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**KITTITAS COUNTY
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**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

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| IN THE MATTER OF |) | RECOMMENDED FINDINGS OF |
| |) | FACT, CONCLUSIONS OF LAW, |
| P-08-09 |) | DECISION AND CONDITIONS |
| Lake Shore Meadows |) | OF APPROVAL |

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on September 11, 2008, 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. Arastou Maonjabez, landowner, has submitted a Preliminary Plat application to subdivide approximately 31.04 acres into 14-lots on land that is currently zoned Rural 3. (Application materials)
2. The applicant is Arastou Monjabez, 13817 NE 20th St., Bellevue, WA 98005. (Application materials)
3. The proposed lot sizes range from 0.50 acres to 0.69 acres. The project is proposed to be served by a Group B water system and individual septic and community drain fields. (Application materials)
4. The property is located off of Salmon La Sac Road south of Anna Bell Drive, Ronald, WA in a portion of Section 21, T21N, R14E, WM in Kittitas County. Map number 21-14-21000-0006. The subject property is located on the east bank of Lake Cle Elum which is a designated shoreline of the state under the Kittitas County Shoreline Master program. (Application materials)
5. Site Information:

| | |
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| Total Project Size: | 31.04 acres |
| Number of Lots: | 14 |
| Zoning district | Rural 3 |
| Domestic Water: | Group B community system |
| Sewage Disposal: | On-site community septic system |

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|----------------------|---------------------------------|
| Power/Electricity: | Puget Sound Energy |
| Fire Protection: | Outside Fire District #6 (WUIC) |
| Irrigation District: | Not applicable |

(Application materials)

6. Site Characteristics: There are areas of hills and valleys on the property with portions of the property exceeding 30% slope. There is evidence that the land has been logged in the past 10-years. The property is adjacent to Lake Cle Elum however there is limited direct access to the shoreline. (Application materials)
7. Surrounding Property (from staff report):
 - North: Vacant
 - South: Residential
 - East: Vacant
 - West: Lake Cle Elum
8. The Comprehensive Plan designation is Rural. (Staff report)
9. The subject property is zoned Rural 3, which allows for Performance Based Cluster Plats of this size. (Staff report)
10. A long plat and shoreline substantial development permit application was submitted to Community Development Services on February 13, 2008 and was determined complete upon receipt of the Affidavit of Posting on April 3, 2008. The Notice of Application for the preliminary plat application was issued on July 1, 2008. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on July 15, 2008. (Staff report)
11. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed by the applicant and returned to the planner and is included as part of the record. (Staff report and application of publication)
12. Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on April 23, 2008 as part of the Shoreline Substantial Development permit in accordance with WAC 197-11-355 (Optional DNS process). There were no appeals filed. (Staff report)
13. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. Adequate provisions will be provided to minimize impacts to the

adjacent shoreline of Lake Cle Elum. The lots will be served by a Group B community water system and community drain fields. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found that portions of the site have areas of steep slopes. (These findings made by Hearing Examiner are based on a review of application materials, staff report, agency comments and public testimony and comments at the September 11, 2008, open record public hearing)

14. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats. (Application material and staff report)
15. The Kittitas County Department of Public Works has identified that Salmon La Sac Road is classified as a Collector. The road is required to meet all Kittitas County Road Standards as outlined in the memorandum issued by the Department of Public Works prior to issuance of a building permit. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Staff report)
16. The following agencies provided comments during the comment period: Department of Ecology, Yakama Nation, Washington State Department of Archaeology & Historic Preservation, U.S. Forest Service, Kittitas County Department of Public Works, Washington State Department of Health, and Kittitas County Environmental Health. These comments have been included as conditions of approval to address these agency concerns. (Staff report)
17. A SEPA Mitigated Determination of Nonsignificance (MDNS) was issued by Community Development Services on April 23, 2008. (Staff report)
18. 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)
19. This Application was found to be Technically Complete as required by law. (Staff report)
20. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing)
21. The Kittitas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval. (Staff report and public hearing)
22. Public hearing after due legal notice was held on September 11, 2008. Appearing and testifying on behalf of the applicant was Noah Goodrich. Mr. Goodrich testified that

he was an agent of the applicant, authorized to appear and speak on the applicant's behalf. Mr. Goodrich testified that the project area is now within a contracted area with Fire District #7. Exhibit 1 was admitted into the record which was a new map of this contract area. (Public hearing)

23. Exhibit 2 was admitted into the record through the testimony of Mr. Goodrich. Exhibit 2 were copies of a power point presentation made by Mr. Goodrich. Mr. Goodrich testified that the applicant agreed with all the representations contained within the staff report and would comply with all suggested mitigation measures and recommended conditions of approval. (Public hearing)
24. The applicant is entitled to 101 density bonus points pursuant to the Kittitas County Code. The applicant is entitled to 41 points for open space as the total acreage is 31.04 acres and the open space is 23.11 acres and the development area is 7.93 acres. (Staff report; testimony of Noah Goodrich)
25. The applicant is entitled to 25 points for a Class B water system. (Staff report; testimony of Noah Goodrich)
26. The applicant is entitled to 10 points for utilization of a community septic system. (Staff report; testimony of Noah Goodrich)
27. The applicant is entitled to 10 points due to buffer enhancements within the project area. (Staff report; testimony of Noah Goodrich)
28. The applicant is entitled to 10 points for active recreation opportunities within the project area. (Staff report; testimony of Noah Goodrich)
29. The applicant is entitled to 5 points for passive recreation activities within the application area. (Staff report; testimony of Noah Goodrich)
30. No member of the public testified in favor of the project. (Public hearing)
31. Testifying in opposition to the project was James Boyle of Ronald, Washington. Mr. Boyle submitted Exhibit 3 which was admitted into the record which was a letter from Mr. Boyle to the Kittitas County Hearing Examiner. Also admitted into the record was Exhibit 4 which was an announcement by the Kittitas County Community Development Services dated March 4, 2008. (Public hearing)
32. Mr. Boyle's primary concerns were the memorandum of agreement discussed in his letter and concerns about enforcement of the volume limitations placed upon a Group B well. He also indicated that there was an appeal pending before the Eastern Washington Growth Management Hearing Board but that a requested stay of

Performance Based Cluster Plats had not been issued by the Kittitas County Superior Court. Mr. Boyle requested that the Hearing Examiner issue his own stay on this particular project, pending resolution of the appeal. (Public hearing)

33. Also testifying in opposition to the project was Deidre Link. Admitted as Exhibit 5 into the record following Ms. Link's testimony was a letter dated August 12, 2008, with handwritten notes. Ms. Link's primary concerns related to water and septic issues as well as the cumulative impact this project would have along with other developments on the project area and adjacent properties. She also testified that the Eastern Washington Growth Management Hearing Board had found Performance Based Cluster Plats invalid in the R-3 zoning districts but that an appeal on that decision was pending. Ms. Link testified that the impact of alternative heating for the homes to be built, which may include wood stoves, will degrade air quality due to inversions in the area that are common. Ms. Link testified that there was no water study that was ongoing in this area and therefore homeowners were at risk as to water availability. Also admitted into the record was Exhibit 6 which were handwritten notes regarding Ms. Link's testimony. (Public hearing)
34. Also testifying in opposition to the project was Dr. Bonnie Reay. Dr. Reay is a member of the Cle Elum City Council. Dr. Reay has a passion with Lake Cle Elum and preservation of its water, fish and wildlife. Her primary concerns regarding this project related to noise, air and water quality, increased traffic and general safety issues. (Public hearing)
35. Also testifying in opposition to the project was Jan Sharar of Ellensburg. Ms. Sharar testified as to her community involvement and prior work experience with the Kittitas County Planning Department. She testified as to concerns regarding fire protection, the metering of the water, maintenance of any signage and development of neighboring property. She also testified that the Mitigated Determination of Nonsignificance discussed that the 100-foot setback "shall" be delineated. She was critical of proposed Condition of Approval No. 15 that discussed an easement over the right-of-way instead of having designated right-of-way. She also testified as to a general criticism of Kittitas County regarding certain prior actions. (Public hearing)
36. Also testifying in opposition to the project was Catherine Clerf. Ms. Clerf testified as to her local community involvement and longstanding family history within Kittitas County. Ms. Clerf was critical of the SEPA Checklist submitted by the applicant that was accepted by Kittitas County Planning staff in that the Checklist did not mention salmonids or eagles. She also testified that with the availability of potential accessory units, that there could be actually 28 individual residence units throughout the entire project. She testified that vacation homes would not count towards population growth and that there were significant fire issues for this property in that the fire protection were by volunteer firemen and that there would be only one access to this

property. She questioned why there was not a traffic study and testified that she believed that there was no water right and that there would need to be a Class A water system with individual meters on each home. (Public hearing)

37. In rebuttal, the applicant's representative, Noah Goodrich, testified that there would be no accessory dwelling units and described how he filled out the SEPA Checklist. He indicated that the applicant had no objection to a condition of approval that would require metering of the well heads and metering at the individual residences. (Public hearing)
38. The uncontroverted testimony was that the Eastern Washington Growth Management Hearing Board has issued a decision that invalidated Performance Based Cluster Plats within R-3 Comprehensive Plan and Zoning designation districts. However, no court has entered a stay or any other order prohibiting the processing of or a Hearing Examiner decision regarding such Performance Based Cluster Plat applications in the R-3 Zoning and Comprehensive Plan districts within Kittitas County. Accordingly, the Hearing Examiner shall consider and render a recommended decision on this application. (Public hearing and Hearing Examiner finding)
39. 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. (Staff report, application materials and findings of the Hearing Examiner based upon the staff report, application materials, agency comments and consideration of all public comments and testimony)
40. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval. (Staff report, application materials and findings of the Hearing Examiner based upon the staff report, application materials, agency comments and consideration of all public comments and testimony)
41. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities. (Staff report, application materials and findings of the Hearing Examiner based upon the staff report, application materials, agency comments and consideration of all public comments and testimony)
42. Any conclusion of law that is more correctly a finding of fact is hereby incorporated as such by this reference.

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to conduct an open record public hearing on this matter and to make recommended findings of fact, conclusions of law, decision and conditions of approval to the Kittitas County Board of Commissioners.
2. The Hearing Examiner is without authority to issue his own stay on consideration of Performance Based Cluster Plat applications in R-3 Zoning and Comprehensive Plan districts.
3. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
5. Public use and interest will be served by approval of this proposal.
6. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, Title 12 Roads and Bridges, and the Kittitas County Shoreline Master Program.
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 Findings of Fact and Conclusions of Law, Application P-08-09, Lake Shore Meadows, is hereby **APPROVED** subject to the following 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 February 13, 2008 except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. All current and future landowners must comply with the International Urban-Wildland Interface Code.
5. It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.
6. Based on the comments received during the public comment period and other information submitted with this project permit application, a SEPA Mitigated Determination of Nonsignificance (MDNS) was issued by Community Development Services on April 23, 2008. The following are the mitigations contained within the MDNS and shall be conditions of approval:

I. Transportation

- A. The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the department of Public Works.

II. Air

- A. If the applicant plans to burn trees or debris from the property, the applicant shall obtain a burn permit from the Department of Ecology. Only natural, unprocessed vegetation may be burned in an outdoor fire. It is the applicant's responsibility to contact the Department of Ecology regarding this permit.
- B. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the project site. Additionally, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts or damaging property or business. As a result, the applicant shall be responsible for creating a site-specific Fugitive Dust Control

Plan (FDCP) before starting this project. The plan shall be followed throughout the duration of any activity and construction of the project.

III. Water

- A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to 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.
- B. Stormwater and surface runoff generated from this project shall be retained and treated onsite and shall not be allowed to flow into County road right-of-ways.
- C. Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.
- D. The applicant will develop a Class "B" water system for the project. The Group B water system will be designed by a licensed engineer and approved by the Washington State Department of Health.
- E. The Lake Shore Meadows Preliminary Plat (P-08-09) shall be considered as one project and therefore shall be limited to one groundwater withdrawal exemption for all 14 proposed lots combined. The cumulative groundwater withdrawal of all lots combined shall not exceed the 5,000 gallon per day exemption limit set forth by the Department of Ecology.
- F. Washington Administrative Code (WAC) 173-150 provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If the water supply in the project area becomes limited, the applicant's use could be curtailed by those with senior water rights.

IV. Land and Shoreline use

- A. Per KCC 17.30.080, setbacks shall be enforced for residences, accessory buildings, and on-site septic systems constructed or placed on shorelines or flood plains, particularly 100 feet (measured horizontally) from the ordinary high water mark (OHWM) or line of vegetation for lots abutting the shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act. Per this project, the 100 foot setback from Lake Cle Elum shall be delineated on the final plat.
- B. The location of the 100-year floodplain shall be delineated on the final plat map and a plat note shall be placed stating that "Portions of the

subject area are located within the 100-year floodplain, all development will need to comply with KCC 17A (Critical Areas) and KCC 14.08 (Flood Damage Prevention).

- C. The applicant shall ensure that the private landowners do not trespass on the abutting National Forest Service System Land. A Licensed Professional Land surveyor shall identify the private property boundary from the National Forest System Lands. Appropriate signage shall be installed by the applicant to identify the boundary of the private lands from the National Forest Systems Lands.

V. Historic and Cultural preservation

- A. Prior to any ground disturbing activities the applicant shall prepare a professional archaeological/cultural resource survey of the entire area. The applicant shall consult with the Yakama Nation cultural committees and staff regarding the cultural resource issues. The final archaeological/cultural resource survey shall be submitted to Kittitas County Community Development Services prior to final plat approval.
- B. An excavation permit from the Washington State Department of Archaeology & Historic Preservation in accordance with RCW 27.53 shall be obtained by the developer and submitted to Kittitas County Community Development Services prior to final plat approval.
- C. The applicant shall immediately contact the Washington State Department of Archaeology & Historic Preservation, and the Yakima 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.

VI. Light and Aesthetics

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

VII. Noise

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

- 7. 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.

8. Proof of potable water must be shown prior to final plat approval.
9. For final approval of an individual well, the submittal of well logs or a hydrogeological report with documentation/evidence to support the claim regarding adequate availability of groundwater for the proposed number of potable water wells is required. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed Hydrogeologist.
10. All applicants for subdivision utilizing wells shall have a note placed on the face of the final mylar that states: "Kittitas County relies on its record that a supply of potable water exists. The approval of this division of land includes no guarantee or assurance that there is a legal right to withdraw groundwater within the land division."
11. The Final Plat shall meet all requirements as listed in Chapter 16.20 of the Subdivision Code; including content, format, etc. The following items will be required on the Final Plat Submittal:
 - a. Adjacent Property Owners: The adjacent property owners and surrounding properties shall be on the face of the final short plat. (K.C.C.16.20.040, 10, Plat drawing, Adjacent Owners).
 - b. 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. (K.C.C.16.20.040, 11, Plat drawing, Surrounding Area).
12. 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.
13. The portion of Easement 'Q' that passes through Lot F shall be recorded prior to final approval.
14. The easement serving Lot E-11 shall be described on the plat.
15. Lot E-2 shall be accessed from the cul-de-sac.
16. The 20' and 40' access easements shall be labeled as access for Lots E-3 and E-4 only. The 40' easement may be reduced to a 20' easement as required for a joint-use driveway.

17. Salmon La Sac Road shall be labeled as a 100' easement rather than a 100' R/W.
18. Access from Salmon La Sac to both cul-de-sacs 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.
19. A cul-de-sac turn-around having an outside right-of-way easement diameter of at least 110 feet shall be constructed at the closed end of all dead-end roads serving 3 or more lots. The driving surface shall be at least 96 feet in diameter. Cul-de-sacs must also conform to the requirements specified by the 2006 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
20. A joint-use access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
 - a. Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.
 - b. The surface requirement is for a minimum gravel surface depth of 6".
 - c. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - d. Any further subdivision or lots to be served by proposed access may result in further access requirements.

21. A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.
 - a. The roadway shall be a minimum of 8' wide with gravel surface.
 - b. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - c. Any further subdivision or lots to be served by proposed access may result in further access requirements.
22. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
23. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
24. 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.
25. 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.
26. Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
27. Private roads shall meet the following conditions:
 - a. Private roads shall meet the minimum access requirements of the International Fire Code as adopted by the County, and
 - b. Shall be designed and constructed in conformance with AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400) 2001, as now exists or hereafter amended, and
 - c. Shall be inspected and certified by a licensed professional engineer for conformance with the above referenced standards. In the alternative, an applicant may request the private roadway to be inspected and subject to the approval of the Public Works Director. If certification by the public Works Director/County Engineer is desired, submission of road plans and necessary testing documentation that confirms compliance with Kittitas County Road Standards is required, and services will be performed on a reimbursable basis, and
 - d. Permanently established by an easement recorded with the Kittitas County Auditor or right-of-way, providing legal access to each affected lot, dwelling unit, or business, and
 - e. Will not result in land locking of existing or proposed parcels, and

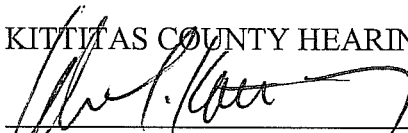
- f. Maintained by the developer or legally responsible owner or homeowners' association or other legal entity made up of all benefited property owners, under the provisions of an acceptable and recorded "Private Road Maintenance Agreement", and
- g. Clearly described on the face of the plat, short plat, or other development authorization and clearly signed at street location as a private street or road, for the maintenance of which Kittitas County is not responsible and a disclosure statement of the same is filed with the County Auditor, and
- h. The following note shall be placed on the face of the plat, short plat, or other development authorization:

Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.

- 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 reseeded of areas disturbed by development to preclude the proliferation of noxious weeds."
- 29. Final mylar shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
- 30. Both sheets shall reflect the Plat number P-08-09.
- 31. There shall be no accessory residential structures allowed on any of the subject properties.
- 32. The applicant shall install a meter to record gross daily use from any well on the subject property as well as additional meters at the individual homes to document their individual daily use and to insure that each individual home does not exceed 350 gallons of water from the well per day. The volume of water used from the well shall not exceed 5,000 gallons per day for the entire project area.

Dated this 25th day of September, 2008.

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp