

PROJECT NAME: **White Water PBCP (LP-08-28)**

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KITTITAS COUNTY LAND USE HEARING EXAMINER

<p>IN THE MATTER OF) LP-08-00028) White Water Performance Based Cluster) Plat)</p>	<p>RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND CONDITIONS OF APPROVAL</p>
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THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on May 27, 2010, 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. Dave Blanchard of Misty Mountain LLC, the authorized agent for Lonny Peter White and Joanne White, Peter A. White and Michael Lee White, landowners, for a 67-lot Performance Based Cluster Plat on 112.04 acres of land zoned Ag-3. The applicant is proposing 44.82 acres of open space, with active recreation provided in the form of water and trails. (Staff report)
2. The applicants are Lonny & Joanne White, Peter White & Michael White, 280 Iron Mt. Road, 8080 Lower Peoh Point & 661 Godawa Ln, Cle Elum, WA. The contact party is Misty Mt., LLC, Authorized Agent, 206 W 1st Street, Cle Elum, WA 98922. (Application materials)
3. The proposed lot sizes range from 0.51 acres to 4.01 acres. The project is proposed to be served a Group 'A' water system and individual onsite septic systems. (Staff report)
4. The project is located south of Lower Peoh Point Road, east of Iron Mountain Road, west of Godawa Lane, Cle Elum, WA, and is located in a portion of Section 01,

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T19N, R15E, WM, in Kittitas County. Map numbers 19-15-01053-0001, 0002, 0003, 0004, 19-15-01000-0003, 0035, and 0043. (Staff report)

5. Site Information:

Total Project Size:	112.04 acres
Number of Lots:	67
Domestic Water:	Group 'A' water system
Sewage Disposal:	Individual on-site septic system
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	Not applicable

(Staff report)
6. Site Characteristics: The area is generally flat and has been in use as agricultural land. (Staff report)
7. Surrounding Properties:
 - a. North: Vacant
 - b. South: Residential
 - c. East: Residential
 - d. West: Residential(Staff report)
8. The Comprehensive Plan designation is "Rural." (Staff report)
9. The subject property is zoned Agriculture 3, which allows for one residential unit per 3 acres. (Staff report)
10. A long plat application was submitted to Community Development Services on October 21, 2008. The Notice of Application for the preliminary plat application was issued on November 24, 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 December 9, 2008. (Staff report)
11. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development Services. The Affidavit of Posting was signed on November 4, 2008 by the applicant and returned to Community Development Services, and is included as part of the record. (Staff report)
12. Based on review of the submitted application materials, correspondence received during the comment period Kittitas County issued a Mitigated Determination of

Nonsignificance (MDNS) on May 6, 2010 in accordance with WAC 197-11-355 (Optional DNS process). The appeal period ended on May 20, 2010. No appeals 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 a Group 'A' water system and individual onsite septic systems. (Staff report)
14. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found no critical areas on the subject properties. (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 April 5, 2010 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: Washington State Department of Ecology, Kittitas County Department of Public Works, Kittitas County Public Health Department and Kittitas County Fire Marshal. Where appropriate, these comments have been included as conditions of approval. (Staff report)
17. The applicant is entitled to density bonus points through the Public Benefit Rating System as follows:
 - Open space of 44.82 acres (40 bonus points)
 - Group A water system (50 bonus points)
 - Active recreation (water and trails) (10 bonus points)
 - Total bonus points: 100(Staff report)
18. 100 bonus points allows total bonus density percentage of an additional 100%. (Staff report)
19. Under current Ag-3 zoning, for the 112.04 acres, the applicant could achieve 37 lots. With the added bonus density, the applicant could qualify for 74 total lots for the cluster plat. (Staff report)
20. The applicant is requesting authorization for a total of 67 lots, within the amount allowed pursuant to the bonus density rating. (Staff report)

21. Written comments were received from the public submitted by several members of the public. (Staff report)
22. 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)
23. The entire Planning Staff file was admitted into the record at the public hearing. (Public hearing record)
24. The Kittitas County Community Development Services recommended approval of this permit, subject to the recommended conditions of approval. (Public hearing record)
25. Public hearing after due legal notice was held on May 27, 2010. Appearing and testifying on behalf of the applicant was Sean Northrup. Mr. Northrup is a principal of Misty Mountain, LLC. Mr. Northrup testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Northrup stated that the applicant agreed with all of the proposed Conditions of Approval. Mr. Northrup stated that regarding the concern of smoke from wood stoves, he agreed that in covenants and restrictions they would prohibit wood stoves as the primary means to heat the homes. (Open record public hearing testimony)
26. Further, Mr. Northrup indicated that they agreed with all of the requested conditions in the Kittitas Reclamation District comment letter from May 19, 2010. Further, they agreed with all of the additional conditions stated in the May 12, 2010, letter from Allison Kimball to Dan Valoff. (Open record public hearing testimony)
27. The following exhibits were admitted into the record:
 - 27.1 Exhibit 1 is a May 1, 2010, letter from Allison Kimball to Dan Valoff.
 - 27.2 Exhibit 2 is a May 7, 2010, letter from Clifford and Shirley Winfrey to Dan Valoff.
 - 27.3 Exhibit 3 is a May 25, 2010, letter from Larry Fuller to the Kittitas County Planning Staff file.
 - 27.4 Exhibit 4 is a May 19, 2010, letter from Jeff Slothower to the Hearing Examiner.
 - 27.5 Exhibit 5 is a May 27, 2010, letter from Jeff Slothower to the Hearing Examiner.

- 27.6 Exhibit 6 is copies of water rights submitted by the applicant demonstrating available water for the ponds.
- 27.7 Exhibit 7 is area well logs.
- 27.8 Exhibit 8 is Chapter 5 of the Transportation Plan.
- 27.9 Exhibit 9 is a Customs Soil Resources Report soil map.
(Public hearing record)
28. Testifying in favor of the project was Noel Kurtz. Mr. Kurtz indicated that he was acquainted with the property owner and that they were not present. He stated that he knew them and that one of the applicants had health issues and the other had travel problems and that is why they were not present. (Public hearing testimony)
29. Testifying in opposition to the project were:
- 29.1 Melissa Bates: Ms. Bates testified regarding her concerns related to Kittitas Reclamation District issues. She also had concerns as to whether or not the United States Bureau of Reclamation would allow irrigation water to be used for recreation ponds. She had concerns regarding Department of Ecology comments regarding whether the water will be available year-round. She had concerns that the applicant was getting points for open space that will also be used for recreation and that points were also being awarded for recreation. She questioned whether a half-acre lot was sufficient to have a septic system when the soil types were unknown. Finally, she challenged the applicant's statement that this property does not contain prime farmland.
- 29.2 Diedre Link: Ms. Link testified as to her concerns related to the property being prime farmland. She had concerns about the economic viability of the project. She had concerns regarding how the ponds would be filled and potential contamination of the ponds from the septic systems. She asked that the matter be remanded back to the County for additional study.
- 29.3 Katherine Clerf: Ms. Clerf testified that she was a former member of the now defunct Land Use Advisory Committee. She stated that she believed this property is prime farmland and that the County has an obligation to protect prime farmland, especially if it has water availability. She does not believe that residential use of this property was its highest and best use. She also testified as to her concerns regarding water issues and the availability of water year-round. She also testified as to the potential impacts of either community or individual septic systems on water.

(Testimony at public hearing)

30. 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)
31. 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)
32. 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)
33. 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 16.09 for Performance Based Cluster 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-08-00028, White Water Performance Based Cluster 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 October 21, 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. All current and future landowners must comply with the International Fire Code.

Platting Standards and Zoning Code:

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

7. Lot Closures: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
8. Performance Based Cluster Plat Open Space Requirement: According to KCC 19.06.030, a minimum of 40% of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System. Prior to final plat approval, the applicant must clearly show and quantify how open space requirements have been met, as set forth in Performance Based Cluster Platting KCC 19.06.030 and KCC 16.09.100.
9. Right to Farm Notification Requirement: According to KCC 16.09.040, all Performance Based Cluster Platting conveyance instruments shall contain the following notice: The subject property is within or near existing agricultural or other natural resource areas on which a variety of activities may occur that are not compatible with residential development for certain periods of varying duration. Agricultural or other natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances. Kittitas County has adopted right to farm provisions contained in Section 17.74 of the Kittitas County Zoning Code.
10. Bonding for Public Benefit Features: According to KCC 16.09.080(F), prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.
11. County Review of HOA Agreements, etc: Prior to final plat approval, the application shall submit to the County for review and approval consistent with KCC 16.09 of the following: a copy of all proposed restrictive covenants (CCRs), Homeowner's Association bylaws and applicable documents, maintenance agreements and operations plans related to roads, the Group A water system and recreation facilities and open spaces.
12. Irrigation Systems: Pursuant to KCC 16.18.080, a plat note regarding the irrigation systems is required for lots 3 acres or less in size. The following note shall be placed on the face of the final plat, "Lots shall be required to irrigate their individual lot or lots by the use of either a sprinkler irrigation system or a drip irrigation system."

Transportation and Infrastructure:

13. Timing of Improvements: This application is subject to the latest revision of the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the residence 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.

14. 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.
15. Private Road Requirements: The entire internal road system shall be constructed as a High-Density Private Road that serves more than 40 lots. Access easements shall be a minimum of 60' wide. The roadway shall be constructed to AASHTO standards, have a maximum grade of 12%, and be designed by an engineer. See current Kittitas County Road Standards, 9/6/05 edition. Road plans shall be submitted as required in KCC 12.08 and be approved by the County Engineer prior to construction.
16. Pays Road Intersection: The intersection at Pays Road shall be constructed as approved by the County Engineer. A final design shall be presented to the County Engineer and approved prior to final approval.
17. Lot 24: Access shall be provided to Lot 24.
18. Godawa Lane Spelling: Godawa Lane shall be spelled correctly on all documents. It is currently spelled incorrectly on Sheet 2 of the plat.
19. Gates: If this is a gated community, approval for the gate and key box system is required from the Fire Marshal.
20. 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 proposed access may result in further access requirements.

21. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
22. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
23. 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.
24. 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.
25. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.

Onsite Sewage and Wastewater Treatment:

26. Soil Log or Site Evaluation: A soil log or site evaluation must be performed prior to the Public Health Department recommending final approval. WAC 246-272A governs on-site sewage systems in the State of Washington. Table 10, is the minimum land area requirement needed for on-site sewage systems, the minimum land area is determined by the soil type on site, and the type of water supply (individual wells or a public water system). It is strongly recommended that the applicant conduct soil logs as soon as possible to anticipate any difficulties citing the community drain fields.

Water and Stormwater:

27. Plat Notes: According to the Public Health Department, the following notes shall be placed 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 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.”
 - b. “Metering will be required on all new residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements.”

28. Water Neutrality: A determination of water neutrality will be required from the Department of Ecology before the Kittitas County Public Health Department can recommend final approval.
29. Water Availability: Final approval shall be conditioned upon:
- a. Documentation from the State of Washington, Department of Ecology verifying the quantity of water required for the plat has been transferred, and
 - b. Completion of an affidavit of water availability, on a form available from the Public Health Department-- a well log from the State of Washington, Department of Ecology and a recent passing bacteriological test will meet the water availability requirement; and
 - c. Demonstration and evidence that the following activities have taken place: all planned wells have been drilled, flow capacity is known, water storage mitigations are resolved, bacteriological and nitrate tests must be performed and deemed satisfactory from all wells to be used for domestic.
30. NPDES Permit Requirement: 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.
31. NPDES Permit Timing: 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.

Air Quality

32. A burn permit must be obtained from Ecology if the proponent plans to burn trees or debris from the property. Only natural, unprocessed vegetation may be burned in an outdoor fire.
33. The proponent should create a site-specific Fugitive Dust Control Plan (FDCP) before starting this project, according to Department of Ecology standards, and then follow the plan for the construction of the project and the duration of activity on property.

34. 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.

Fire Safety

35. Approved water storage with a private fire hydrant system shall be installed. The hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.
36. Water storage and hydrant spacing shall comply with the International Fire Code.
37. The minimum fire flow requirements for the residential structures shall be no less than 1,000 gpm for a duration of no less than 30 minutes. A reduction in fire flow of 50% is allowed when buildings are provided with an automatic sprinkler system.
38. No fire apparatus access lane shall have a slope greater than 12%. A Variance Permit will be required for any slopes or grades greater than allowed by County Code.
39. "No Parking-Fire Lane" signs must be posted per Fire Marshal requirements on all cul-de-sacs. Secondary access is required.
40. All bridges shall be required to be certified (over KRD canals, etc)
41. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire and Building Codes.
42. A separate permit is required for any private water storage or hydrant system.
43. Review of the final project submittals may include further requirements.
44. 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."
45. 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.

46. Both sheets shall reflect the Plat number: LP-08-00028.

SEPA Mitigation

47. Water and Septic

- a. Withdrawals of groundwater on the subject property will be subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology. The applicant shall develop a Group A Water System for this 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 completed prior to final plat approval. Demonstration of adequate water rights in relation to development of a Group A Water System shall be completed prior to final approval. Any deviations to the water system requirements shall undergo further environmental and plat review.
- b. All waters/waterways/ditches/springs located on the subject property shall be delineated and shown on the final mylars. Improvements to such water features shall not impact on-site and off-site use.
- c. Erosion control measure must be in place prior to any clearing, grading or construction. These control measures must prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. The applicant shall contact the Washington State Department of Ecology regarding requirements if there is a potential for discharge from a construction site larger than one acre.
- d. The applicant shall contact the Washington State Department of Ecology regarding the requirements from a Stormwater Prevention Plan (Erosion Sediment Control Plan) for all construction sites.
- e. 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 design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit.

Stormwater plans shall be submitted in accordance with KCC 12.06 and 12.08.

- f. Seasonal drainage and/or stormwater runoff shall be addressed through an engineered stormwater detention design and installation.
 - g. Stormwater and surface runoff generated by this project shall be retained or detained and treated on-site in accordance with regulating agencies' standards.
 - h. Grading Plan: A grading plan prepared by an engineer licensed in the state of Washington shall be presented to Public Works prior to final approval. Depending on the amount of fill to be removed from the site, a haul route and road condition analysis may be required prior to approval of the grading plan. The grading plan shall be submitted in accordance with KCC 12.08, and shall be approved by the County Engineer.
 - i. Environmental Health shall review and approve the location of the On-site Septic Systems in relation to the lake in order to ensure that contamination of the lake and septic system will not occur.
 - j. A stormwater and pond management plat that is consistent with maintaining good water quality in the ponds shall be prepared and reviewed by Kittitas County and the Department of Ecology prior to final plat approval.
48. Transportation
- a. Provisions shall be included in the site development plan for appropriate snow storage and disposal per the stormwater requirements and approved by Kittitas County.
 - b. The applicant shall submit plans for maintenance of this facility (e.g. Snowplowing, road maintenance, vegetation, etc.). This shall be addressed via the development of a formal road maintenance agreement or similar means.
 - c. Trail: The proposed trail shall not travel through Tract A except for where any crossing structures are located. Crossing structures shall be designed wide enough to provide a separate pedestrian lane in addition to the full width of the required roadway. A trail easement or right-of-way should be provided for the portion of trail which passes through Lots 22, 23, 47-61, and any other location the trail may pass through private property.

- d. Tract A: Tract A is designated as right-of-way throughout the plat. Tract A shall be designed for the construction of a road with at least a 25 mph design speed. The tract will be privately owned, but may be dedicated in the future to Kittitas County for the construction of a new County road. This dedication will occur when requested by the County, or when the road is constructed to County public road standards and accepted onto the County road system by the Board of County Commissioners.

- e. Godawa Lane Improvements: Godawa Lane is currently classified as a Primitive Road and has an ADT of less than 100. Based on the results of the TIA, this project will increase the ADT to approximately 210 trips per day, which is above the 100 ADT threshold for primitive roads. Godawa Lane must be upgraded to a rural local access road, and the developer must follow all requirements of Kittitas County Road Standards, including:
 - i. Road Plans: The developer shall submit road plans for all public road improvements 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. No work may be started until such plans are approved. See current Kittitas County Road Standards 12.08 for more detailed information.
 - ii. 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.
 - iii. 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.
 - iv. Cul-de-Sac: A public use cul-de-sac shall be constructed on Godawa Lane at the plat entrance. The cul-de-sac may be located in right-of-

way or a temporary easement dedicated to the public. The easement may be relinquished at such time Godawa Lane is improved to the end of the road and a cul-de-sac constructed there, or Tract A becomes a through County maintained road. The cul-de-sac turn-around shall have an outside right-of-way or easement diameter of at least 110 feet. 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.

49. Land Use and Recreation

- a. Proposed Restrictive Covenants (CCRs), Homeowner's Association Bylaws and applicable documents, and proposals related to roads, Group A Water System, On Site Sewage, recreation and open space need to be reviewed, approved and recorded as appropriate for consistency with the applicant's proposal and KCC 16.09 for final approval. Any conditions of approval of the Group A Water System and On Site Sewage shall be a condition of the final plat approval and included as a plat note as appropriate.
- b. Pursuant to Kittitas County Code 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).
- c. Pursuant to Kittitas County Code 16.18.080, a plat note regarding the irrigation systems is required for lots 3 acres or less in size. The note shall read as follows: "Lots shall be required to irrigate their individual lot or lots by the use of either a sprinkler irrigation system or a drip irrigation system."
- d. Prior to excavation, the applicant shall submit documentation for review and approval to CDS containing a timeline, haul routes, and location, placement, stockpiling and use of excavated material. All excavation and stockpiling shall comply with federal, state and local regulations. All stockpiling sites and use of excavated material shall be reviewed through a separate critical areas review process as sites are identified by the applicant. It shall be the responsibility of the applicant to pay any applicable review fees and submit appropriate documentation for review.

- e. Prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.
50. Air
- a. A Fugitive Dust Control Plan (FDCP) shall be developed and implemented during construction of the project and duration of activity on the property in order to control blowing dust and dirt.
51. Light and Glare and Aesthetics
- a. Any on-site lighting shall be downward shaded and directed on-site. No mercury vapor lights shall be allowed.
 - b. Metal roofs with a reflective glare shall not be allowed.
 - c. Trees and landscaping should be planted and maintained along all streetscapes and the perimeter of the residential cluster in order to reduce impacts of lighting or glare on existing and future residential areas.
52. Noise
- a. Construction activities shall comply with KCC 9.45 (noise). Construction activities shall comply with KCC 9.45 (noise). Construction hours shall be from 7:00am to 7:00 pm.
 - b. It is the developer's responsibility to dampen or deflect any traffic noise for this development. It shall not be the responsibility of WSDOT to create noise dampening facilities or structures within this development.
 - c. Noise: the project shall adhere to regulations in Kittitas County Code 9.45, RCW 70, and WAC 173.60.040. Regulations regarding noise shall be addressed in CC&R's. Signage including noise regulations shall be posted on-site, and at a minimum shall be in the area in the proximity of the lake.
53. Cultural
- a. If any items of possible cultural or historic significance are encountered during construction activities, work shall be immediately halted with the area and a large enough perimeter established in order to maintain the integrity of the site. Kittitas County Community Development Services, the State Historic Preservation Office and the Yakama Nation, as relevant, shall be immediately consulted.

54. Utilities and Services

- a. All lots must be provided with adequate fire flow.
- b. All development must comply with International Fire Code (IFC) and Appendices.
- c. Adequate fire protection systems shall be provided subject to requirements of the Kittitas County Fire Marshal and Fire District 7. The requirements for private water systems for fire suppression are subject to review and approval by the Fire Marshal and Fire District 7.
- d. The Group A Water System will abide by the requirements of the Kittitas County Fire Marshal and the local fire district for fire flow and placement of fire hydrants.
- e. The minimum road width shall not be less than 20' in width.
- f. "No Parking- Fire Lane" signs must be posted at all cul-de-sacs per International Fire Code requirements.
- g. All cul-de-sacs must have a minimum turning radius of 50 feet.
- h. Construction documents for the proposed systems for fire suppression shall be submitted to Fire District #7 and the Fire Marshal's Office for review and approval prior to construction.
- i. Mail routes shall be approved by the postmaster. 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. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.
- j. The applicant shall work with the local school district to provide for a safe location and passageway for a school bus stop. This location shall be delineated on the final mylar.

55. Kittitas Reclamation District Conditions

- 55.1 The face of the plat must state: "The KRD is only responsible for delivery of water to the highest feasible point in each 160 acre unit or designated turnout.

The KRD is not responsible for water delivery loss (seepage, evaporation, etc.) below the designated turnout.”

- 55.2 The face of the plat must state: “Full payment of annual KRD assessment is required regardless of the use or non-use of water by the owner of the property.”
- 55.3 The landowner shall provide for irrigation easements, in a form acceptable to the KRD, from the KRD turnout to each portion of the plat and provide a written description of the water distribution system, including covenants, if any.
- 55.4 The plat drawing must show the amount of irrigable acreage within each parcel within the subdivision and contain a statement that KRD water may only be applied to the irrigable acreage.
- 55.5 At the time of the first transfer of ownership (other than by inheritance) an approved existing or new turnout shall be installed at the landowner’s expense. Turnout structure design must be approved by KRD. Turnout structures, after construction, shall become the property of the KRD. KRD will be responsible for the normal maintenance of the turnout structure after installation.
- 55.6 Installation and maintenance of the conveyance facilities attached to the turnout are the responsibility of the landowners. Construction and attachment of the conveyance facilities to the turnout cannot impact the functionality of the turnout.
- 55.7 There will be a per lot parcel fee of \$120 per lot payable to the KRD at the time of plat approval, i.e., a plat into two lots is s \$240 fee; into 3 lots is \$360, etc. The fee for this plat is \$9,360 (67 home sites and 11 open space parcels).
- 55.8 This plat will have to have a water master. The landowners must provide for the appointment of a water master who shall be the only one responsible for or able to order water for the entire plat. The water master will be responsible for keeping water use records for each lot in a form and in a manner approved by KRD. KRD will only be responsible for keeping records on the total water ordered at the KRD turnout. The requirement for establishment of a water master shall be stated on the face of the plat.
- 55.9 The face of the plat must state: “KRD operations and maintenance roads are for District use only. Residential and recreational use is prohibited.”

- 55.10 All plats/subdivisions/divisions/boundary line adjustments or segregations of any irrigable property within KR D boundaries may be subject to piping or fencing of KR D right-of-ways for public safety.
- 55.11 All divisions are presented to the Board of Directors for approval. Each division will be reviewed by the Board on a case by case basis. The landowner must provide a map and written description of your water distribution plan that includes parcel covenants, if any. Allow enough time to meet all of the General Guidelines requirements prior to the Board meeting. The Board meets on the First (1st) Tuesday of the month.
56. The applicant will put in their homeowners' covenants that wood stoves shall not be the primary means to heat the individual homes.
57. The Phasing Plan will be as follows:
- Phase I: Lots 23 through 30, 42 through 53 and Lot 57 will be developed. The lake adjacent to these lots and the Class A water system will be constructed.
- Phase II: Lots 31 through 41 and Lots 54 through 60 will be developed. This will result in a total of 35 lots in Phases I and II.
- Phase III: Lots 1 through 22 and Lots 62 through 66 will be developed. This will mean the road will serve over 40 lots, necessitating the construction of a second access and improvements to Godawa Lane in this Phase. The second Phase and the active recreation elements will be constructed to fulfill the bonus density points necessary to meet the plat conditions. In addition, the open space tracts will be created in this Phase.
58. The applicant must secure legal water rights in order to fill the proposed ponds that constitute a portion of the active recreation bonus density. In the event legal water for these ponds is not obtained, the applicant shall provide for active recreation in the areas designated for the ponds of a nature consistent with the Kittitas County Code and as approved by the Kittitas County Community Development Services director.

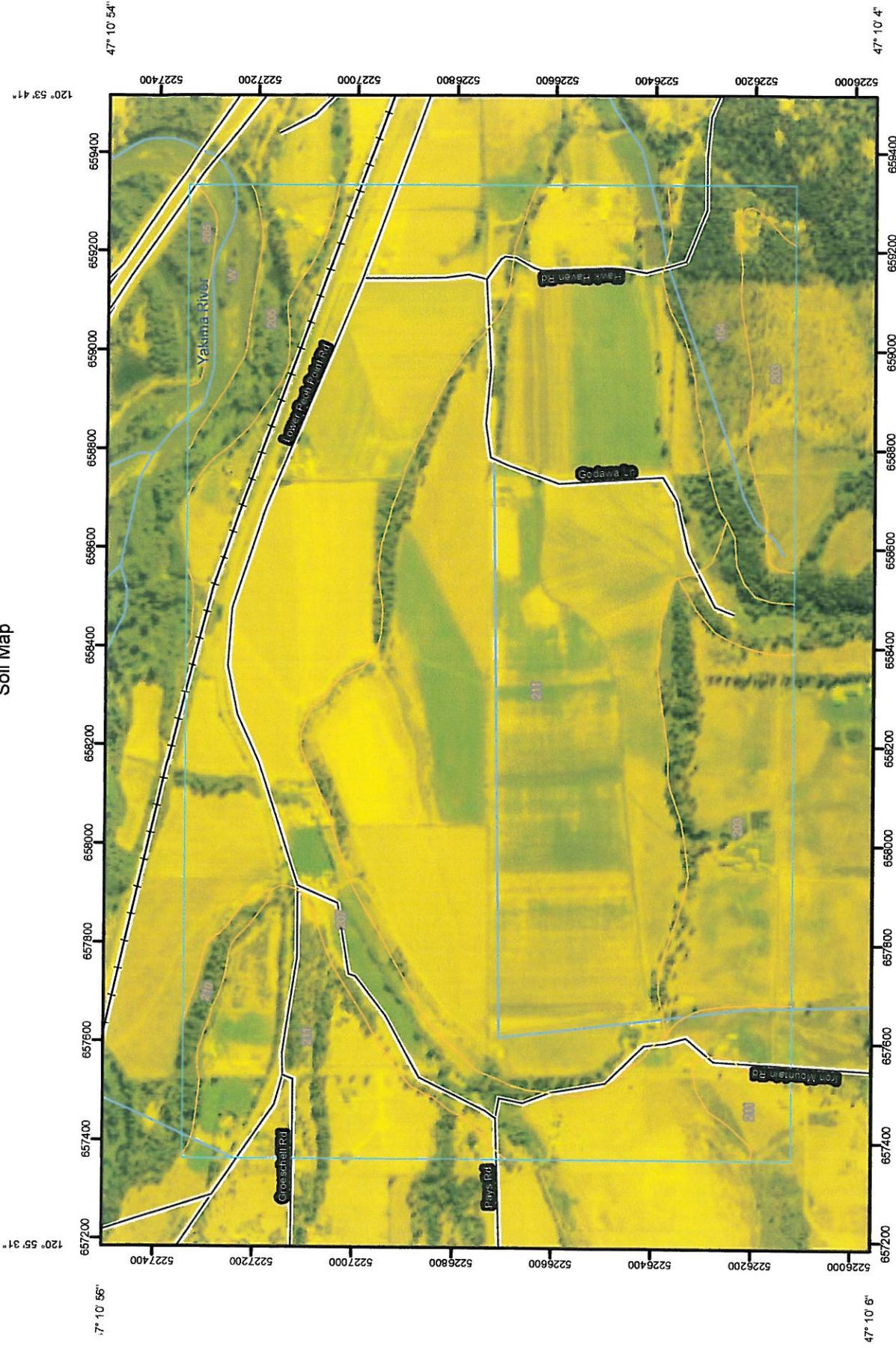
Dated this 10th day of June, 2010.

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Custom Soil Resource Report
Soil Map



Map Scale: 1:11,100 if printed on A size (8.5" x 11") sheet.



USDA
Key 207 } Prime
211 } Farmland
3/27/10
CPO8.28
EX9
WHITEWATER

Chapter 5 – New Corridors

New Corridors for Better Access

Kittitas County's population and the volume of traffic resulting from the population growth are expected to grow by a multiplier of 1.43 to the year 2025. The most concentrated growth is expected to occur in the Cle Elum-Roslyn-Suncadia sub-area and surrounding the City of Ellensburg. New corridors are needed to accommodate this future growth. Also, new corridors are needed for improved road network connectivity and additional access for emergency service areas.

When new development projects occur in areas that this plan has identified as needing new corridors, the new facility would likely be for the benefit of new development. In these cases, developers (anyone subdividing land) will be required to build and dedicate the right of way for these roads to the County. These new corridors will be built to meet Kittitas County Road Standards for public roads. When land is subdivided, road improvements are generally required for a development to meet Kittitas County Road Standards. Other new corridors not directly related to new development projects will require federal or state grants with local matching funds.

New corridors were identified in locations that are experiencing increased development and in need of additional access and improved connectivity. These new corridors are conceptual and the specific alignment for these connections will be determined as future development occurs.

The new arterial corridors that have been identified are shown in the figure on the following page. Detailed information regarding the potential benefits of these projects and their estimated cost of construction are shown in Table 5-1. The costs were estimated for comparison purposes only, using the assumption that it cost \$1.62 million per mile. Engineer design estimates have not been prepared.

5/27/10
LPP 8-28
Whitewater
EX 8



Kittitas County Transportation Plan

New Corridors

Legend

ROAD CONNECTIONS

COUNTY ROADS

WSDOT ROADS

CITY ROADS

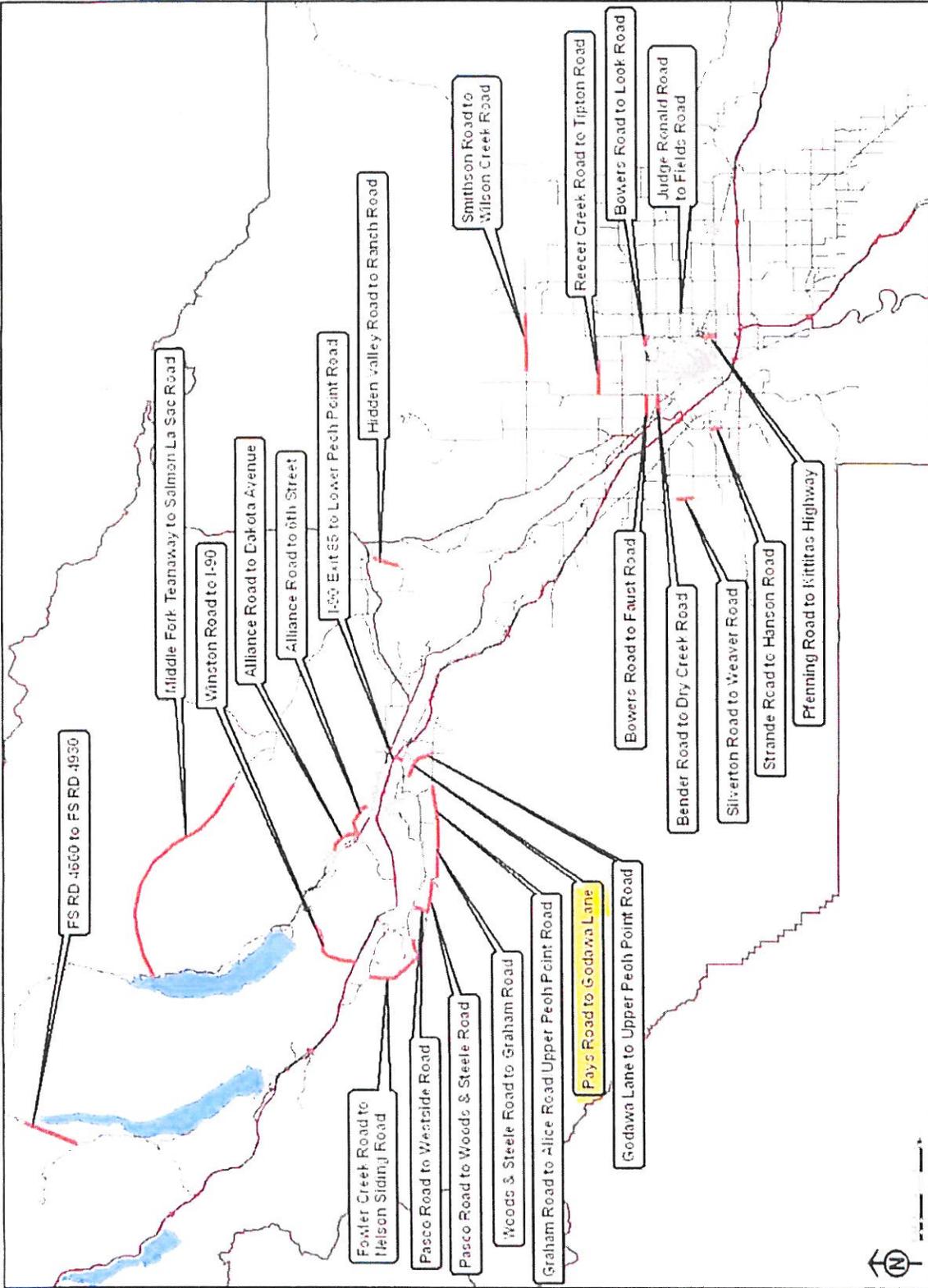
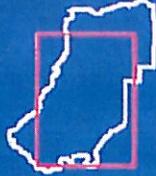


Table 5-1 Continued
Kittitas County New Corridors

<i>Project Description</i>	<i>Benefits and Development Characteristics</i>	<i>Estimated Cost (in Millions)</i>
Pasco Road - Woods & Steele Road Connector	Provide secondary access parallel with Westside Road, ultimately connecting Pasco Road with Upper Peoh Point. Improve transportation grid system in sub-area. Estimated 1,500 ADT in 2025, LOS A. Rolling terrain.	\$1.5
Woods & Steele Road to Graham Road Connector	Provide secondary access parallel with Westside Road, ultimately connecting Pasco Road with Upper Peoh Point (near BPA corridor). Provide improved transportation grid system in sub-area. Estimated 2,400 ADT in 2025, LOS A. Rolling terrain.	\$1.5
Graham Road to Upper Peoh Point Rd Connector	Provide secondary access parallel with Westside Road, ultimately connecting Pasco Road with Upper Peoh Point. Improve transportation grid system in sub-area. Estimated 1,600 ADT in 2025, LOS A. Rolling terrain.	\$4.0
Pays Road to Godawa Lane Connector	Provide improved connectivity between Lower Peoh Point and Upper Peoh Point. Improve transportation grid system in sub-area.	\$2.0
Godawa Lane to Upper Peoh Point Road Connector	Provide improved connectivity between Lower Peoh Point and Upper Peoh Point. Improve transportation grid system in sub-area.	\$2.0
Alliance Road to 6th Street Connector	Provide secondary access parallel with SR 903 and north and west of Cle Elum. Improve transportation grid system in sub-area.	\$2.0
I90 Exit 85 (Sunset Hwy) to Lower Peoh Point Road (Yakima River Crossing) Connector	Provide second river crossing in Cle Elum. Improve transportation grid system in region. Provide economic growth with access to developable areas and jobs. Estimated 2,600 ADT in 2025, LOS A. Rolling terrain.	\$1.5

The County has also identified future roadway network needs that would greatly benefit county citizens but are under different jurisdictions, including WSDOT, Cle Elum, and Ellensburg. These are shown in Appendix E - Coordination with Local Agencies. The County will encourage and support efforts by these jurisdictions to provide these improvements.

Goals-Policies-Objectives, Costs, and Funding

5-1 GPO: Kittitas County shall strive to achieve a modern, state-of-the-art transportation service, which expands and grows with the needs of its growing population.

Estimated Cost. \$1,000,000 - New Corridors annually (includes projects funded by the private sector)

Funding Sources:

- (Federal) STP Regional Program
- (State) Rural Arterial Program (State) Transportation Improvement Board
- Private Sector: Developers needing access, would either construct all or a portion of the roads.
- Road Improvement District (RID)²

¹ Federal and state grants are generally only available for roads that are on the federal functional classification system.

² This is a method established by the State Legislature for improving county or private roads (RCW 36.88) that are paid by an assessment on the lots, tracts, or parcels specially benefited by the improvement. The RID process is usually initiated by a petition that is signed by the owners of a majority of the acreage within the proposed RID boundaries and by the owners of a majority of the front footage measured along both sides of all roads proposed for improvement. The Board of County Commissioners will then hold a hearing to decide whether to create the district, determine the period of time the assessment must be paid (typically 5 to 20 years), and set the assessment interest rate. RIDs shall include all property specially benefited by the proposed improvement, if possible. This includes ownerships served by easements from the improved roads if it is their principal access and ownerships abutting the improved roads even if they are served by another easement.

File Original and First Copy with
Department of Ecology
Second Copy — Owner's Copy
Third Copy — Driller's Copy

WATER WELL REPORT

STATE OF WASHINGTON

Water Right Permit No. _____

Start Card No. W 087475
UNIQUE WELL I.D. # AC E 848

The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

OWNER: Name Brian Twardoski Address P.O. Box 727 Cle Elum wa 98922

(2) LOCATION OF WELL: County Kittitas NW 1/4 Sec 6 T. 19 N. R. 16 W.M.

(2a) STREET ADDRESS OF WELL (or nearest address) _____

(3) PROPOSED USE: Domestic Industrial Municipal
 Irrigation Test Well Other
 DeWater

(4) TYPE OF WORK: Owner's number of well (If more than one)
Abandoned New well Method: Dug Bored
Deepened Cable Driven
Reconditioned Rotary Jetted

(5) DIMENSIONS: Diameter of well 10" 6" inches.
Drilled 12.8 feet. Depth of completed well 128 feet.

(6) CONSTRUCTION DETAILS:
Casing installed: 6 Diam. from +2 ft. to 124 ft.
Welded _____ Diam. from _____ ft. to _____ ft.
Liner installed _____ Diam. from _____ ft. to _____ ft.
Threaded _____ Diam. from _____ ft. to _____ ft.

Perforations: Yes No
Type of perforator used _____
SIZE of perforations _____ in. by _____ in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

Screens: Yes No
Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ from _____ ft. to _____ ft.
Diam. _____ Slot size _____ from _____ ft. to _____ ft.

Gravel packed: Yes No Size of gravel _____
Gravel placed from _____ ft. to _____ ft.

Surface seal: Yes No To what depth? 24' ft.
Material used in seal Bentonite
Did any strata contain unusable water? Yes No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

(7) PUMP: Manufacturer's Name _____
Type: _____ H.P. _____

(8) WATER LEVELS: Land-surface elevation above mean sea level _____ ft
Static level 52' ft. below top of well Date _____
Artesian pressure _____ lbs. per square inch Date _____
Artesian water is controlled by _____ (Cap, valve, etc.)

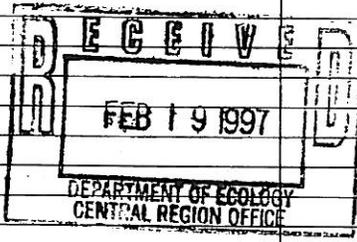
(9) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom? _____
Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.
" " " " " "
" " " " " "
" " " " " "

Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)
Time Water Level Time Water Level Time Water Level
Approx 20 to 23 gpm
Date of test _____
Bailer test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Airtest _____ gal./min. with stem set at _____ ft. for _____ hrs.
Artesian flow _____ g.p.m. Date _____
Temperature of water _____ Was a chemical analysis made? Yes No

(10) WELL LOG or ABANDONMENT PROCEDURE DESCRIPTION

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information.

MATERIAL	FROM	TO
clay loam Brn sm	0	3
clay w/sm gravels m	3	6
clay brn s	6	9
clay gravel Br. m	9	20
sandy clay gravel cob matty col mt	20	55
clay bl. gray ms	55	63
clay gravel w/Quartz bl. black m	63	68
sand gravel greenish gray m	68	74
sand gravel cobbels br. matty. mt	74	78
sand gravel rusty Or. m	78	100
sand gravel Rusty Orange m	100	107
sand silty gravel gr. Black m	107	127
Gravel clay Gray m.	127	140



Work Started 2/7/97, 19. Completed 2/11/97, 19

WELL CONSTRUCTOR CERTIFICATION:

I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards. Materials used and the information reported above are true to my best knowledge and belief.

NAME Water man Well Drilling
(PERSON, FIRM, OR CORPORATION) (TYPE OR PRINT)
Address 106 Berriman Ln Selah Wa 98942
(Signed) [Signature] License No. 1335
(WELL DRILLER)

Contractor's Registration No. WATERMWO6402 2/11/97, 19

(USE ADDITIONAL SHEETS IF NECESSARY)

Ecology is an Equal Opportunity and Affirmative Action employer. For special accommodation needs, contact the Water Resources Program at (206) 407-6600. The TDD number is (206) 407-6006.

1 CLAIMANT NAME: The Estate of John E. Rothlisberger COURT CLAIM NO. 01296
 2 Pete White
 3 & Christa White
 4 Lonny White
 5 Michael White
 6 Source: Unnamed stream
 7 Use: Irrigation of 55.5 acres and stock water
 8 Period of Use: April 1 through October 31
 9 Quantity: 0.70 cfs; 212 acre-feet per year for irrigation and
 10 2 acre-feet per year for stock water
 11 Priority Date: May 24, 1884
 12 Point of Diversion: 750 feet north and 500 feet east of the west quarter
 13 corner of Section 1, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of
 14 Section 1, T. 19 N., R. 15 E.W.M.
 15 Place of Use: Government Lots 3 and 4 of Section 1, T. 19 N.,
 16 R. 15 E.W.M.
 17 Limitations of Use: This property receives delivery of water provided by
 18 the Kittitas Reclamation District in addition to the
 19 water available from the creek

16 CLAIMANT NAME: Harry James Masterson COURT CLAIM NO. 01467
 17 & Mary Lou Masterson (A)03296
 18 Source: An unnamed spring
 19 Use: Stock water
 20 Period of Use: April 1 through October 31
 21 Quantity: 0.005 cfs; 2 acre-feet per year
 22 Priority Date: June 30, 1884
 23 Point of Diversion: 800 feet north and 750 feet east of the center of
 24 Section 20, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20,
 25 T. 20 N., R. 16 E.W.M.
 26 Place of Use: SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T. 20 N., R. 16 E.W.M.

