



**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF) **RECOMMENDED FINDINGS OF**
) **FACT, CONCLUSIONS OF LAW**
P-07-31) **DECISION AND**
Palomino Fields Preliminary Plat) **CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on October 9, 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. Terra Design Group, authorized agent for Cle Elum Pines West & East LLC's and Michael Cordner, landowners, has submitted a Preliminary Plat application to subdivide approximately 120.8 acres into 120-lots. The proposed lot sizes range from 0.75 acres to 1.23 acres. (Application)
2. The applicant is Cle Elum Pines East & West, LLC's, P.O. Box 808, Cle Elum, WA 98922. (Application)
3. The subject property is currently zoned Urban Residential. The project was submitted under and is vested to the Suburban Zone KCC 17.20. The project is proposed to be served by a Group A water system and community drain fields transitioning to a Class A Reclaimed Water System as adequate flow is established. (Application)
4. The property is located north of Dry Creek Road and west of Reecer Creek Road comprising a portion of the W 1/2 of Section 27, T. 18N., R 18E., W.M. in Kittitas County. Tax parcel number(s) # 18-18-27020-0002, 0003, 0015, 0016, 0017, 0001. Currier Creek flows thru the property. (Application / Kittitas County Assessor)
5. Site Information:

Total Project Size:	120.8 acres
Number of Lots:	120
Zoning district	Urban Residential (Vested under Suburban)

Domestic Water:	Group A community system
Sewage Disposal:	Community septic transitioning to a Class A Reclaimed Water System
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #2
Irrigation District:	Ellensburg Water Company

(All from Application)

6. Site Characteristics: The topography of the site and surrounding properties is planar with a gentle slope of 1 to 2%. Currier Creek flows through the project from north to south. There are some existing structures on site. These structures use to be part of the previous landowners church facilities. There is also a large abandoned structure that was placed on the property under the previous ownership. The Town Ditch (Ellensburg Water Company) canal runs along the eastern edge of the property. Eventually this property abuts up against the John Wayne Trail to the south. Some of this ground has not been farmed recently and other portions of this property are currently being farmed. (Application / Staff investigation/Staff Report)

7. Surrounding Property:

<u>North:</u>	Vacant
<u>Northeast:</u>	Residential lots
<u>South:</u>	John Wayne Trail; South of the John Wayne Trail Residential lots
<u>East:</u>	Town Ditch Canal and four residential lots East of Reecer Creek Road BlackHorse @ Whiskey Creek 300 plus residential Planned Unit Development
<u>West:</u>	Agricultural ground

(Staff Report)

8. The Comprehensive Plan designation is Rural. (Staff Report)

9. The subject property is zoned Urban Residential (the project was vested under the Suburban Code (KCC 17.20) prior to the zone change), which allows for an average of one acre minimum lot size. (Staff Report)

10. A long plat and SEPA checklist was submitted to Community Development Services and deemed complete on May 25, 2007. (Application / Staff Report)

11. The Notice of Application for the preliminary plat application was issued on June 29, 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 last day to submit written comments was on July 19, 2007.
(Staff Report)

12. A Renotice was issued on January 28, 2008 with the comment period ending on February 14, 2008 reflecting changes that Kittitas County Public Works had requested for road alignment. 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. All comments received from those comment periods were considered by the Hearing Examiner. (Staff Report)
13. A Second Renotice was issued on July 10, 2008 with the comment period ending on July 29, 2008 reflecting changes that Kittitas County Public Works had requested for road alignment and an approved Road Variance with required conditions to be shown on the preliminary plat map. 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. All comments received from those comment periods were considered by the Hearing Examiner. (Staff Report and Hearing Examiner finding)
14. Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on September 8, 2008 as in accordance with WAC 197-11-355 (Optional DNS process). There were no appeals of the SEPA MDNS filed. (Staff Report and Hearing Examiner finding)
15. 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 Currier Creek. The lots will be served by a Group A water system and community drain fields transitioning to a Class A Reclaimed Water System. Staff has conducted an administrative critical area review in accordance with KCC 17A and found four wetlands on the subject property. Currier Creek also flows thru the development and a 100 foot buffer shall be maintained to protect the creek. (Staff Report and Hearing Examiner finding)
16. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats. (Hearing Examiner finding)
17. As conditioned, this proposal is consistent with the Kittitas County Environmental Health Title 15. (Hearing Examiner finding)
18. As conditioned, this proposal is consistent with the Kittitas County Critical Areas Code Title 17A. (Hearing Examiner finding)

