

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF
P-07-59)	LAW, DECISION AND
C.I.G. Preliminary Plat)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on December 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. Cascade Investment Group LLC authorized agent for Jeffrey Ryberg & Scott Erickson, landowners, has submitted a Long Plat application to subdivide approximately 20 acres into six (6) lots on land that is currently zoned Rural-3. (Staff report and application materials)
2. The contact person and authorized agent is Richard Warlick, Cascade Investment Group LLC, 9801 178th Ave SE, Renton, WA 98059. The land owners of record are Jeffrey Ryberg and Scott Ericksen, 9928 171st Ave SE, Newcastle, WA 98059. (Application materials)
3. The proposed lot sizes range from 3.00 acres to 4.48 acres. The project is proposed to be served individual wells and individual on-site septic systems. (Staff report and application materials)
4. The property is located north of the Town of Ronald, east of Salmon La Sac Road off of Anna Bell Road, Ronald, WA 98940, located in a portion of the northwest quarter of Section 16, T21N R14E, W.M. in Kittitas County. Map number: 21-14-16000-0005. (Staff report and application materials)

5. Site Information:

Total Project Size:	20 acres
Number of Lots:	6
Zoning district	Rural 3
Domestic Water:	Individual wells
Sewage Disposal:	Individual on-site septic system
Power/Electricity:	Puget Sound Energy
Fire Protection:	Outside Fire District #6 (WUIC)
Irrigation District:	Not applicable

(Staff report and application materials)

6. Site Characteristics: The area is forested and relatively steep with portions of the property exceeding 30% slope. There is evidence that the land has been logged in the past 10-years. (Staff report and application materials)

7. Surrounding Property:

<u>North:</u>	Vacant
<u>South:</u>	Vacant
<u>East:</u>	Vacant
<u>West:</u>	Vacant

(Staff report)

8. The Comprehensive Plan designation is Rural. (Hearing Examiner finding based on the record)
9. The subject property is zoned Rural 3, which allows for one residential unit per 3 acres. (Hearing Examiner finding based on the record)
10. A long plat application was submitted to Community Development Services on November 15, 2007 and deemed complete for processing on July 10, 2008. The Notice of Application for the preliminary plat application was issued on July 25, 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 August 11, 2008. (Staff report and application materials)
11. The application is categorically exempt from review under the State Environmental Policy Act pursuant to KCC 15.04.090 and WAC 197.11-800 (1)(c)(i). (Hearing Examiner finding based on the record)
12. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by individual wells and individual on-site

septic systems. 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. (Staff report and Hearing Examiner finding based on the record)

13. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats. (Staff report and Hearing Examiner finding based on the record)
14. 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 and Public Works Department comments)

15. The following agencies provided comments during the comment period: Department of Ecology, Yakama Nation, Kittitas County Department of Public Works, Kittitas County Environmental Health and Kittitas County Fire & Rescue 7. These comments have been included as conditions of approval to address these agency concerns. (Staff report)
16. Public and agency comments that were received were considered by the Hearing Examiner in rendering this Decision and forming Conditions of Approval. (Hearing Examiner finding based on the record)
17. This Application was found to be Technically Complete as required by law. (Staff report)
18. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)
19. The Kittitas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval. (Public hearing record)
20. Public hearing after due legal notice was held on December 11, 2008. Appearing and testifying on behalf of the applicant was Noah Goodrich. Mr. Goodrich testified that he was an agent authorized to appear and speak on behalf of the applicant. Further, Mr. Goodrich testified that there would be no variances necessary for the construction of any single family residences and/or accessory structures on any of the proposed lots. Mr. Goodrich testified that the applicant had no objection with any of the proposed conditions of approval. Exhibit No. 1 was admitted into the record. This exhibit is the contract for services with Fire District # 7. (Public hearing record)

21. There was no member of the public who testified at the hearing. (Hearing Examiner finding based on the record)
22. 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)
23. 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)
24. 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)
25. 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 P-07-59, C.I.G. 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 November 15, 2007 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. Prior to any ground disturbing activities on the subject property, the applicant shall consult with the Yakama Nation on a professional archaeological survey to protect any and all archaeological resources. Proof of consultation shall be submitted to Community Development Services prior to final approval. If, during consultation

with the Yakama Nation, it is determined that an archaeological survey is required, a copy of the completed survey shall be submitted to Community Development Services prior to final approval.

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, the submittal of well logs or a hydrogeological report with documentation/evidence to support the claim regarding adequate availability of groundwater is required. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed Hydrogeologist.
10. Individual wells will be required to be metered and water use data shall be recorded by the property owners.
11. 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 includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provided 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. *“The C.I.G. Plat No. P-07-59 currently has 5000 gallons of water per day for domestic-use from the exemption. Each parcel will receive 833 gallons per day.”*
12. 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).

13. Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with current Kittitas County Road Standards, 9/6/05 edition. Kittitas County Public Works shall require this road certification to be completed prior to the issuance of a building permit for any of the structures within the proposed plat.
14. The entire access from the plat to Salmon La Sac Road shall be shown on the plat, or the vicinity map improved. Anna Bell Drive shall be identified on the face of the plat.
15. Access from Salmon La Sac Road to the hammerhead 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.
16. The applicant is allowed through Road Variance RV-08-13 to construct a hammerhead at the end of the road instead of a cul-de-sac. Hammerheads must also conform to the requirements specified by the 2006 International Fire Code. Contact the Fire Marshal regarding any additional hammerhead requirements.
17. 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.
18. 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.
19. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
20. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
21. 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.
22. 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.
23. The applicant shall be required to contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
24. 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

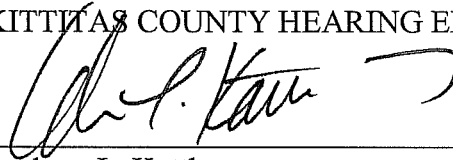
- c. Shall be inspected and certified by a licensed professional engineer for conformance with the above referenced standards. In the alternative, an applicant may request the private roadway to be inspected and subject to the approval of the Public Works Director. If certification by the public Works 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."

- 25. 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."
- 26. Final mylars shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
- 27. Both sheets shall reflect the Plat number: P-07-59.

Dated this 24th day of December, 2008.

KITTITAS COUNTY HEARING EXAMINER

A handwritten signature in black ink, appearing to read "A. L. Kottkamp", with a stylized flourish at the end.

Andrew L. Kottkamp