. On January 23, 2013 the Kittitas County Hearing Examiner recommended approval of the Tamarack Ridge Preliminary Plat LP-07-00018.

7. The Board of County Commissioners conducted a closed record meeting on April 2, 2013 for the purpose of considering the Tamarack Ridge Preliminary Plat (LP-07-00018). This closed record meeting was continued to May 7, 2013 where a motion was made and seconded that the preliminary plat be approved subject to additional conditions and changes to the Hearing Examiner's recommended conditions #13, 16, 17, 47.2.1, & 47.3.3 (see Exhibit A), the motion carried with a vote of 3-0.

8. The Board of County Commissioners finds that condition #13 of the Hearing Examiner's Recommended Conditions of Approval and Findings of Fact document (Exhibit A) contains a scrivener's error. The word "individual" shall be removed from this condition.

9. The Board of County Commissioners finds that the open space tracts must be owned in such a way to ensure that the County will not become the owner of these tracts. It is a requirement of the performance based cluster code that open space be provided, therefore it is an integral part of the approval for this project. Open space ownership, retention, and maintenance shall not be the responsibility of the County.

10. The Board of County Commissioners finds it is necessary for the trails and picnic areas to be built or bonded prior to final plat approval to ensure that this integral part of the Performance Based Cluster Code that allows for the density of this project is completed.

11. The Board of County Commissioners finds that in order to protect public health, safety and welfare, roads must be built or bonded at time of final approval. Conditions #16 & 17 in the Hearing Examiner's Recommended Conditions of Approval and Findings of Fact document (Exhibit A) have been re-written. These conditions will be replaced with the following:

    "17. Timing of Improvements: This application is subject to the latest revision of the Kittitas County Road Standards, dated 9/6/05, with the addition that roads must be improved prior to final approval. 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."

    "18. 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."

12. The Board of County Commissioners finds that in order to protect public health, safety and welfare, second access roads must be maintained year round.

13. The Board of County Commissioners finds that the revised SEPA checklist states that 150,000 cubic yards of grading is expected for road and lot construction. Based on the information available at this time, it is unknown where grading and filling will occur. Conditions #18, 47.2.1 & 47.3.4 in the Hearing Examiner's Recommended Conditions of Approval and Findings of Fact document (Exhibit A) provide for detailed filling and grading information that will allow Kittitas County to determine the activity's impact to wetlands and any additional mitigation if necessary. This information will be used in conjunction with the required supplemental wetland delineation report.

14. The Board of County Commissioners finds that an additional wetland delineation and mitigation plan is necessary prior to final plat approval because of the information provided by Department of Ecology in a January 10, 2013 letter to the Hearing Examiner. Per DOE, the wetlands are considered a part of a headwater wetland and spring complex. The additional condition will provide for further protection of this sensitive area.

15. The Board of County Commissioners finds that additional mitigation requirements are necessary to protect the wetland function and habitat in this sensitive area per the information and suggestions included in the DOE letter dated February 26, 2008.

16. The Board of County Commissioners find that condition of approval #47.2.1 in the Hearing Examiner's Recommended Conditions of Approval and Findings of Fact document (Exhibit A) shall be amended as follows to make it consistent with the timing of improvements as stated in condition #17.

> "48.2.1 On-site stormwater management that conforms to the specification 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 reviewed by the County Engineer prior to final plat approval. The certification shall be included with the road certification and is required prior to ~~the issuance of a building permit~~ final plat approval. 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."

17. The Board of County Commissioners find that condition of approval #47.3.3 in the Hearing Examiner's Recommended Conditions of Approval and Findings of Fact document (Exhibit A) is redundant and already addressed in condition of approval #48.b. Therefore condition of approval #47.3.3 shall be struck.

> "~~48.3.4 Road and plat lighting shall be installed prior to final plat approval to standards existing at the time of final plat approval. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.~~"

18. The Board of County Commissioners finds that additional conditions **are** necessary to protect the public's interest.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby grants preliminary plat approval to the **Tamarack Ridge Preliminary Plat** with the following conditions:

1. The open space tracts shall be proportionately owned and retained by each homeowner and will be assessed, taxed, and foreclosed upon each building lot. For final plat approval, proof of open space ownership meeting one of the options above must be provided or the open space tracts shall be bonded based upon a 10-year maintenance estimate provided by a licensed and/or bonded landscape professional.

2. The trails and picnic areas proposed and utilized as bonus density for this project shall be designed and provide a maintenance program established by a licensed and/or bonded landscape professional. Such plan shall be built or bonded for estimated cost of construction prior to final plat approval.

3. The second access shall be maintained to a standard accessible by passenger vehicles for year round emergency access.

4. A supplemental wetland delineation report shall be required once roadways and stormwater feature locations are finalized. A mitigation plan for any impacts to site wetlands, both direct and indirect (changes in surface or groundwater flow regime) shall be submitted and approved before final plat approval. No untreated stormwater shall be discharged to wetlands.

5. Provisions shall be included in the CC&Rs of this project that all lighting shall be directed away from wetland areas and no herbicides or pesticides shall be used within 200 feet of the wetland areas.

6. All trails and other recreation activities shall be kept on the outside (toward the upland) edge of required buffers when possible.

NOW THEREFORE,

BE IT HEREBY RESOLVED that the Kittitas County Board of Commissioners hereby grants approval of the Tamarack Ridge Preliminary Plat (LP-07-00018) and adopts the Kittitas County Land Use Hearing Examiner's Recommended Finds of Fact, Conclusions of Law, Decision and Conditions of Approval (Exhibit A) with the changes and additions stated above and the same hereby is, approved with the proposed development configuration (See Exhibit B).

DATED this _____ day of _____ , 2013 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

_____
Obie O'Brien, Chairman

_____
Paul Jewell, Vice Chairman

_____
Gary Berndt, Commissioner

ATTEST:
CLERK OF THE BOARD

_____
Julie A Kjorsvik

APPROVED AS TO FORM:

_____
Greg Zempel WSBA #19125

Exhibit "A"

KITTITAS COUNTY
LAND USE HEARING EXAMINER

IN THE MATTER OF	)	**RECOMMENDED FINDINGS OF**
	)	**FACT, CONCLUSIONS OF**
LP-07-00018	)	**LAW, DECISION AND**
Tamarack Ridge Preliminary 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

1. The original request from Ivana Halvorsen, Barghausen Consulting Engineers of Kent WA, authorized agent for Stuart Vista LLC, landowners, applied for a 32-lot Performance Based Cluster Plat on approximately 50 acres of land that is zoned Rural-3.The project is proposed to be served by a public water system with individual septic systems or a community drain field. Allison Kimball, Brookside Consulting of Cle Elum WA, authorized agent for Stuart Vista, LLC, landowners, revised the application in November 2010, combining Tamarack Ridge Performance Based Cluster Plat (LP-07-00018) and Starlite Heights Performance Based Cluster Plat (LP-07-00016) into one project called Tamarack Ridge Performance Based Cluster Plat (LP-07-00018). The revised proposal is for a total of 37 lots on 78.49 acres to be served by a Group A public water system with individual onsite septic systems or a community drain field. The project is proposed on a site zoned Rural-3. (Staff report)

2. The subject property is located southwest of the town of South Cle Elum, south of Westside Road and north of South Cle Elum Ridge in a portion of Section 1, T. 19 N., R 14 E., W.M, Kittitas County, Washington. Map number 19-14-01054-0007. (Staff report)

3. Site Information:

Total Project Size:	78.49 acres
Number of Lots:	37
Domestic Water:	Public 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: Residential
South: Residential
East: Residential
West: Residential
(Staff report)

5. Site Characteristics: Wetland is located on the property. The remainder of the property is hilly. (Staff report)

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

7. The subject property is zoned Rural-3. The minimum residential lot size shall be three acres in the Rural-3 zone. The overall density of any residential development shall not exceed one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting. (Staff report)

8. A complete long plat application was submitted to Community Development Services on April 10, 2007. The Notice of Application for the preliminary plat application was issued on October 31, 2007. 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 project was re-noticed on November 8, 2007. The last day to submit written comments was on November 26, 2007. (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 October 30, 2009. The appeal period ended on November 13, 2009 at 5:00 p.m. No appeals were filed. Based upon the revised information received by Community Development Services and the revisions to the project, a new Mitigated Determination of Non-Significance (MDNS) was issued on December 21, 2012. The appeal period ended on January 7, 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 public water system and private septic systems or community drainfields. Staff has conducted an administrative critical area review in accordance with KCC 17A and found significant critical areas which include wetlands and steep slopes. (Staff report)

11. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 Performance Based Cluster Plats. (Staff report)

12. This proposal is not consistent with the Kittitas County Subdivision Code for Preliminary Plats. The page size is too large. KCC 16.12 requires page sizes to be 18 x 24 inches, and the submitted pages are 24 x 36 inches. (Staff report)

13. All roads are required to meet all Kittitas County Road Standards as outlined in the December 6, 2011 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: Department of Ecology, Department of Archaeology & Historic Preservation, Fire District 7, Kittitas County Fire Marshal, Kittitas County Department of Public Works and Environmental Health, Washington Department of Fish and Wildlife, Bonneville Power Administration. These comments have been included as conditions of approval to address these agency concerns. (Staff report)

15. 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)

16. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)

17. The Kittitas County Community Development Services recommended approval of this permit(s), subject to the recommended conditions of approval. (Public hearing record)

18 An open record public hearing after due legal notice was held on January 10, 2013. (Open record public hearing)

19. Admitted into the record were the following exhibits:

    19.1 Exhibit 1: Long Plat Application dated April 10, 2007.
    19.2 Exhibit 2: SEPA Environmental Checklist dated April 11, 2007.
    19.3 Exhibit 3: Letter of incomplete application dated May 4, 2007.
    19.4 Exhibit 4: Comment letter and correspondence from Kittitas County Public Health Dept. dated May 7, 2007, October 12, 2009, October 27, 2009.
    19.5 Exhibit 5: Memo from Public Works dated October 23, 2007, November 14, 2007.
    19.6 Exhibit 6: Affidavit of Publication dated October 31, 2007.
    19.7 Exhibit 7: Notice of Application dated October 31, 2007.
    19.8 Exhibit 8a: Comment letter Russ Hobbs, Fire District 7 dated November 14, 2007.
    19.9 Exhibit 8b: Comment letter from BPA dated November 15, 2007.
    19.10 Exhibit 8c: Comment letter from DAHP dated November 15, 2007.
    19.11 Exhibit 9: Comments and correspondence from Dept. of Ecology September 23, 2007, November 14, 2007, November 15, 2007, February 26, 2008, September 16, 2009, October 27, 2009.
    19.12 Exhibit 10: Comments from WSDOT dated November 13, 2007.
    19.13 Exhibit 11: Email between Anna Nelson and WDFW dated August 5, 2009, September 4, 2009.
    19.14 Exhibit 12: Letter from applicant to Public Health dated October 21, 2009.

19.15 Exhibit 13: Correspondence between applicant and Katie Cote dated October 13, 2009, October 23, 2009, October 26, 2009.
19.16 Exhibit 14: Letter from applicant to Public Works dated October 23, 2009.
19.17 Exhibit 15: Email between Public Works and Katie Cote dated October 27, 2009.
19.18 Exhibit 16: Memo from Public Works dated October 27, 2009, October 28, 2009.
19.19 Exhibit 17: Email between Katie Cote and Building Department dated October 12, 2009.
19.20 Exhibit 18: Comment letter from Kittitas County Fire Marshal dated October 27, 2009.
19.21 Exhibit 19: SEPA Determination of Nonsignificance (DNS) dated October 30, 2009.
19.22 Exhibit 20: Notice of SEPA Action & Public Hearing dated October 30, 2009.
19.23 Exhibit 21: Letter from CDS to applicant dated October 30, 2009.
19.24 Exhibit 22: Affidavit of Mailing Notice dated June 24, 2009.
19.25 Exhibit 23: Hearing Examiner Staff Report dated November 19, 2009.
19.26 Exhibit 24: Meadow Springs, Starlite Estates, and Tamarack Ridge Wetland Report dated September 21, 2007.
19.27 Exhibit 25: Letter from Sapphire Skies to KC DPW (RE: use of water rights) dated July 21, 2009.
19.28 Exhibit 26: Letter from Sapphire Skies to Anna Nelson, GordonDerr LLP dated July 21, 2009.
19.29 Exhibit 27: Email from Catherine Reed (ECY) to Katie Cotie (KC CDS Contract Planner) dated October 27, 2009.
19.30 Exhibit 28: Comment Letter from KC Fire Marshal to Katie Cote (KC CDS) dated October 27, 2009.
19.31 Exhibit 29: Memorandum from KC DPW to KC CDS dated October 28, 2009.
19.32 Exhibit 30: Daily Record Affidavit of Publication – notice of SEPA action dated November 16, 2009.
19.33 Exhibit 31: Comment Letter from Theresa & Vaughn Bray to KC CDS dated November 16, 2009.
19.34 Exhibit 32: Comment Letter from Gene Harfst to KC CDS dated November 16, 2009.
19.35 Exhibit 33: Email Comment Letter from Chad Rupert to KC CDS dated November 17, 2009.
19.36 Exhibit 34: Comment Letter from George Tsoukalas to Hearing Examiner dated November 18, 2009.
19.37 Exhibit 35: Email Comment from Christine Collins (DOH) to Dan Valoff (KC CDS) dated November 19, 2009.
19.38 Exhibit 36: Email from Brookside Consulting to KC DPW & KC CDS (re: phasing plan and memo) dated November 19, 2009.
19.39 Exhibit 37: Hearing Examiner exhibits 1-16 from November 2009 hearing dated November 19, 2009.
19.40 Exhibit 38: Email from Mike Murphy to Dan Valoff (KC CDS) dated December 2, 2009.
19.41 Exhibit 39: Letter from Mike Murphy to Dan Valoff (KC CDS) dated December 3, 2009.
19.42 Exhibit 40: Letter from Mike Murphy to KC Board of County Commissioners dated December 9, 2009.
19.43 Exhibit 41: Kittitas County Board of County Commissioners Findings of Fact, Conclusions of Law and Decision re: staff open space interpretation dated April 6, 2010.
19.44 Exhibit 42: Letter from Dan Valoff (KC CDS) to Allison Kimball (Brookside Consulting) dated July 28, 2010.
19.45 Exhibit 43: Revised Traffic Impact Analysis – Meadow Springs and Tamarack Ridge dated November 2, 2010.

19.46 Exhibit 44: Revised SEPA environmental checklist for Tamarack Ridge & Meadow Springs – Revised November 2010.
19.47 Exhibit 45: Letter from Brookside Consulting to Dan Valoff (KC CDS) (re: Tamarack Ridge revisions) dated November 2, 2010.
19.48 Exhibit 46: Letter from Kittitas County Fire Marshal to Katie Cote (KC CDS) dated December 1, 2010.
19.49 Exhibit 47: Letter from Brookside Consulting to Dan Valoff (KC CDS) dated February 3, 2011.
19.50 Exhibit 48: Letter from KC DPW to Allison Kimball dated March 17, 2011.
19.51 Exhibit 49: Letter from Brookside Consulting to Christina Wollman (KC DPW) dated April 19, 2011.
19.52 Exhibit 50: Letter to Allison Kimball (Brookside Consulting) from Kirk Holmes (KC DPW) dated June 28, 2011.
19.53 Exhibit 51: KC CDS Boundary Line Adjustment Final Approval dated July 19, 2011.
19.54 Exhibit 52: Faxed letter from Mike Murphy to Kirk Holmes (KC DPW) dated August 10, 2011.
19.55 Exhibit 53: Letter to Allison Kimball (Brookside Consulting) from Dan Valoff (KC CDS) dated September 8, 2011.
19.56 Exhibit 54: Faxed letter from Groff Murphy, PLLC to Dan Valoff (KC CDS) dated September 14, 2011.
19.57 Exhibit 55: Mailed copy of Faxed letter from Groff Murphy, PLLC to Dan Valoff (KC CDS) dated September 19, 2011.
19.58 Exhibit 56: Archaeological Review & Inventory of the Tamarack Ridge Project July 3, 2011 dated October 7, 2011. **Not subject to public disclosure - RCW 42.56.300**
19.59 Exhibit 57: Letter from Brookside Consulting to Dan Valoff (KC CDS) dated October 7, 2011.
19.60 Exhibit 58: Letter from Kirk Holmes (KC DPW) to Mike Murphy (Groff Murphy, PLLC) dated October 17, 2011.
19.61 Exhibit 59: Letter from Brookside Consulting to Dan Valoff (KC CDS) dated November 22, 2011.
19.62 Exhibit 60: Memo from KC DPW to KC CDS dated December 6, 2011.
19.63 Exhibit 61: Letter from Brookside Consulting to Christina Wollman (KC DPW) dated January 26, 2011.
19.64 Exhibit 62: Memo from KC DPW to KC CDS dated February 13, 2012.
19.65 Exhibit 63: Letter from Doc Hansen (KC CDS) to Allison Kimball (Brookside Consulting) dated February 17, 2012.
19.66 Exhibit 64: Letter from Doc Hansen (KC CDS) to Brookside Consulting dated March 5, 2012.
19.67 Exhibit 65: Letter from Brookside Consulting to Doc Hansen (KC CDS) dated March 22, 2012.
19.68 Exhibit 66: SEPA MDNS dated December 21, 2012.
19.69 Exhibit 67: Notice of Decision SEPA Action & Public Hearing dated December 21, 2012.
19.70 Exhibit 68: Affidavit of Mailing & Publishing dated December 21, 2012.
19.71 Exhibit 68a: Aerial maps with project outline.
19.72 Exhibit 69: Returned mail – Notice of Decision SEPA Action & Public Hearing – SEPA MDNS dated December 27, 2012.
19.73 Exhibit 70: Returned mail – Notice of Decision SEPA Action & Public Hearing – SEPA MDNS dated December 27, 2012.