19. As conditioned, this proposal is consistent with the Kittitas County Flood Damage Prevention Code Title 14.08. (Hearing Examiner finding)
20. As conditioned, this proposal is consistent with the Kittitas County Zoning Code Title 17. (Hearing Examiner finding)
21. This proposal is consistent with and is vested to the Kittitas County Code 17.20, Suburban Zone as it existed on the date the application was deemed complete (May 25, 2007). (Hearing Examiner finding)
22. This proposal is consistent with the Kittitas County Irrigation & Sprinkling Code 16.18. (Hearing Examiner finding)
23. The Kittitas County Department of Public Works has identified that Bowers Road as constructed be 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. (Kittitas County Department of Public Works comments, Staff Report and Hearing Examiner finding)
24. The Kittitas County Department of Public Works required and approved a Traffic Impact Analysis (TIA), and has requested the imposition of all recommended mitigation measures as conditions of approval. As conditioned, there is no detrimental impact to the public health, safety and welfare. (Kittitas County Department of Public Works comments, Staff Report and Hearing Examiner finding)
25. The following agencies provided comments during the comment period: Department of Ecology, Yakama Nation, Washington State Department of Archaeology & Historic Preservation, Kittitas County Department of Public Works, and Kittitas County Environmental Health. As the Hearing Examiner deemed appropriate, these comments have been included as conditions of approval. (Staff Report and Hearing Examiner finding)
26. 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)
27. The entire Planning Staff file was admitted into the record at the public hearing. (Hearing Examiner finding at open record public hearing)
28. The Kittitas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval. (Staff Report and Staff presentation at open record public hearing)

29. Public hearing after due legal notice was held on October 9, 2008. Appearing and testifying on behalf of the applicant was Chad Bala of Terra Design Group, Inc. in Cle Elum. Mr. Bala testified that he was an agent authorized to appear and speak on behalf of the applicant, Cle Elum Pines West & East, LLC's. Mr. Bala submitted a notebook of records that were consecutively numbered 1 through 563. This notebook and all the materials contained therein were admitted into the record. This notebook was admitted as Exhibit 3 to the hearing. (Chad Bala testimony at open record public hearing)
30. Exhibits at the hearing were:
- 30.1 Exhibit 1 is an October 9, 2008, letter from Jan Sharar to the Kittitas County Hearing Examiner.
 - 30.2 Exhibit 2 is the Public Works PowerPoint presentation.
 - 30.4 Exhibit 4 is October 9, 2008, letter from Ron and Debbie Kuhn to the Hearing Examiner.
- (Chad Bala testimony at open record public hearing)
- 31 Mr. Bala testified that none of the proposed lots would require a variance due to the buildable area of the lot, riparian setbacks and setbacks related to the septic system, in order to build a single family residence and any accessory structures. This included but was not limited to proposed lots 32, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55. Mr. Bala testified that on behalf of the applicant there were no objection to any of the proposed conditions of approval. (Chad Bala testimony at open record public hearing)
32. Also testifying on behalf of the applicant was Mark Nelson, P.O. Box 394, Cle Elum, WA 98922. Mr. Nelson was the designer of the septic system to serve this project. Mr. Nelson testified consistent with the application materials on file. Mr. Nelson emphasized that the large on-site sewage system (L.O.S.S.) would be subject to approval by Department of Health. The reclaimed water system would be subject to approval by Department of Ecology and Department of Health. Both the community septic system and the reclaimed water system would require additional permits from other agencies with jurisdiction prior to construction and implementation of those utilities. (Mark Nelson testimony at open record public hearing)
33. Speaking on behalf of the applicant was attorney Jeff Slothower. Mr. Slothower provided argument regarding the vesting issue. Mr. Slothower pointed out that as of the date of the determination of a complete application, that the applicant vested to the applicable zoning regulations in existence at that time. The applicant is complying with those regulations in the development of this project. (Jeff Slothower presentation at open record public hearing)

34. There was some question by the Hearing Examiner regarding a commitment of neighboring property owners to allow the extension of Bowers Road through the neighboring parcel to the west as well as to allow portions of the community septic system and/or reclaimed water system to be located on that separate parcel. Mr. Slothower indicated that it would be acceptable to the applicant to condition final plat approval upon the applicant's securing from the adjacent property owner sufficient permanent rights-of-way and/or easements or other rights to use the adjoining property owner's property for the extension of Bowers Road and for the community septic system and/or reclaimed water system. (Hearing Examiner finding of fact and testimony of Jeff Slothower at open record public hearing)
35. Testifying in favor of the project was Margo Cordner. Mrs. Cordner testified that she has been a real estate agent in Kittitas County for over 19 years. She testified that she thought that this site would provide attractive settings for homeowners in that the lot sizes were up to one acre which were large enough to have a country feel but not so large as to discourage a homeowner from caring for their property as to weed control, etc. (Testimony of Margo Cordner at open record public hearing)
36. Testifying in opposition to the project was Debbie Kuhn. Ms. Kuhn testified that she felt that the zoning for this area should be illegal because it serves special interests. She testified that this project would constitute urban sprawl into a rural area and that there is insufficient demand for houses in this Kittitas County area. She testified as to concerns regarding flooding and infiltration of wells. She provided testimony about canal failures in the area. She testified regarding concerns about grading and filling south of her property, to the north of the project area. She generally spoke of a desire to protect their rural lifestyle from this urban development. (Testimony of Debbie Kuhn at open record public hearing)
37. Testifying in opposition to the project was Vicky Loiseau. Ms. Loiseau testified consistent with two letters that had been submitted into the record prior to the public hearing. She owns two acres south of the project area and south of John Wayne Trail. She believes that her views to the north will be compromised by this project if tall trees or tall homes are constructed. She provided testimony regarding another development on Courier Creek where parks and walking trails were supposed to be constructed but have not. She also testified that areas where developments have been approved but have not yet been built lay in weeds. She had questions as to when the parks within the development were to be built and where access to the John Wayne Trail would occur. She was concerned about asbestos in the house on the subject property that is to be removed. (Testimony of Vicky Loiseau at open record public hearing)

38. Also testifying in opposition to the project was Mike Smith. Mr. Smith offered Exhibit 5 into the record. Exhibit 5 is an October 9, 2008, letter from Mr. Smith, the Community Development Director for the City of Ellensburg. Mr. Smith testified that the project area is not within the Ellensburg Urban Growth Area but that the 120 lots proposed for this development are, in his opinion, urban in nature. Mr. Smith testified that the Town of Thorp has been identified as an Urban Growth Node and has 163 lots of record ranging from 7,000 square feet to 160 acres. Mr. Smith also testified that if this development is approved and is not built in conformity with City of Ellensburg road standards or the ability to connect to City of Ellensburg Water & Sewer, that this will impede the City's growth towards this area. Mr. Smith testified that the City of Ellensburg cannot provide water or sewer to this project because it is not within the Urban Growth Area. (Testimony of Mike Smith at open record public hearing)
39. Mr. Smith testified as to several questions he had about the project. These included what he believed was a lack of information regarding the details of the phasing plan, what infrastructure would be required in each phase, where the large on-site sewage system would be located and the failure of the County to require Bender Road to be extended pursuant to this project. Mr. Smith had concerns about the secondary emergency access road going into the project area. Mr. Smith disagreed with conclusions of the Traffic Impact Analysis. He further had concerns about Bowers Road remaining a private road until it is extended through the adjoining property to Faust Road. Mr. Smith recommended that, for the reasons stated within his testimony and in his letter to the Hearing Examiner that he recommended that the application be denied. (Testimony of Mike Smith at open record public hearing)
40. Testifying in opposition to the project was Shirleen Sterkel. Ms. Sterkel testified that they live just west of the end of Bender Road. One of her concerns was regarding the gate for the secondary emergency access. She was concerned that it would not be locked and that it would turn into a way for the residents to shorten their trip to Ellensburg. She testified that Reecer already has significant noise issues, especially with pickup trucks traveling late at night. She is concerned about increased noise with this development. (Testimony of Shirleen Sterkel at open record public hearing)
41. 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)
42. 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)

43. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities. (Hearing Examiner finding)
44. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference. (Hearing Examiner finding)

II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this 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, Title 14.08, and Title 12 Roads and Bridges and is not detrimental to the public health, safety and welfare of Kittitas County.
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 Findings of Fact and Conclusions of Law, the Hearing Examiner hereby recommends that Application P-07-31, Palomino Fields Preliminary Plat, be **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 September 26, 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. 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.
5. 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 September 8, 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.
- B. The applicant will provide a proportionate share contribution to the improvement at the Reecer Creek Road and University Way intersection according to the approved transportation impact analysis.
- C. The applicant will abide by the conditions as approved under the Palomino Road Variance -08-18 including:
 - a. Improvements to the Bowers Road and Reecer Creek Road intersection including a right hand turn lane and acceleration lane.

- b. A temporary Cul-de-Sac will be installed at the end of Bowers Road extension.
- c. The applicant will guarantee a thru route from Reecer Creek Road to Faust Road, to be built with future development.
- d. A temporary access at Bender Road will be built, gated and for emergency use only.

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.

III. Water & Septic

- 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 regarding this requirement.
- B. Prior to any grading, clearing or construction, erosion control measures shall be in place and shall be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. The erosion control sediment plan shall be a part of the Stormwater Prevention Plan, as referenced in item A.
- C. The applicant will develop a Group A Water System for the project. The Group A Water System shall be designed by a licensed engineer and approved by the Washington State Department of Health. The Group A water system shall be approved prior to final plat approval. The Group A water system may be built in phases as provided for in the approved Group A Comprehensive Water System Plan as required by DOH, pursuant to WAC 246. Demonstration of adequate water rights in relation to development of a Group A Water System shall be completed prior to final approval. Except for the existing exempt well that currently serves the property no other exempt wells shall be developed to service the project. Any deviations to the water system requirements shall undergo further environmental and plat review.
- D. The applicant will provide sewage treatment through metered Community Septic Systems or metered Large On-Site Septic Systems pursuant to WAC

246-272B “Large-On-Site Septic System Regulations”. The type of meters used will be prescribed by Kittitas County. The initial phases of the project will be served by Community Septic Systems or Large On-Site Septic Systems designed by a licensed septic designer and approved by the Kittitas County Environmental Health Department, pursuant to KCC 13 or by the Washington State Department of Health pursuant to WAC 246. These Community Septic Systems or Large On-Site Septic Systems shall be located on an adjacent parcel of land, for a seamless transition into a possible Class A Reclaimed Water System Facility.

- E. Prior to final approval, identification of community septic areas along with completed site evaluations will be required by the Kittitas County Environmental Health Department.
- F. If a Large On-Site Septic System (LOSS) system is pursued, the appropriate approval documents from the Washington State Department of Health will be required prior to final approval by the Kittitas County Environmental Health Department.
- G. Class A Reclaimed Water Facility: Pursuant to WAC 173-240-050 & RCW 90.46, a Class A Reclaimed Water Facility may be developed and approved by the Washington State Department of Health and Washington State Department of Ecology. The system, located on an adjacent parcel of land, will contain the following trigger points:
 - a. When the effluent volume reaches a monthly average of 8,000 gallons per day the applicant will be required to start the planning process for this facility. No additional building permits will be issued until the Washington State Department of Health or the Washington State Department of Ecology has confirmed that the planning process for the facility has started.
 - b. When the effluent volume reaches a monthly average of 10,000 gallons per day the applicant will be required to have completed the planning process for the facility. In addition the applicant will be required to start creating engineering and construction drawings for the facility. No additional building permits will be issued until the Washington State Department of Health or the Washington State Department of Ecology has confirmed that the planning process for the facility has been completed and that the applicant has started the engineering and construction drawings.
 - c. When the effluent volume reaches a monthly average of 12,000 gallons per day the applicant will be required to have completed the engineering and construction plans for this facility. No additional building permits will be issued until the Washington State Department of Health or the

Washington State Department of Ecology has confirmed that the engineering and construction plans for the facility have been completed.

- d. When the effluent volume reaches a monthly average of 14,000 gallons per day the applicant will be required to have obtained a building permit for the facility and to have started the construction of the facility. No additional building permits will be issued until the Kittitas County Building Department has confirmed that a building permit for the facility has been issued and that construction has started.
- e. When the effluent volume reaches a monthly average of 15,000 gallons per day the applicant will be required to have completed and have an operational reclaimed facility. No additional building permits will be issued until the Washington State Department of Health or the Washington State Department of Ecology has confirmed that the facility is operational.
- f. The applicant will record and provide to Community Development Services the recorded meter readings for each Community Septic System or Large On Site Septic System on a quarterly basis.

H. If the applicant wishes to access city systems in the future, all improvements shall be developed to current city standards.

I. Metering shall be required on all residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements (Memorandum of Agreement between Kittitas County and Washington State).

J. 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 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.

K. 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 your area becomes limited your use could be curtailed by those with senior water rights.

IV. Historic and Cultural Preservation

A. Prior to any ground breaking activity on the subject property, the applicant shall consult with the Yakama Nation regarding an archaeological survey of the subject property due to a high potential for cultural resource sites at the proposed subdivision. Documentation shall be submitted to Community Development Services to be maintained in the project file.

V. Light and Aesthetics

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

VI. Noise

- A. Construction activities shall comply with KCC 9.45 (Noise). Construction hours shall be from 7:00am to 7:00pm.

VII. Land and Shoreline Use

- A. Wetland and Wildlife study will be required, prior to final approval, establishing the appropriate buffers regarding sensitive areas as determined by the consultant.
- B. One hundred foot buffers will be established along Currier Creek and shown on the final mylars.
- C. A riparian management plan that would incorporate signage for Currier Creek will be completed prior to final approval.
- D. All waterways/waters/ditches located on the subject property, regardless of their designation of intermittent, perennial or ephemeral shall be delineated and shown on the final mylars. Improvements to such water features shall not impact on-site and off-site use.
- E. A Hydraulic Project Approval (HPA) from the Department of Fish & Wildlife shall be required for all work affecting watercourses, including those that do not flow year-round. This includes, but is not limited to, work associated with construction of bridges, culverts, drainage facilities, outfalls and other construction affecting the bed, bank or flow of watercourses.
- F. The applicant shall consult with the Department of Fish & Wildlife to determine the appropriate size of culvert needed for the crossing of any stream or watercourse on the subject property. Prior to final approval the applicant will provide documentation that said crossings meet the proposed standards.

VIII. Public Safety

- A. The applicant shall consult with the local school district and provide for and depict on the final mylars a safe location for a bus stop.

- B. Any future development shall comply with the International Fire Code (IFC) and its Appendices and Referenced Standards, Kittitas County Code, and Kittitas County Road Standards and shall adhere to the strictest of said standards.

IX. Parks and Recreation

- A. The proposal will include 4-5 pocket parks spaced throughout the platted development. The pocket parks shall be dedicated as open space for perpetuity.
 - B. The applicant shall add 120 trees that shall be placed sporadically through the development. The trees shall serve as a buffer along the John Wayne Trail. The applicant shall replace any trees that die within the first three years.
6. 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.
 7. Proof of potable water must be shown prior to final plat approval.
 8. 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."
 9. 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).
 10. Bowers Road: Bowers Road from Reecer Creek Road to Faust Road has been identified as a future county road corridor in the Kittitas County Transportation Plan.

If the Bowers Road extension is desired to become a county road, the road shall be constructed to a minimum 22' wide roadway with 2' paved shoulders, for a total minimum width of 26', and follow the procedures outlined below. At the time Bowers Road is brought onto the county road system, it will be classified as a Rural Minor Collector with a speed limit of 25 mph and an access spacing requirement of 150'. The road must be constructed prior to petitioning the County Commissioners to take the road on system. There is no guarantee the road will be accepted onto the county road system.

11. Public Road Improvements: The following public road improvements are required as a result of this development and as mitigation for Road Variance 08-18.
 - a. The Bowers Road extension will include a right hand turn lane onto Reecer Creek Road south.
 - b. Reecer Creek Road will be widened for the construction of an acceleration lane in the southbound lane.
 - c. A temporary cul-de-sac will be constructed at the termination of the Bowers Road extension.
 - d. Access to Faust Road will be guaranteed through an easement or right-of-way dedicated to the County. The Bowers Road extension to Faust Road will be constructed in the future as a result of subsequent development.

12. Temporary Cul-de-Sac: A temporary cul-de-sac turn-around having an outside right-of-way easement diameter of at least 110 feet shall be constructed at the west end of the Bowers Road extension. 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.

13. Road Plans: The developer shall submit road plans for all public road improvements, including Bowers Road, as follows: Plan and profile drawings for all roads shall be submitted to the County Engineer on mylar sheets twenty-two inches by thirty-six inches in size, and receive approval before proceeding with construction. The drawing standards used in preparing the drawings shall conform to the current drawing standards employed by the Department of Public Works. All plans for roads, drainage, and utility construction are to be designed and prepared by a licensed professional engineer. Staking for road construction and adequate survey control for utility construction shall be provided at the subdivider's expense. No work may be started until such plans are approved. See current Kittitas County Road Standards 12.08 for more detailed information..

14. Public Road Construction, Testing and Inspection: Prior to construction the developer shall schedule a pre-construction meeting with the Department of Public Works. No work may be started prior to the meeting. Testing services shall be retained by the

developer. County inspection details will be determined during the pre-construction meeting.

15. Bonding: The developer shall submit a bond to the Department of Public Works following the requirements of Kittitas County Road Standards 12.01.150. Failure to comply with these Standards may result in denial of plan or development permit approval, revocation of prior approvals, or legal action for forfeiture of performance guarantee. 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.

16. Dedication: The following dedication shall be included on the final plat for the Bowers Road right of way.
 - a. KNOW ALL MEN BY THESE PRESENTS that _____ do hereby declare this plat and dedicate to the public forever all roads and ways hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon. Following original reasonable grading of roads and ways hereon no drainage water on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way, or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot, shall be done by and at the expense of such owner..

17. Stormwater: On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system construction and a copy of the design shall be included with the road certification and is required prior to the issuance of a building permit. Stormwater facilities shall be maintained by the developer or homeowners association as appropriate.

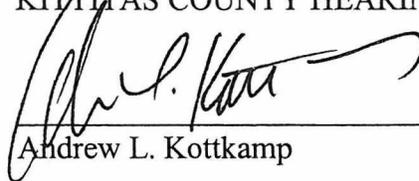
18. Private Road Improvements: Roads A – F shall be constructed as High-Density Private Roads that serve more than 40 lots. Access easements shall be a minimum of 60' wide. The roadway shall be constructed to AASHTO standards and be designed by an engineer. See current Kittitas County Road Standards, 9/6/05 edition.

19. John Wayne Trail: The applicant shall contact Washington State Parks and provide documentation of any requirements such as fencing and pedestrian access along the trail prior to final approval. 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.
20. 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.
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.
- Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.
 - The surface requirement is for a minimum gravel surface depth of 6".
 - Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - Any further subdivision or lots to be served by proposed access may result in further access requirements.
- Single-Use Driveway: A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.
- The roadway shall be a minimum of 8' wide with gravel surface.
 - Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - Any further subdivision or lots to be served by proposed access may result in further access requirements.
22. Plat Notes: The following plat notes shall be included on the final plat:
- 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 building permit for this plat.
 - 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.
23. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

24. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
25. 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.
26. 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.
27. 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.
28. Prior to final plat approval, the applicant shall secure from the property owner to the west of the subject property, sufficient right-of-way for the extension of Bowers Road through the adjoining property to Faust Road. This right-of-way shall be in an amount and form suitable to the Kittitas County Engineer and Prosecuting Attorney.
29. Prior to final plat approval, the applicant shall secure from the property owner to the west of the applicant's property, a permanent legal right to locate all or portions of the community septic system and/or reclaimed water system in an amount, location and form acceptable to Washington State Department of Health, Washington State Department of Ecology, Kittitas County Public Works, Kittitas County Planning Department and Kittitas County Prosecuting Attorney.

Dated this 21st day of October, 2008.

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp