

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF
LP-09-00005)	LAW, DECISION AND
Sturgis Preliminary Plat)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on November 19, 2009, 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. Chuck Cruse, authorized agent for the Henley Group, Inc, landowner, has submitted a Preliminary Plat application to subdivide approximately 49.48 acres into 9 lots on land that is currently zoned AG-5. (Staff report)
2. The applicant is The Henley Group, Ltd., Inc., 10036 Valmay Avenue, NW, Seattle, WA 98177. (Application materials)
3. The proposed lot sizes range from 5.00 acres to 9.48 acres. The project is proposed to be served individual domestic wells and individual onsite septic systems. (Staff report)
4. The property is located 12 miles east of Cle Elum, off Highway 97 at Bettas Road and Low Road. The parcel is located in a portion of Section 9 and Section 4, all in T 19N, R 17E, W.M. Kittitas County, Washington. Tax parcels 19-17-04051-0001 and 19-17-0451-0002. (Staff report)

5. Site Information:

Total Project Size:	49.48 acres
Number of Lots:	9
Domestic Water:	Individual wells
Sewage Disposal:	Individual on-site septic system
Power/Electricity:	Puget Sound Energy
Fire Protection:	Outside of Fire District, Urban Wildland Interface Code applies.
Irrigation District:	Not applicable

 (Staff report)

6. Site Characteristics: The area is generally open with flat portions, rolling hills, and some areas of steeper slopes. There are some portions of forested area. There are no indications or history of unstable soils in the immediate vicinity. A manmade pond and Horse Creek, a Type 5 Water, are located in the south and southeast portions of the site. (Staff report)

7. Surrounding Properties:
 - a. North: Vacant, Zoned AG-20
 - b. South: Vacant, Zoned AG-5
 - c. East: Single family residences and farms, Zoned AG-20
 - d. West: Vacant, Zone AG-5
 (Staff report)

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

9. The subject property is zoned AG-3, which allows for one residential unit per 5 acres. (Staff report)

10. A long plat application was submitted to Community Development Services on June 15, 2009 and was determined complete on July 9, 2009. A SEPA Environmental Checklist was submitted August 28, 2009. The Notice of Application for the preliminary plat application was issued on July 29, 2009. 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 13, 2009. (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 on July 16, 2009 by the applicant and returned to Community Development Services, and is included as part of the record. (Staff report)

12. Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on October 22, 2009 in accordance with WAC 197-11-355 (Optional DNS process). No appeal were 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. The lots will be served by individual domestic wells and individual onsite septic systems. (Staff report)
14. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found that portions of the site have areas of 25-50% steep slopes, a manmade pond is located at the southern edge of the property, and Horse Creek (a Type 5 Water) runs through the southeastern portion of the site. As conditioned, the proposed development is consistent with the provisions of KCC Title 17A. (Staff report)
15. The Department of Public Works has reviewed this proposal for consistency with KCC Title 12 Roads and Bridges. Several conditions have been applied to the construction of onsite private roads, as outlined in the July August 4, 2009 memorandum issued by the Department of Public Works, which will be required 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: Kittitas County Department of Public Works, Kittitas County Public Health Department, Kittitas County Fire Marshal's Office, Washington State Department of Health, and Washington State Department of Ecology. These comments have been included as conditions of approval to address these agency concerns. (Staff report)
17. 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)
18. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)
19. The Kittitas County Community Development Services recommended approval of this permit, subject to the recommended conditions of approval. (Public hearing record)
20. Public hearing after due legal notice was held on November 19, 2009. Appearing and testifying on behalf of the applicant was John Ufkes. Mr. Ufkes testified that he was the attorney for the applicant, was their authorized agent and was authorized to appear

and speak on behalf of the applicant at the hearing. Admitted as Exhibit 1 was a letter dated November 19, 2009, from Mr. Ufkes to the Hearing Examiner. (Open record public hearing testimony)

21. Also testifying on behalf of the applicant was Chuck Kruse. Mr. Kruse submitted Exhibit 2 which was a copy of the Archambeau Survey – Lot Segregation Map. (Open record public hearing testimony)
22. No members of the public testified at the hearing. (Open record public hearing testimony)
23. 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)
24. 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)
25. 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)
26. 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, this proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats.
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, and Title 12 Roads and Bridges.
7. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.
8. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.
9. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.
10. 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.
11. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

Based on the above Recommended Findings of Fact and Recommended Conclusions of Law, the Hearing Examiner hereby recommends that Application LP-09-00005, Sturgis 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 June 15, 2009 and SEPA Environmental Checklist dated August 28, 2009 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.

Platting Standards, Building, and Zoning Code:

6. The SEPA Checklist states in several responses that development activities such as grading and filling, well and septic system installation, removal of vegetation, and construction of roads and residences will occur only after April 2013 (see responses to A.10, B.1, B.2, B.3, B.4, B.6, B.7, B.10, B.11, B.14, B.15, and B.16). The subject parcel is "Parcel 21" of a subdivision recorded with Kittitas County April 14, 2003. The Covenants, Conditions, and Restrictions document recorded with this subdivision (Recorder's number 200304170001) identifies Parcel 21 as an Open Space Parcel for a period of ten years. According to the CC&Rs, for a period of ten years following the establishment of the plat, "No permanent improvements or any activity, which degrades the value or aesthetics of parcel 21 [may be] undertaken by any parcel owner, his guest or invitee." The County's review of this proposal has relied upon the SEPA Checklist, which assumes no development will take place prior to April 2013. Therefore, prior to April 2013, no permanent improvements or any activity that degrades the value or aesthetics of the subject parcel shall be undertaken.
7. The following note shall be placed on the face of the final plat:
The placement of buildings and structures on or adjacent to ascending or descending slopes steeper than 1 unit vertical in 3 units horizontal (33.3-percent slope) shall conform to the building setback requirements of current adopted building codes (IRC Section R403.1.7 and IBC Section 1805.3.1). Alternate setbacks and clearances are permitted, subject to the approval of the building official. The building official is permitted to require an investigation and recommendation of a qualified engineer to demonstrate the requirements necessary to construct a building on or adjacent to ascending or descending slopes. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity and erosion characteristics of slope material.
8. Horse Creek is a Type 5 Water, subject to building setbacks according to KCC 17A.07. The 18-foot creek setbacks shown in the preliminary plat shall be shown on the final plat drawing.
9. 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.”

10. Pursuant to KCC 17.74.060A, a plat note regarding the Right to Farm Ordinance is required. The note shall read as follows: “The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. ([RCW 36.70A.060](#)(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances.” ([RCW 7.48.305](#)).
11. Upon the issuance of a final plat approval, the landowner shall be required to sign a statement of acknowledgment containing the following Disclosure on forms provided by Community Development Services, which shall then be recorded with Kittitas County:

The County of Kittitas supports the continuation and development of properly conducted agricultural operations within the County and has enacted a Right to Farm for the Protection of Agricultural Activities Ordinance ([KCC 17.74](#)). If the property you are purchasing is located near agricultural lands or operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences arising from such operations. Inconveniences may occur as a result of agricultural operations which are in conformance with existing laws and regulations and accepted customs and standards. These inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft), and the driving of machinery and/or livestock on public and private rights-of-way during any 24hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. If you live near an agricultural area, you should be prepared to accept such conditions as part of the custom of a county with a strong rural character and an active agricultural sector.
12. 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.
13. Both final plat sheets shall reflect the Plat number: LP-09-00009.

Cultural Resources and Historic Preservation:

14. Archaeological resources are protected under state law (RCW 27.53.060, 27.44.040, 27.44.055); however no comments regarding cultural or archeological resources were

received from the Department of Archaeology and Historic Preservation or the Yakama Nation indicating the presence of cultural or archaeological resources at this site. If items of possible cultural or historic significance are encountered during construction activities, work shall be immediately halted within the area a large enough perimeter established in order to maintain the integrity of the site. Kittitas County Community Development Services, the State Historic Preservation Office, and the Yakama Nation, as relevant, shall be immediately consulted.

Transportation and Infrastructure:

15. Timing of Improvements: This application is subject to the latest revision of the Kittitas County Road Standards, dated 9/0/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the residences 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.
16. 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.
17. Emergency Turnaround: An emergency turnaround is required on Low Road. The applicant can either: 1) Construct a turnaround on Low Road at the entrance to Lot 5; the turnaround shall be a cul-de-sac meeting the conditions as stated below or a hammerhead with the approval of the Fire Marshal; or 2) Construct and certify Low Road from Bettas Road to the existing cul-de-sac on Easement 'P' as shown on the survey recorded in Book 28 Page 221 to the private road requirements stated below.
18. Private Road Improvements: All access shall be constructed to meet or exceed the requirements of a Low-Density Private Road. See 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 20', with 1' shoulders, for a total width of 22'.
 - b. Minimum centerline radius will be 60'.
 - c. The surface requirement is for a minimum gravel surface depth of 6".
 - 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 of 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 of 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. Private Roads shall meet the following conditions (Kittitas County Road Standards, as adopted 9/6/05 Chapter 12 – Private Roads 12.12.010 General):
- 1) Private roads shall meet the minimum access requirements of the International Fire Code as adopted by the County, and
 - 2) 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
 - 3) 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 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
 - 4) 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

- 5) Will not result in land locking of existing or proposed parcels, and
- 6) 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
- 7) 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
- 8) 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."

20. 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.
21. Joint-Use Driveway: 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 the proposed access may result in further access requirements.

22. Single-Use Driveway: A single-use access shall serve no more than on 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 the approach serves. The County will not maintain accesses.
 - c. Any further subdivision of lots to be served by the proposed access may result in further access requirements.
23. Plat Notes: Plat notes shall reflect the following:
- a. Entire private road shall achieve 95% compaction and shall be inspected and certified by a licensed engineer in the State of Washington specifying that the road meets current Kittitas County Road Standards prior to the issuance of any building permit for this plat.
 - b. 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 any building permits. Any future subdivisions or land use actions will be reviewed under the most current road standards.
 - c. 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 or any street or road surfaced originally with gravel.
 - d. Maintenance of the access is the responsibility of the property owners who benefit from the use of the access.
 - e. Any 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.
 - f. Any further subdivision or lots to be served by the proposed access may result in further access requirements. See Kittitas County Road Standards.
 - g. 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 of performing work within the county road right of way.
28. Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7423 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit of 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.

Fire Marshal

31. All future development must comply with the International Fire Code, the International Building Code, and Kittitas County Codes.
32. Setbacks and fire separations shall be maintained in accordance with the 2006 International Fire Code.
33. The proposed lots will require fire flow of a minimum 1,000 gallons per minute. This requirement may be reduced by 50% if automatic sprinklers are installed in all the residential structures. Water storage shall also be required.

34. Site access shall comply with the 2006 International Fire Code and Kittitas County Road Standards.

Water and Stormwater:

35. No water right records associated with this property were found in the Department of Ecology Central Regional Office. WAC 173-593A, known as the Upper Kittitas County Emergency Ground Water Rule, withdraws all new appropriations of ground water within the upper Kittitas County during the pendency of a ground water study. The rule does allow for new uses of ground water if a building permit has been granted and vested prior to July 16, 2009 , or for projects which are determined by Ecology to be water budget neutral.

The applicant shall apply to Ecology for a permit to appropriate public ground water or, if seeking to use the ground water exemption, shall submit to Ecology a request for determination that the proposed exempt use would be water budget neutral. The rule establishes a pathway for parties to develop water budget neutral projects by identifying water rights that can be placed into Ecology's trust water fight program to offset their consumptive use of ground water.

36. Final approval of this plat is conditions upon the developer/owner of the plat providing proof of water availability. Water availability can be provided through submittal of a water availability report with documentation and evidence to support the claim regarding adequate availability of groundwater for the proposed number of potable water wells.
37. Final approval of this plat is conditioned upon the applicant obtaining a Determination of Water Neutrality from the Washington State Department of Ecology. At final approval, if the applicant can show that under the then existing Upper Kittitas County Ground Water Rule such a determination is not required, then the applicant may be released from this condition. In order to secure such a release the applicant must prove that either the withdraw had already commenced before July 16th, 2009 or that the Upper Kittitas county Ground Water Rule has changed and that under the new rule the applicant is not required to obtain a Determination of Water Neutrality and the applicant has meet all the conditions that are required by the new rule.
38. The following notes shall be included on the final plat:
 - 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 provides no guarantee that use of water under the ground water exemption (RCW 90.44.0550) for this plat or any portion thereof will

not be subject to curtailment by the Department of Ecology of 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.
39. Any surface water diversion will require application to the Department of Ecology for a water right permit.
40. Construction of any dam or dike which is capable of impounding water to a depth of 10 feet or more at any point, or will impound a volume of 10 acre feet or more at normal pool level, will require a reservoir permit from the Department of Ecology prior to construction.
41. If the proposal changes and one or more public water systems are proposed to supply some or all of the 9 lots, then the applicant must gain Department of Health approval of these systems before construction begins.
42. Note that additional valid water rights may be required for irrigation water. If irrigation is not available through an irrigation district, the Department of Ecology encourages the use of covenants to help property owners stay within the group water exemption criteria until a valid water right is obtained for irrigation.
43. 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.
44. 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.

Wastewater

45. Soil Logs: Public Health staff has identified drainage issues on this site that may affect septic and lot layout. Soil log testing may result in requirements that lots are resized or reconfigured, or that the total number of lots must be reduced. Prior to

final plat approval the applicant must contact Kittitas County Department of Health to schedule soil logs to be taken on the site in order to demonstrate the suitability of soils for onsite septic, as required by KCC 16.12.030.F.

Air Quality

46. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, and then follow the plan for the construction of the project and the duration of activity on property.
47. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts, or damaging property or business.

SEPA MDNS Conditions

48. 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 October 22, 2009. The following are the mitigations contained within the MDNS and shall be conditions of approval:
 1. On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be included with the road certification and is required prior to the issuance of a building permit.

Dated this 1st day of December, 2009.

KITTITAS COUNTY HEARING EXAMINER

Andrew L. Kottkamp

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