19.74 Exhibit 71: Email from Mike Hoban to Lindsey Ozbolt (KC CDS) dated December 28, 2012.
19.75 Exhibit 72: Email to John Marvin (Yakama Nation) from Lindsey Ozbolt (KC CDS) re: MDNS & Notice of SEPA Decision Action & Hearing dated January 3, 2013.
19.76 Exhibit 73: Returned mail – Notice of Decision SEPA Action & Public Hearing – SEPA MDNS dated January 3, 2013.
19.77 Exhibit 74: Comment Letter from KG Woods to Andrew Kottkamp (KC Hearing Examiner) dated January 3, 2013.
19.78 Exhibit 75: HE Staff Report for 1/10/13 hearing from KC CDS.
19.79 Exhibit 76: Meadow Springs & Tamarack Ridge Area Map – Imagery date 2010
19.80 Exhibit 77: Meadow Springs & Tamarack Ridge Area map – Imagery date July 10, 2012.
19.81 Exhibit 78: Tamarack Ridge – Preliminary Plat Map dated February 3, 2011.
19.82 Exhibit 79: Correspondence between CDS and applicant and BPA dated March 29, 2007, April 13, 2007, April 11, 2007.
19.83 Exhibit 80: Email between Public Works and applicant dated May 29, 2007.
19.84 Exhibit 81: Traffic Impact Analysis dated September 21, 2007.
19.85 Exhibit 82: Wetland Report dated September 21, 2007.
19.86 Exhibit 83: Comment from Deidre Link dated November 8, 2007.
19.87 Exhibit 84: Comment letter from Carol & Terry Brown dated November 14, 2007.
19.88 Exhibit 85: Comment letter from Thelma Simon dated November 15, 2007.
19.89 Exhibit 86: Comment letter from Mike & Karen Hoban dated November 15, 2007.
19.90 Exhibit 87: Comment letter from Paula Thompson dated November 15, 2007.
19.91 Exhibit 88: Comment letter from Cecile Wood dated November 14, 2007.
19.92 Exhibit 89: Comment letter from Melissa Bates dated November 15, 2007.
19.93 Exhibit 90: Comment letter from Stephen Hillinan dated November 15, 2007.
19.94 Exhibit 91: Comment letter from Jennifer Loomis dated November 15, 2007.
19.95 Exhibit 92: Comment letter from Dennis & Diana Burchak dated November 15, 2007.
19.96 Exhibit 93: Comment letter from Kevin & Debra Krause dated November 15, 2007.
19.97 Exhibit 94: Comment letter from Gene Harfst dated November 15, 2007.
19.98 Exhibit 95: Comment letter from Alan Runte dated November 15, 2007.
19.99 Exhibit 96: Comment letter from Mark Alfonso dated November 13, 2007.
19.100 Exhibit 97: Comment letter from Olga Staheli dated November 13, 2007.
19.101 Exhibit 98: Comment letter from Terri & Vaughn Bray dated November 14, 2007.
19.102 Exhibit 99: Comments from Katie Cote to CDS dated October 29, 2009.
19.103 Exhibit 100: Long Plat Application dated April 10, 2007.
19.104 Exhibit 101: SEPA Environmental Checklist dated April 11, 2007.
19.105 Exhibit 102: Letter of incomplete application dated May 4, 2007.
19.106 Exhibit 103: Comment letter and correspondence from Kittitas County Public Health Dept. dated May 7, 2007, October 12, 2009, October 27, 2009.
19.107 Exhibit 104: Memo from Public Works dated October 23, 2007, November 14, 2007.
19.108 Exhibit 105: Affidavit of Publication dated October 31, 2007.
19.109 Exhibit 106: Notice of Application dated October 31, 2007.
19.110 Exhibit 107: Comment letter Russ Hobbs, Fire District 7 dated November 14, 2007.
19.111 Exhibit 108: Comment letter from BPA dated November 15, 2007.
19.112 Exhibit 109: Comment letter from DAHP dated November 15, 2007.
19.113 Exhibit 110: Comments and correspondence from Dept. of Ecology dated September 23, 2007, November 14, 2007, November 15, 2007, February 26, 2008, September 16, 2009, October 27, 2009.

19.114 Exhibit 111: Comments from WSDOT dated November 13, 2007.
19.115 Exhibit 112: Email between Anna Nelson and WDFW dated August 5, 2009, September 4, 2009.
19.116 Exhibit 113: Letter from applicant to Public Health dated October 21, 2009.
19.117 Exhibit 114: Correspondence between applicant and Katie Cote dated October 13, 2009, October 23, 2009, October 26, 2009.
19.118 Exhibit 115: Letter from applicant to Public Works dated October 23, 2009.
19.119 Exhibit 116: Email between Public Works and Katie Cote dated October 27, 2009.
19.120 Exhibit 117: Memo from Public Works dated October 27, 2009, October 28, 2009.
19.121 Exhibit 118: Email between Katie Cote and Building Department dated October 12, 2009.
19.122 Exhibit 119: Comment letter from Kittitas County Fire Marshal dated October 27, 2009.
19.123 Exhibit 120: SEPA Determination of Nonsignificance (DNS) dated October 30. 2009.
19.124 Exhibit 121: Notice of SEPA Action & Public Hearing dated October 30, 2009.
19.125 Exhibit 122: Letter from CDS to applicant dated October 30, 2009.
19.126 Exhibit 123: Affidavit of Mailing Notice dated June 24, 2009.
19.127 Exhibit 124: Hearing Examiner Staff Report dated November 19, 2009.
19.128 Exhibit 125: January 10, 2013, letter from Catherine Reed to the Hearing Examiner.
19.129 Exhibit 126: 23-page document that begins with January 10, 2013, email from Lindsey Ozbolt to John Marvin and Doc Hanson.
19.130 Exhibit 127: 8-page document that begins with a January 3, 2013, letter from Phil Rigdon of the Yakama Nation to Kittitas County Community Development Services with an attached January 2, 2013, memorandum from John Marvin to Phil Rigdon regarding Tamarack Ridge, a January 2, 2013, memorandum from John Marvin to Phil Rigdon regarding Meadow Springs and a photocopy of the front of an envelope from the Yakama Nation to Kittitas County.
19.131 Exhibit 128: 4 pages of photocopies of "return to sender" envelopes to Henry Fraser, Yakama Nation Fisheries, Pal Ottesen, Kevin Krause and DeGramps Enterprises.
19.132 Exhibit 129: 3-page document beginning with an email from Lindsey Ozbolt to Diedre Link and an undated letter from Ms. Link to the Hearing Examiner.
19.133 Exhibit 130: PowerPoint presentation of Kittitas County Community Development staff to the Hearing Examiner.
19.134 Exhibit 131: Washington State Department of Ecology Permit No. G4-35251P.
19.135 Exhibit 132: Third Amendment to Trust Water Right Agreement dated April 8, 2011.
19.136 Exhibit 133: Email from Dan Valoff to Allison Kimball dated October 6, 2010.
19.137 Exhibit 134: Cathleen Woods' letter dated January 3, 2013, to the Hearing Examiner.
19.138 Exhibit 135: Folder of materials submitted by Catherine Clerf.
(Open record public hearing testimony)

20. Testifying in favor of the applicant was Sean Northrop. He testified that he is one of the property owners of the subject property. He incorporated all of his testimony set forth in the open record public hearing for LP-07-00015, Meadow Springs. (Open record public hearing testimony)

21. No member of the public testified in favor of the project. (Hearing Examiner finding based on the record)

22. Testifying in opposition to the project were the following individuals:

22.1 Steve Lind: The testimony of Steve Lind provided at the hearing for LP-07-00015, Meadow Springs, was incorporated into the record of this hearing by reference.

22.2 Melissa Bates: The testimony of Melissa Bates provided at the hearing for LP-07-00015, Meadow Springs, was incorporated into the record of this hearing by reference.

22.3 Cathleen Woods: The testimony of Cathleen Woods provided at the hearing for LP-07-00015, Meadow Springs, was incorporated into the record of this hearing by reference. She submitted Exhibit 134 which is referenced above.

22.4 Catherine Reed: The testimony of Catherine Reed provided at the hearing for LP-07-00015, Meadow Springs, was incorporated into the record of this hearing by reference. She preferred additional condition of approval contained within Exhibit 128.

22.5 Catherine Clerf: The testimony of Catherine Clerf provided at the hearing for LP-07-00015, Meadow Springs, was incorporated into the record of this hearing by reference. Ms. Clerf submitted Exhibit 135 referenced above.

22.6 Kevin Krause: The testimony of Kevin Krause provided at the hearing for LP-07-00015, Meadow Springs, was incorporated into the record of this hearing by reference.

22.7 Dennis Burchack: Mr. Burchack testified that not all of Fowler Creek Road is a 60-foot right-of-way. At some points it is only a 30-foot right-of-way.

(Open record public hearing testimony)

23. Michael Murphy, attorney for the applicant, submitted Exhibits 131, 132 and 133 referenced above. (Open record public hearing testimony)

24. The density bonus points are set forth in the Tamarack Ridge plat map coversheet. Tamarack Ridge is given bonus points as follows:

Transportation connectivity	25 points
Open space	0 points
Wildlife habitat	15 points
Health/safety (Group A well)	50 points
Recreation (Passive/Active)	15 points
Total points awarded	105 points

(Open record public hearing testimony)

25. The area is zoned Rural-3 which means minimum lot sizes are 3 acres. The project site is 78.49 acres which would allow for 26 lots. With the bonus density points of 105 (which results in 100% bonus density), the applicant is allowed 52 lots. The applicant is requesting 37 lots which is within the allowed density bonus for this performance based cluster plat. (Open record public hearing testimony)

26. 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)

27. 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)

28. 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)

29. 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-07-00018 Tamarack Ridge and LP-07-00016 Starlite 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 on file dated April 10, 2007, revised August 14, 2009, revised November 2, 2010, and all submitted revisions except as amended by the conditions herein.

3. The face of the final plat shall contain the following note: "The open space shall remain in perpetuity and cannot be further subdivided."

4. The Performance Based Cluster Platting conveyance instruments and the face of the final plat 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."

5. Open space acreage shall be shown on the final plat.

6. A certificate of title of the property proposed to be platted shall be submitted with the final plat.

7. 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.

8. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

9. All current and future landowners must comply with the International Fire Code.

10. 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.

11. 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.

12. 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.

13. 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 the require nitrate and bacteriological tests showing potability of that water.

14. 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."

15. 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)

16. 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.

17. 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.

18. Private Road Improvements: Stoneridge Drive and the road leading to Pasco Road 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. Design plans shall be approved by the County Engineer prior to construction. See current Kittitas County Road Standards, 9/6/05 edition.

Access roads that stem off the main road 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.

19. 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'.

    a. Minimum centerline radius shall be 60'.

    b. Surface requirement BST/ACP.

    c. Maximum grade is12%.

    d. Stopping site distance, reference AASHTO.

    e. Entering site distance, reference AASHTO.

    f. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.

    g. Any further subdivision or lots to be served by proposed access may result in further access requirements.

    h. 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.

    i. All easements shall provide for AASHTO radius at the intersection with a county road.

    j. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right-of-way.

20. Second Access: The second access is designated as Pasco Road. The second access will not require improvements if gated and used for emergencies only. If the road is not gated or the gate is opened at any point in the future, the requirements of the second scenario of the Meadow Springs Plat LP-07-00015 shall apply.

21. Cul-de-Sac: A cul-de-sac turn-around having an outside right-of-way or easement diameter of at least 110 feet shall be constructed at the closed end of all dead-end roads serving 3 or more lots. The driving surface shall be at least 96 feet in diameter. Cul-de-sacs must also conform to the requirements specified by the 2006 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.

22. Gates: Any gates shall be approved by the Fire Marshal.

23. Plat Notes: Plat notes shall reflect the following:

    a. Entire private road shall be inspected and certified by a civil engineer licensed in the State of Washington specifying that the road meets Kittitas County Road Standards as adopted September 6, 2005, prior to the issuance of a building permit. Any future subdivision or land use action will be reviewed under the most current road standards.

    b. 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.

    c. Maintenance of the access is the responsibility of the property owners who benefit from its use.

    d. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.

    e. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

    f. A public utility easement 10 feet in width is reserved along all lot lines. The 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation.

24. Plat Approvals: All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

    EXAMINED AND APPROVED
    This _____day of _____, A.D., 20___.
    _____
    Kittitas County Engineer

25. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

26. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.

27. 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.

28. 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.

29. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.

30. 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.

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. 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.

33. 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 the property.

34. 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."

35. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.

36. Both sheets shall reflect the Plat number: LP-07-00018.

37. 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.

38. 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.

39. The Washington Department of Archeology and Historic Preservation (DAHP), has stated that the area has the potential for archaeological resources: there are known sites nearby and the SEPA application indicates there is a historic homestead on the property (Pasco Homestead). 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 within the area and a large enough perimeter established in order to maintain the integrity of the site (*see* RCW 27.44 and RCW 27.53).

40. Design and construction must comply with Kittitas County Code, Kittitas County Zoning, the 2009 International Fire & Building Codes, and all other development agreements.

41. Given the provided pre-review documents, these residences will require fire flow of 1000 gpm, however, a reduction in fire flow requirements of 50 percent is allowed when the buildings are provided with an approved automatic sprinkler system.

42. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. A standpipe or hydrant system with an adequate source of water, a distribution system and adequate pressure for delivery shall be installed for this plat. Hydrant spacing shall comply with International Fire Code and its appendices' requirements.

43. A separate permit and deposit shall be required for installation of a hydrant/standpipe system.

44. If this is a gated community, approval for the gate and key box system is required.

45. No slope or grade greater than 12% shall be allowed.

46. Secondary access, as shown on the plat maps, shall meet minimum Kittitas County Road Standards, as well as the International Fire Code requirements.

47. 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 October 30, 2009. Based upon the revised information received by Community Development Services and the revisions to the project, a new Mitigated Determination of Non-Significance (MDNS) was issued on December 21, 2012. The following are the mitigation contained within the MDNS and shall be conditions of approval:

47.1 **Cultural Resources and Historic Preservation**

47.1.1 The Pasco Homestead properties have been identified by the Washington Department of Archaeology and Historic Preservation (DAHP) as a site with potential cultural resource significance. There is a potential for additional cultural resources on the site as well. A professional archaeological survey of the project area shall be conducted prior to any further ground disturbing activities. Prior to any additional moving of structures associated with the Pasco Homestead, this property shall be evaluated, and should include completion of a Historic Property Inventory.

47.2 **Stormwater**

47.2.1 On-site stormwater management that conforms to the specification 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-, 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 reviewed by the County Engineer prior to final plat approval. The certification shall be included with the road certification and is required prior to the issuance of a building permit.

47.3 **Transportation**

47.3.1 The Kittitas County Long-Range Transportation Plan designates a future corridor between Pasco Road and Westside Road, and Pasco Road and Woods and Steele Road. This project shall reserve the right-of-way designated as the 60' property access and utility easement that extends from Westside Road to Pasco Road for future public use. The right-of-way and easement shall be designed for the construction of a road with at least a 25 mph design speed. The right-of-way 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 brought to County public road standards and accepted onto the County road system by the Board of County Commissioners.

47.3.2 The second access to the proposed plat is planned to be located within the Bonneville Power Administration (BPA) easement. Based on BPA policies, adjustments to the road locations may be required. If the road locations are moved, Public Works shall review the new road locations for conformance to Kittitas County Road Standards existing at time of final plat approval to ensure a 25 mph design speed. All required approvals for the construction of the second access shall be obtained from the BPA and shall comply with all applicable conditions and restrictions contained within the easements of Bonneville Power Administration (BPA). Kittitas County Department of Public Works shall review such approval, and review the road for conformance with County Road Standards prior to final plat approval.

47.3.3 Road and plat lighting shall be installed prior to final plat approval to standards existing at the time of final plat approval. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

47.3.4 A grading plan shall be prepared by an engineer licensed in the State of Washington and provided to Public Works prior to site construction. If the amount of fill to be imported or exported from the site exceeds 10 cubic yards, a haul route and road condition analysis may be required prior to transport of any material. The haul route and road condition analysis shall be submitted to the County Engineer, and shall be reviewed by the County Engineer prior to transport of any material.

47.4 **Wetlands and Wildlife**

47.4.1 Prior to final plat approval, the Applicant shall provide a plan demonstrating wetland enhancement and mitigation of potential impacts described in Sewall Wetland Consulting, Inc., September 29, 2011 report. As described in the report, "there would be a potential impact to wetland hydrology if the subsurface groundwater table was intercepted" (page 3). Also, page 3 of the report is stated, "Another potential impact would be leakage through the bottom of the pond into the ground which would eventually seep to the south adding water to the wetland." Additionally, within the report it is stated that a small soil pile, currently un-vegetated, "should be removed from the buffer area" and "revegetated with grasses" and "be hydroseeded with a buffer seed mix to re-establish a grass cover with this buffer area." Such mitigation

shall provide additional water quality improvement function, wildlife habitat value, and increased plant species diversity, and such mitigation shall be verified by a wetland biologist prior to final plat approval.

47.4.2 If fencing is proposed for any lot of the Tamarack Ridge Performance Based Cluster Plat, it shall be a two-rail fence designed no greater than 42 inches in height in order to encourage wildlife presence and to facilitate wildlife passage.

47.5 **Noise**

47.5.1 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.

48. The following mitigated conditions from the SEPA Mitigated Determination of Non-Significance shall be noted on the face of the final plat and included in the Covenants, Conditions, and Restrictions (CC&Rs) document recorded with the final plat:

a. If fencing is proposed for any lot of the Tamarack Ridge Performance Based Cluster Plat, it shall be a two-rail fence designed no greater than 42 inches in height in order to encourage wildlife presence and to facilitate wildlife passage.

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

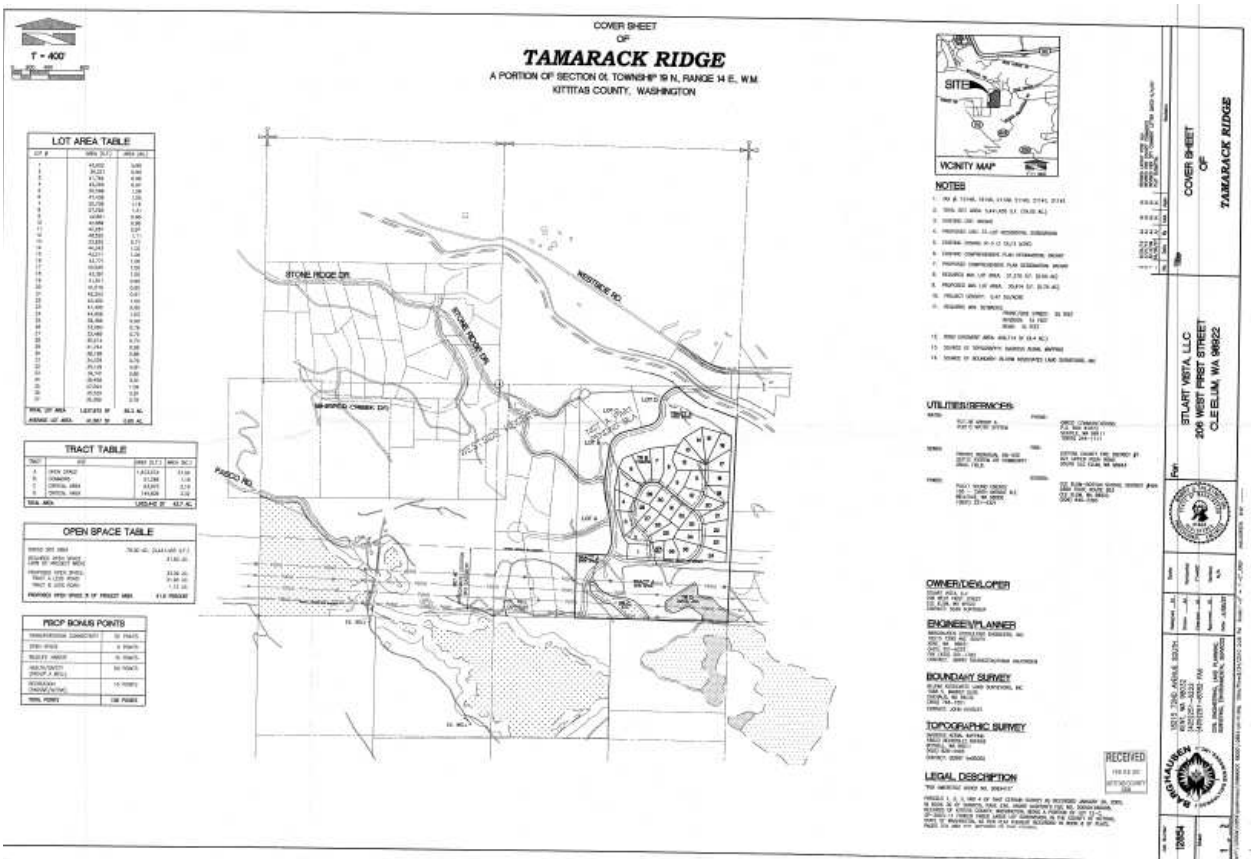
Dated this 23rd day of January, 2013.

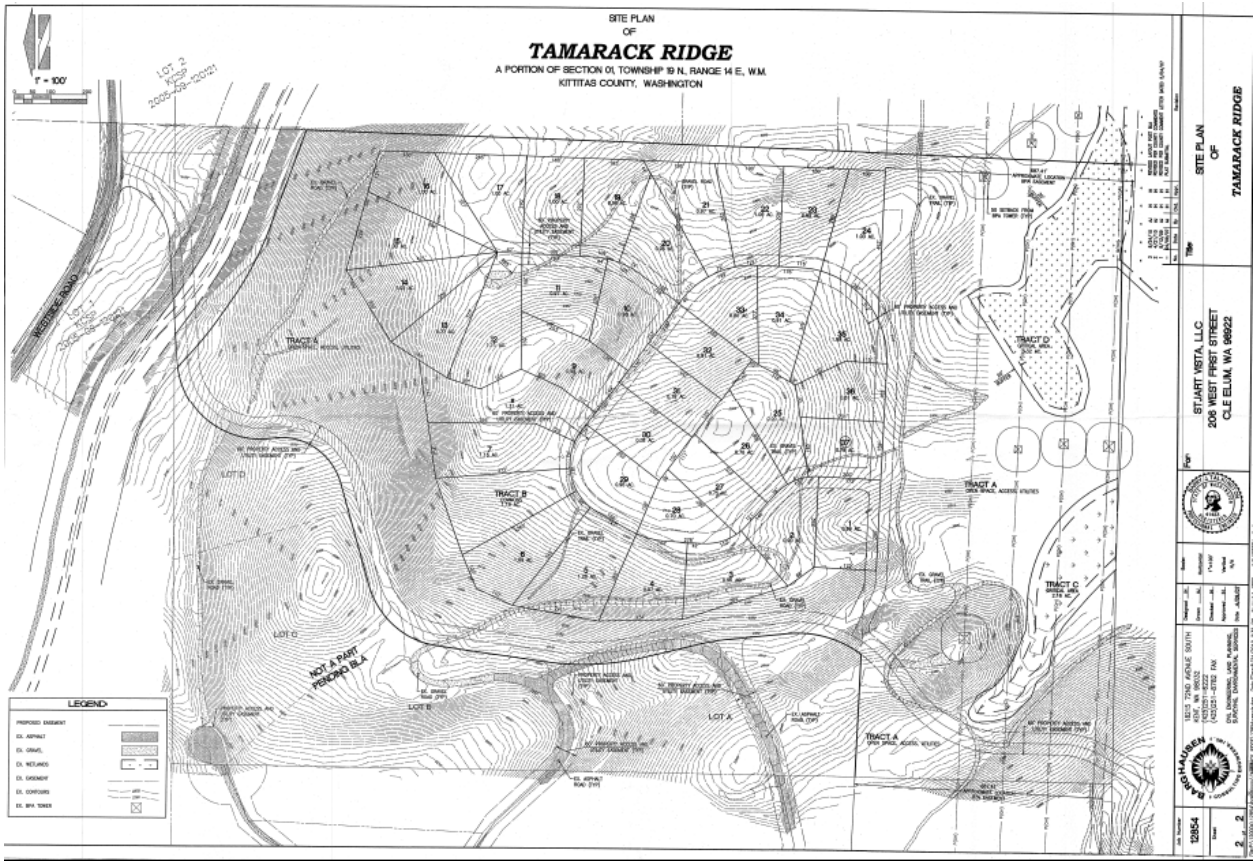
KITTITAS COUNTY HEARING EXAMINER

_____

Andrew L. Kottkamp

Exhibit "B"


COVER SHEET
OF
TAMARACK RIDGE
A PORTION OF SECTION 01, TOWNSHIP 19 N., RANGE 14 E., W.M.
KITTITAS COUNTY, WASHINGTON
1" = 400'
LOT AREA TABLE
TRACT TABLE
OPEN SPACE TABLE
PROP BONUS POINTS
STONE RIDGE DR.
RESERVOIR RD.
VICINITY MAP
SITE
NOTES
UTILITIES/SERVICES
OWNER/DEVLOPER
ENGINEER/PLANNER
BOUNDARY SURVEY
TOPOGRAPHIC SURVEY
LEGAL DESCRIPTION
RECEIVED
COVER SHEET
OF
TAMARACK RIDGE
STUART VISTA, LLC
206 WEST FIRST STREET
CLE ELUM, WA 98922


SITE PLAN
OF
TAMARACK RIDGE
A PORTION OF SECTION 01, TOWNSHIP 19 N, RANGE 14 E., W.M.
KITTITAS COUNTY, WASHINGTON
1" = 100'
WESTSIDE ROAD
TRACT A
TRACT B
TRACT C
TRACT D
LOT A
LOT B
LOT C
LOT D
NOT A PART PENDING BLA
LEGEND
PROPOSED EASEMENT
EX. ASPHALT
EX. GRAVEL
EX. WETLANDS
EX. EASEMENT
EX. CONTOURS
EX. BPA TOWER
SITE PLAN
OF
TAMARACK RIDGE
STUART VISTA, LLC
206 WEST FIRST STREET
CLE ELUM, WA 98922
BRUCKHAUSEN
12854