27 SUPPLEMENTAL REPORT OF REFEREE
 28 Re: Subbasin No. 5 (Elk Heights)

5/27/10
 LPO8-28
 Whitman
 69
 Referee's Office
 15 W. Yakima Ave Ste. 200
 Yakima, WA 98902-3401

EX 6

48

1 CLAIMANT NAME: The Estate of John E. Rothlisberger COURT CLAIM NO. 01296
2 Pete White
3 & Christa White
4 Lonny White
5 Michael White
6 Source: Unnamed creek
7 Use: Irrigation of 36 acres and stock watering
8 Period of Use: April 1 through October 31
9 Quantity: 0.80 cfs; 160 acre-feet per year for irrigation and
10 2 acre-feet per year for stock watering
11 Priority Date: May 24, 1884
12 Point of Diversion: 50 feet north and 400 feet east from the center of
13 Section 1, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1,
14 T. 19 N., R. 15 E.W.M.
15 Place of Use: Government Lot 2 of Section 1, T. 19 N., R. 15 E.W.M.
16 Limitations of Use: This property receives delivery of water provided by
17 the Kittitas Reclamation District in addition to the
18 water available from the creek
19
20
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26

27 SUPPLEMENTAL REPORT OF REFEREE
28 Re: Subbasin No. 5 (Elk Heights)

Referee's Office
15 W. Yakima Ave Ste. 2
Yakima, WA 98902-3401

Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

F. Steven Lathrop, P.S.
John P. Winbauer
Susan K. Harrel
Jeff Slothower
James T. Denison, Jr.
Christopher P. Taylor

Tel (509) 925-6916
Fax (509) 962-8093

May 27, 2010

Andrew L. Kottkamp, Esq.
Hearings Examiner, Kittitas County
Kottkamp & Yedinak PLLC
P.O. Box 1667
Wenatchee, WA 98807-1667

Re: Kittitas County LP-08-00028 White Water PBCP
Hearing: May 27, 2010

Dear Mr. Kottkamp:

The purpose of this letter is to inform you the Kittitas Reclamation District ("KRD") has been contacted by Misty Mountain, LLC, the authorized agent for the White Water Performance Based Cluster Plat ("PBCP"), in regard to resolving concerns the KRD has with the proposed PBCP. The KRD appreciates the contact from the applicant, and is willing to work with the applicant to work through the issues related to the KRD facilities through the subject property so that the KRD operations will not be impaired.

However, all the terms of my letter to you dated May 19th, 2010 still apply. The KRD would request that if the application is approved that it be conditional on resolution of the KRD's concerns. We look forward to hearing from the applicant should this PBCP be approved and working through our concerns with the applicant.

Very truly yours,



Jeff Slothower
Attorney for Kittitas Reclamation District

JS/hh/jcj

cc: Client
Dan Valoff, Kittitas County Community Development Services
Misty Mountain, LLC

\\Mar\Client\Files\Slothower\KRD\White Water\KRD ltr to Andrew Kottkamp 5-25-10 DRAFT.doc

5/27/10
LP 08-28
Whitewater
EX 5

47

Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

F. Steven Lathrop, P.S.
John P. Winbauer
Susan K. Harrel
Jeff Slothower
James T. Denison, Jr.
Christopher P. Taylor

Tel (509) 925-6916
Fax (509) 962-8093



May 19, 2010

Andrew L. Kottkamp, Esq.
Hearings Examiner, Kittitas County
Kottkamp & Yedinak PLLC
P.O. Box 1667
Wenatchee, WA 98807-1667

Re: Kittitas County LP-08-00028 White Water PBCP
Hearing: May 24, 2010

Dear Mr. Kottkamp:

The purpose of this letter is for the Kittitas Reclamation District ("KRD") to supplement its December 1, 2008 and December 9, 2009 comments on the above-referenced White Water Performance Based Cluster Plat ("PBCP") application which is currently pending in Kittitas County. The Kittitas Reclamation District is an Irrigation District organized pursuant to Washington law that delivers irrigation water to over 59,000 acres within Kittitas County. The KRD delivers this water pursuant to a 1949 contract with the United States Bureau of Reclamation. All property within the Kittitas Reclamation District is owned subject to the KRD's 1949 contract with the United States Bureau of Reclamation and is also owned subject to the laws relating to Irrigation Districts within the State of Washington.

The White Water PBCP is entirely within the Kittitas Reclamation District and virtually all of the property within the proposed plat is classified as Irrigable by the Kittitas Reclamation District. The KRD general guidelines for subdivisions of land that are deemed irrigable by the Kittitas Reclamation District must be complied with. Those general guidelines include the following:

1. The face of the plat must state: "The KRD is only responsible for delivery of water to the highest feasible point in each 160 acre unit or designated turnout¹. The KRD is not responsible for water delivery loss (seepage, evaporation, etc.) below the designated turnout."

¹ As used herein a turnout is defined as whatever structure(s) is/are required to divert and measure water from the KRD distribution system.

COPY

5/27/10
LP08-28
Whitewater
EX 4 (46)

2. The face of the plat must state: “Full payment of annual KRD assessment is required regardless of the use or non-use of water by the owner of the property.”
3. The landowner shall provide for irrigation easements, in a form acceptable to the KRD, from the KRD turnout to each portion of the plat and provide a written description of the water distribution system, including covenants if any.
4. The plat drawing must show the amount of irrigable acreage within each parcel within the subdivision and contain a statement that KRD water may only be applied to the irrigable acreage.
5. At the time of the first transfer of ownership (other than by inheritance) an approved existing or new turnout shall be installed at the landowner’s expense. Turnout structure design must be approved by KRD. Turnout structures, after construction, shall become the property of the KRD. KRD will be responsible for the normal maintenance of the turnout structure after installation.
6. Installation and maintenance of the conveyance facilities attached to the turnout are the responsibility of the landowners. Construction and attachment of the conveyance facilities to the turnout cannot impact the functionality of the turnout.
7. There will be a per lot parcel fee of \$120 per lot payable to the KRD at the time of plat approval, i.e., a plat into two lots is a \$240 fee; into 3 lots is \$360, etc. The fee for this plat is \$9,360.00 (67 homesites and 11 open space parcels).
8. This plat will have to have a water master. The landowners must provide for the appointment of a water master who shall be the only one responsible for or able to order water for the entire plat. The water master will be responsible for keeping water use records for each lot in a form and in a manner approved by KRD. KRD will only be responsible for keeping records on the total water ordered at the KRD turnout. The requirement for the establishment of a water master shall be stated on the face of the plat.
9. The face of the plat must state: “KRD operations and maintenance roads are for District use only. Residential and recreational use is prohibited.”
10. All plats/subdivisions/divisions/boundary line adjustments or segregations of any irrigable property within KRD boundaries may be subject to piping or fencing of KRD right-of-ways for public safety.

11. All divisions² are presented to the Board of Directors for approval. Each division will be reviewed by the Board on a case by case basis. The landowner must provide a map and written description of your water distribution plan that includes parcel covenants, if any. Allow enough time to meet all of the General Guidelines requirements prior to the board meeting. The Board meets on the First (1st) Tuesday of the month.

The Board of Directors of the KRD considered this plat at their December 2, 2008 and again at its May 11, 2010 meeting and was not able to approve this subdivision because it did not meet the KRD's General Guidelines. The application creates a number of issues which will be addressed in this letter.

First, the proposed plat was submitted to the KRD without a written description of the water distribution plan including parcel covenants, if any. As such, this plat fails to meet the KRD General Guidelines.

It is unclear to the KRD where the easements are located for delivery of irrigation water to each of the lots and the proposed open space tracts within the plat.

It appears there are two large "open space" ponds which taken together total over 26 acres. All of the acreage encompassed within these ponds is classified as "Irrigable" and thus is capable of being irrigated. All of the land within the open space ponds is obligated to pay an assessment based upon the number of acres of irrigable land. Additionally, under KRD's water right confirmed in *Ecology v. Acquavella*, Yakima County Superior Court Cause No. 77-2-01484-5, KRD water may only be used for irrigation and not for recreational use. The plat and the application submitted with Kittitas County do not identify who will own this portion of the property and who will be responsible for payment of irrigation assessments due and owing.

The plat drawing depicts a portion of the KRD right-of-way within one of these ponds. This is not acceptable to the KRD. There are no plans to pipe this particular lateral and no portion of this lateral may be excavated and/or submerged in any form of a pond. It must be left in tact as is and not be interfered with.

It is unclear to the KRD as to what the source of water will be in these ponds. If the ponds are going to be filled with Kittitas Reclamation District water, there must be some mechanism to prevent individual landowners from pumping the KRD water onto their property and other portions of the property. All KRD water will be delivered, pursuant to the General Guidelines, to a single point which will be metered and that water will be available for distribution by the designated water master. The United States Bureau of Reclamation Rules and Regulations prohibit the application of KRD water to land which is classified as "non-irrigable". Thus, the KRD needs assurance that non-irrigable land will not be irrigated and assurance that no KRD water from these ponds will be pumped off of the property on to other lands.

² As used herein a "Division" is any change in the amount of classified irrigable acres caused by any given exempt segregation, boundary line adjustment, short plat or long plat of any subdivision, short subdivision, lot, tract, parcel or site. KRD must be notified when there is any change in the legal description of real property that changes the irrigable acres, including but not limited to: short plats, long plats, final plat, exempt segregations, and boundary line adjustments.

Andrew L. Kottkamp, Esq.
5/19/10
Page 4 of 4

The KRD is a pro-ratable irrigation district. There will be years in the future when a reduced quantity or no quantity of water will be delivered to this property because of pro-rationing.

The KRD also has a question as to where the domestic water for this plat will come from. If there is an existing irrigation water right that will be used to supply domestic water, then the landowner will be required to go through a water right change process through the Department of Ecology. Any change of existing water rights cannot affect the total water supply available to meet the KRD's entitlement.

At this point, the KRD Guidelines should be made a condition of the plat if the plat is approved. Until the Kittitas Reclamation District's concerns set forth in this letter are addressed, we recommend Kittitas County not approve this plat.

Very truly yours,



Jeff Slothower
Attorney for Kittitas Reclamation District

JS/hh

cc: Client
Dan Valoff, Kittitas County Community Development Services

RECEIVED

May 25, 2010

MAY 25 2010

Kittitas County
CDS

KITTITAS COMMUNITY SERVICES

LP-08-00028 WHITE WATER PBCP

I AM OPPOSED TO THIS PROJECT FOR MANY REASONS.

- 1) I AM NOT SURE THAT THE WHITES HAVE OR CAN A WATER RIGHT FOR A CLASS (A) WATER SYSTEM THAT WILL SUPPLY ENOUGH WATER FOR A PROJECT OF THIS SIZE.
- 2) THE WAY THIS PROJECT IS LAID OUT THAT THE TWO ROADS THEY PROPOSE MEET THE REQUIRMENTS FOR TWO DIFFERENT ACCESSES AS THEY BOTH USE PAYS ROAD. A PROJECT OF THIS SIZE REQUIRES TWO SIXTY FOOT WIDE ACCESSES NOT ONE LOOP USING THE SAME ROAD.
- 3) I HAD HEARD THAT A TRAFFIC STUDY HAD BEEN ASKED FOR THIS PROJECT AND SO FAR I'VE HAVEN'T HEARD OF THIS BEING DONE. THE REASON BEING THAT WITH AN AVERAGE OF ATLEAST TWO CARS PER HOUSEHOLD THIS PROJECT WOULD ADD AGREAT NUMBER OF CARS TO AN ALREADY BUSY SO. CLE ELUM BRIDGE IN ORDER TO GET TO MANY NEEDED SERVIVES. THESE SERVICES INCLUDE:(FOOD,GAS,SCHOOLS,HEALTH CARE,AND MANY OTHERS.)
- 4) THIS AREA IS ALSO A MAJOR PATHWAY FOR GAME ANIMALS FROM HILLS TO THE VALLEY YEAR ROUND AND TO BUILD A DAM IN THE MIDDLE OF THIS PATHWAY IS GOING TO CAUSE A MAJOR HARDSHIP ON THESE ANIMALS. (DEER , ELK, BEAR, COUGAR, AND COYOTES, JUST TO NAME A FEW.)
- 5) ALSO THIS AREA HAS BEEN PRIME FARM LAND FOR OVER FIFTY YEARS AND TO BURY IT UNDER A HOUSING PROJECT DOESN'T MEET THE COUNTIES RULE OF SAVING PRIME FARM LAND.
- 6) I DON'T THINK THAT PONDS MEET THE REQUIREMENT FOR OPEN SPACES, SO THIS MEANS THEY WOULD HAVE TO FIND OTHER MEANS TO MEET THIS REQUIREMENT.
- 7) I THINK THIS ANOTHER CASE OF THE COUNTY TRING TO PUT A UNBER EVIROMENT IN AN RURAL SETTING, WHICH DOSEN'T MEET THE REQUIREMENTS OF THE GMA.

Larry Fuller
500 Hawk Haven Road
Cle Elum Wa. 98922

Larry Fuller

*5/27/10
LP08-28
Whitewater
EX 3*

45

Clifford and Shelley Winfrey
40 River Ranch Lane
Cle Elum, WA 98922
Telephone: 509-674-2929



May 7, 2010

Mr. Dan Valoff, Staff Planner
Kittitas County Community Development Services
411 North Ruby Street, Suite 2
Ellensburg, WA 98926

Re: White Water Performance Based Cluster Plat (LP-08-00028)

Dear Mr. Valoff:

We own approximately 13 acres adjacent to Godawa Lane in Cle Elum. We are opposed to the proposed cluster plat referenced above as it is an urban development located in a rural zone. We are also concerned with the impact it would have on the wildlife known to be located in that area. We also would request the developer be required to widen and asphalt Godawa Lane to handle the additional traffic that would result because of the cluster plat. We use our property to raise hay for resale and our crop is tremendously affected by the dust off of Godawa Lane because it is not improved and the County does not use any dust control material on the road surface.

Thank you for your consideration.

Sincerely,

Clifford and Shelley Winfrey
Clifford and Shelley Winfrey

5/27/10
LP08-28
White Water
EX 2 (44)

Brookside Consulting

May 12, 2010

Dan Valoff, Planner II
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

RE: White Water Performance Based Cluster Plat (LP-08-00028)

Dear Dan:

Pursuant to our meeting with you and Christina Wollman on May 6, 2010, this letter is to confirm our discussions and provide the additional information you requested.

The applicant proposes the primary access to be from Pays Road. The second access is proposed to be via Godawa Lane.

The phasing plan is as follows:

Phase One

Lots 23 through 30, 42 through 53 and lot 57 will be developed. The lake adjacent to these lots and the Class A Water System will be constructed.

Phase Two

Lots 31 through 41 and lots 54 through 60 will be developed. This will result in a total of 35 lots in Phase I and II.

Phase Three

Lots 1 through 22 and lots 62 through 66 will be developed. This will mean the road will serve over 40 lots, necessitating the construction of second access and improvements to Godawa Lane in this Phase. The second lake, and the active recreation elements will be constructed to fulfill the bonus density points necessary to meet the plat conditions. In addition, the open space tracts will be created in this Phase.

Please let me know if you have any questions.

Sincerely,



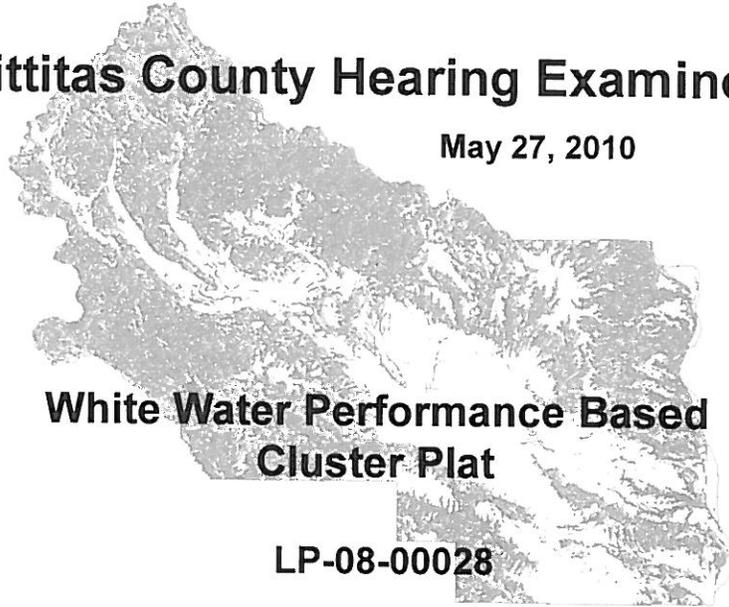
Allison Kimball
Authorized Agent

Cc: Christina Wollman, Department of Public Works

5/27/10
LP08-28
WHITE WATER
EX 1

Kittitas County Hearing Examiner

May 27, 2010



**White Water Performance Based
Cluster Plat**

LP-08-00028

Good Evening Mr. Hearing Examiner

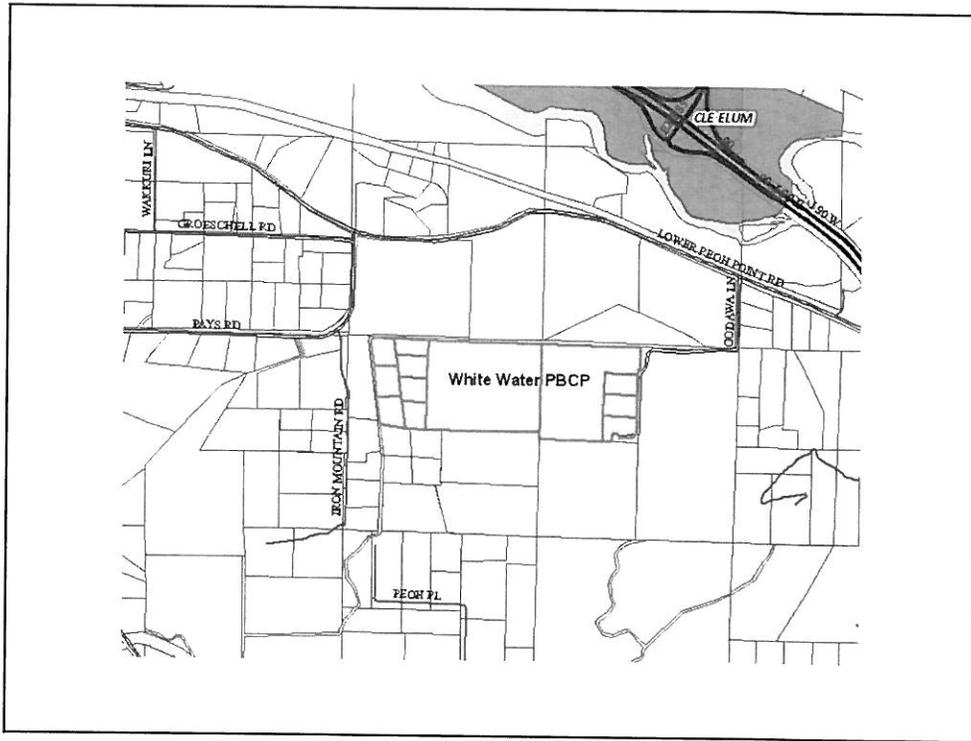
For the record

You have before you tonight the White Water Performance Based Cluster Plat
for your consideration.

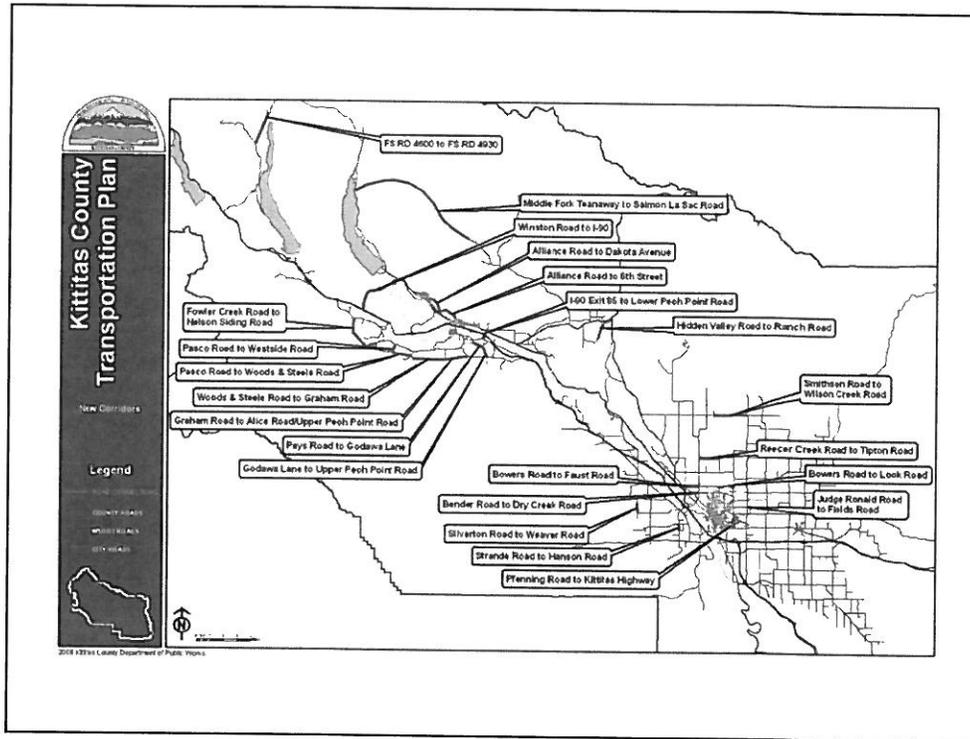
Overview of Proposal

- The subdivision of a 112.04 acre parcel into 67 lots ranging in size from 0.51 to 4.01 acres in size.
- Agriculture-3 zoning
- Group 'A' water system and community on-site septic systems are proposed.
- Active recreation facilities in the form of water & trails with 44.82 to be dedicated to open space.

Dave Blanchard of Misty Mountain LLC, the authorized agent for Lonny Peter White and Joanne White, Peter A. White and Michael Lee White, landowners, for a 67-lot Performance Based Cluster Plat on 112.04 acres of land zoned Ag-3. The applicant is proposing 44.82 acres of open space, a Class A water system and active recreation in the form of water and trails.



The project is located south of Lower Peoh Point Road, east of Iron Mountain Road, west of Godawa Lane, Cle Elum. Here you can see the location of the subject property.



The attached slide is from the County's long range transportation plan. This identifies a new corridor from Pays road to Godawa Lane

Calculations for project:

Current zone for project is Agriculture-3

Allowed density for the Agriculture-3 zone is 1 unit per 3 acres

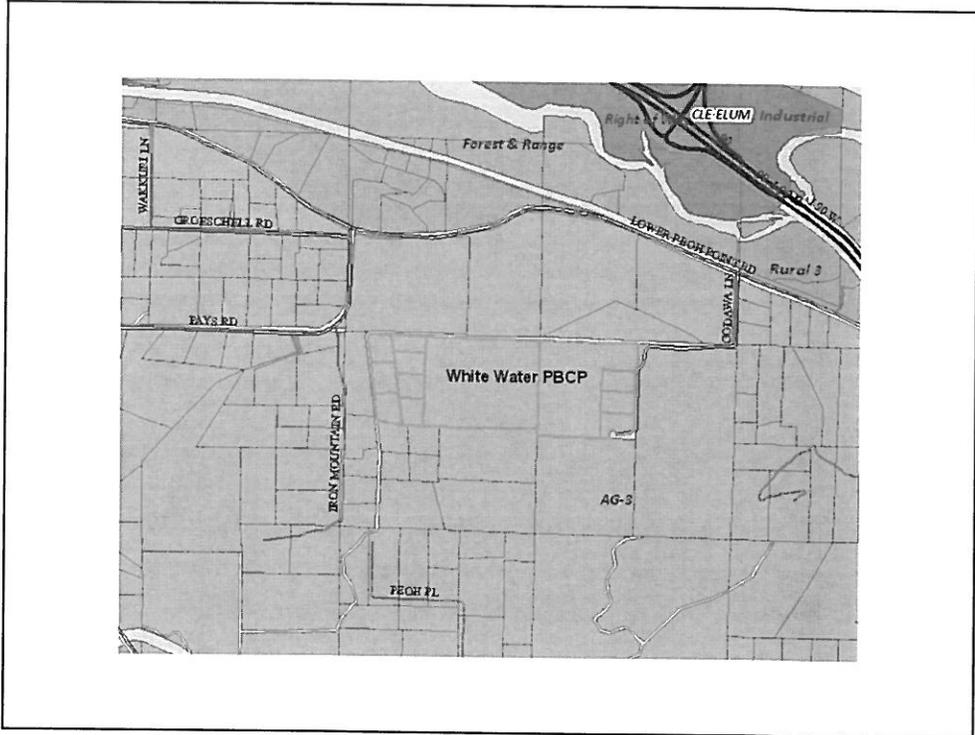
Subject parcel is a total of 112.04 acres

Lots allowed under current zoning (AG-3) = **112.04 acres/3**
acres = **37** lots

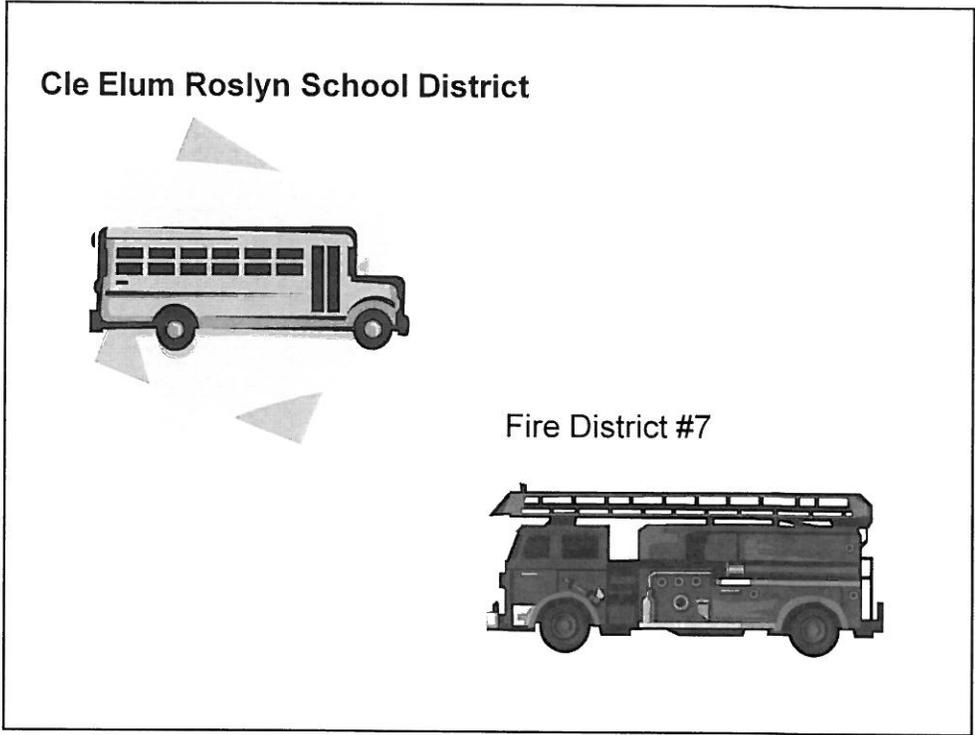
(**37** lots) x (total bonus density percentage **100%**) = **74** total lots
for cluster plat

Element	Area	Bonus Points
Open space total	44.82 acres	40
Development Area	67.22	
Group A water system		50 points
Active Recreation (water & trails)		10
Total	112.04 acres	100points

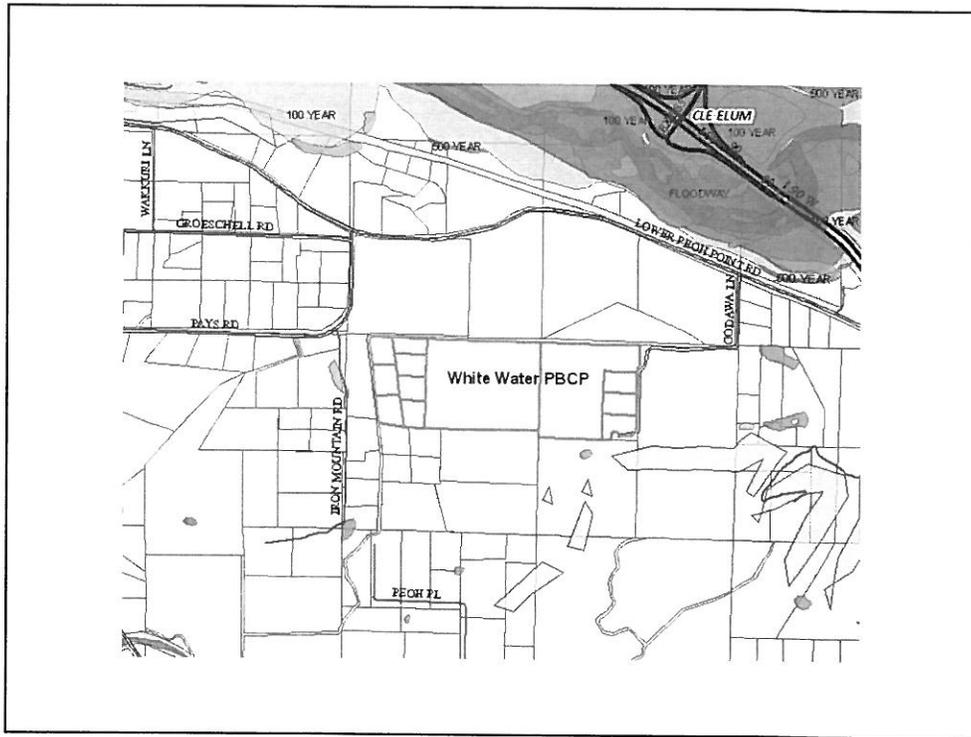
The applicant has demonstrated the Public Benefit Rating System (PBRS) with the following elements.



The subject property is Zoned Rural-3.



The property is located within the Cle Elum School District. It is located in Fire District # 7.



An administrative critical areas review was done in compliance with KCC 17A. No critical areas were identified on the project site. The area is served by the KRD irrigation district.

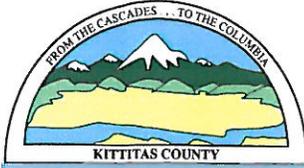


Air photo of the area.

Notices

- Application received October 21, 2008
- Notice of Application was issued and published on November 24, 2008.
- Comments were received from Washington State Department of Ecology, Kittitas County Department of Public Works, Kittitas County Public Health Department and Kittitas County Fire Marshal.
- Environmental Review: MDNS issued May 6, 2010.

In review: A long plat application was submitted to Community Development Services on October 21, 2008. The Notice of Application for the preliminary plat application was issued on November 24, 2008. The last day to submit written comments was on December 9, 2008. Comments were received from Washington State Department of Ecology, Kittitas County Department of Public Works, Kittitas County Public Health Department and Kittitas County Fire Marshal. SEPA MDNS issued May 6, 2010, no appeals were filed.



KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITITITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

STAFF REPORT WHITE WATER PERFORMANCE BASED CLUSTER PLAT

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: White Water Performance Based Cluster Plat (LP-08-00028)
DATE: May 27, 2010

I. GENERAL INFORMATION

Requested Action: Dave Blanchard of Misty Mountain LLC, the authorized agent for Lonny Peter White and Joanne White, Peter A. White and Michael Lee White, landowners, for a 67-lot Performance Based Cluster Plat on 112.04 acres of land zoned Ag-3. The applicant is proposing 44.82 acres of open space, a Class A water system and active recreation in the form of water and trails.

Location: The project is located south of Lower Peoh Point Road, east of Iron Mountain Road, west of Godawa Lane, Cle Elum, WA, and is located in a portion of Section 01, T19N, R15E, WM, in Kittitas County. Map numbers 19-15-01053-0001, 0002, 0003, 0004, 19-15-01000-0003, 0035, and 0043.

II. SITE INFORMATION

Total Project Size:	112.04 acres
Number of Lots:	67
Domestic Water:	Group 'A' water system
Sewage Disposal:	Individual on-site septic system
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	Not applicable

Site Characteristics: The area is generally flat and has been in use as agricultural land.

Surrounding Properties:

North: Vacant

South: Residential

East: Residential

West: Residential

Access: The site is accessed off of Pays Road via Iron Mountain Road on the west side and Godawa Lane from the east side of the property.

Zoning and Development Standards: The subject property is zoned Agriculture 3. Single family residences are permitted in this zone, as well as cluster plats (see 17.28.020 Uses Permitted).

Lot Size: The minimum lot size of a Agriculture 3 parcel is three acres except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.

Setbacks: There shall be a minimum front yard setback of twenty-five feet, a minimum side yard setback of five-feet and rear yard setback of twenty-five feet.

KCC 16.09 allows for **Performance Based Cluster Platting** to assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Public Benefit Rating System (PBRS) elements are items that are not already required by code. When a public benefit is demonstrated then bonus density points will apply. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of twenty five percent (25%) of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090.

The applicant has demonstrated the Public Benefit Rating System (PBRS) with the following elements. The Hearing Examiner can further condition these elements as necessary to meet the intent of the Ordinance for Performance Based Cluster Platting. These elements will be conditions of approval for the White Water Plat in order to qualify for the density bonus allowed through Performance Based Cluster Platting.

Element	Area	Bonus Points
Open space total	44.82 acres	40
Development Area	67.22	
Group A water system		50 points
Active Recreation (water & trails)		10
Total	112.04 acres	100points

Total bonus density points = 100 points. Total bonus density percentage =100%
 Density bonus limit in the Agriculture-3 zone for this proposal is 100%.

Calculations for project:

Current zone for project is Agriculture-3
 Allowed density for the Agriculture-3 zone is 1 unit per 3 acres
 Subject parcel is a total of 112.04 acres

Lots allowed under current zoning (AG-3) = **112.04 acres/3 acres = 37 lots**
 (37 lots) x (total bonus density percentage **100%**) = **74 total lots for cluster plat**

III. ADMINISTRATIVE REVIEW

Notice of Application: A long plat application was submitted to Community Development Services on October 21, 2008. The Notice of Application for the preliminary plat application was issued on November 24, 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 December 9, 2008.

Posting of Site: 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 November 4, 2008 by the applicant, returned to Community Development Services, and is included as part of the record.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as “Rural.” Kittitas County has established the following goals and policies to guide future housing developments in Rural areas. These goals and policies were developed in response to existing housing conditions and identified needs within the county. These goals and policies support the County Wide Planning Policies:

GPO 3.1 Provide a sufficient number of housing units for future populations in rural areas of Kittitas County;

GPO 3.6 Provide for future populations while protecting individual property rights;

GPO 3.17 Provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County;

GPO 3.18 Provide sufficient housing units while maintaining environmental quality;

GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands; and

GPO 8.46 Residential development in rural lands must be in areas that can support adequate private water and sewer systems.

V. ENVIRONMENTAL REVIEW

Based on review of the submitted application materials, correspondence received during the comment period Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on May 6, 2010 in accordance with WAC 197-11-355 (Optional DNS process). The appeal period ended on May 20, 2010. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Exhibits in the Hearing Examiner packet.

Written comments were received from the public. Public comments have been included as Exhibits in the Hearing Examiner packet.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff’s analysis and consistency review for the subject application.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan, including those listed above in section IV of this report. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a Group A water system and individual onsite septic systems.

Consistency with the provisions of KCC 17A Critical Areas:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found no critical areas on the subject properties.

Consistency with the provisions of KCC 16.09: Performance Based Cluster Platting Code:

The application contained all required elements necessary to review this proposal with the exception of soil logs, which will be required prior to final plat approval. All proposed lots meet the dimensional standards of KCC 17.20 for lots zoned Agriculture 3. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code for Performance Based Cluster Plats.

Consistency with the provisions of KCC Title 12: Roads and Bridges:

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 April 5, 2010 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.

Agency Comments:

The following agencies provided comments during the comment period: Washington State Department of Ecology, Kittitas County Department of Public Works, Kittitas County Public Health Department and Kittitas County Fire Marshal. Where appropriate, these comments have been included as conditions of approval.

Public Comments:

Written comments were received from the public submitted by several members of the public.

VIII. RECOMMENDATION

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12 and Title 16.09 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the White Water Performance Based Cluster Plat; file number (LP-08-00028), subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Dave Blanchard of Misty Mountain LLC, the authorized agent for Lonny Peter White and Joanne White, Peter A. White and Michael Lee White, landowners, for a 67-lot Performance Based Cluster Plat on 112.04 acres of land zoned Ag-3. The applicant is proposing 44.82 acres of open space, with active recreation provided in the form of water and trails.
2. The proposed lot sizes range from 0.51 acres to 4.01 acres. The project is proposed to be served a Group 'A' water system and individual onsite septic systems.
3. The project is located south of Lower Peoh Point Road, east of Iron Mountain Road, west of Godawa Lane, Cle Elum, WA, and is located in a portion of Section 01, T19N, R15E, WM, in Kittitas County. Map numbers 19-15-01053-0001, 0002, 0003, 0004, 19-15-01000-0003, 0035, and 0043.
4. Site Information:

Total Project Size:	112.04 acres
Number of Lots:	67
Domestic Water:	Group 'A' water system
Sewage Disposal:	Individual on-site septic system
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District #7
Irrigation District:	Not applicable
5. Site Characteristics: The area is generally flat and has been in use as agricultural land.

6. Surrounding Properties:
 - a. North: Vacant
 - b. South: Residential
 - c. East: Residential
 - d. West: Residential
7. The Comprehensive Plan designation is “Rural.”
8. The subject property is zoned Agriculture 3, which allows for one residential unit per 3 acres.
9. A long plat application was submitted to Community Development Services on October 21, 2008. The Notice of Application for the preliminary plat application was issued on November 24, 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 December 9, 2008.
10. 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 November 4, 2008 by the applicant and returned to Community Development Services, and is included as part of the record.
11. Based on review of the submitted application materials, correspondence received during the comment period Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on May 6, 2010 in accordance with WAC 197-11-355 (Optional DNS process). The appeal period ended on May 20, 2010. No appeals were filed.
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 a Group ‘A’ water system and individual onsite septic systems.
13. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found no critical areas on the subject properties.
14. As conditioned, this proposal is consistent with the Kittitas County Subdivision Code Chapter 16.09 for Performance Based Cluster Plats.
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 April 5, 2010 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.
16. The following agencies provided comments during the comment period: Washington State Department of Ecology, Kittitas County Department of Public Works, Kittitas County Public Health Department and Kittitas County Fire Marshal. Where appropriate, these comments have been included as conditions of approval.
17. Written comments were received from the public submitted by several members of the public.

Suggested Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. 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.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials on file dated October 21, 2008 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. 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.
4. All current and future landowners must comply with the International Fire Code.

Platting Standards and Zoning Code:

5. Certificate of Title: A certificate of title of the property proposed to be platted shall be submitted with the final plat.
6. Lot Closures: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
7. Performance Based Cluster Plat Open Space Requirement: According to KCC 19.06.030, a minimum of 40% of the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System. Prior to final plat approval, the applicant must clearly show and quantify how open space requirements have been met, as set forth in Performance Based Cluster Platting KCC 19.06.030 and KCC 16.09.100.
8. Right to Farm Notification Requirement: According to KCC 16.09.040, all Performance Based Cluster Platting conveyance instruments shall contain the following notice: The subject property is within or near existing agricultural or other natural resource areas on which a variety of activities may occur that are not compatible with residential development for certain periods of varying duration. Agricultural or other natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances. Kittitas County has adopted right to farm provisions contained in Section 17.74 of the Kittitas County Zoning Code.
9. Bonding for Public Benefit Features: According to KCC 16.09.080(6) prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.

10. County Review of HOA Agreements, etc.: Prior to final plat approval, the application shall submit to the County for review and approval consistent with KCC 16.09 of the following: a copy of all proposed restrictive covenants (CCRs), Homeowner's Association bylaws and applicable documents, maintenance agreements and operations plans related to roads, the Group A water system and recreation facilities and open spaces.
11. Irrigation Systems: Pursuant to KCC 16.18.080, a plat note regarding the irrigation systems is required for lots 3 acres or less in size. The following note shall be placed on the face of the final plat, "Lots shall be required to irrigate their individual lot or lots by the use of either a sprinkler irrigation system or a drip irrigation system."

Transportation and Infrastructure:

12. Timing of Improvements: This application is subject to the latest revision of the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the residence 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.
13. 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.
14. Private Road Requirements: The entire internal road system shall be constructed as a High-Density Private Road that serves more than 40 lots. Access easements shall be a minimum of 60' wide. The roadway shall be constructed to AASHTO standards, have a maximum grade of 12%, and be designed by an engineer. See current Kittitas County Road Standards, 9/6/05 edition. Road plans shall be submitted as required in KCC 12.08 and be approved by the County Engineer prior to construction.
15. Pays Road Intersection: The intersection at Pays Road shall be constructed as approved by the County Engineer. A final design shall be presented to the County Engineer and approved prior to final approval.
16. Lot 24: Access shall be provided to Lot 24.
17. Godawa Lane Spelling: Godawa Lane shall be spelled correctly on all documents. It is currently spelled incorrectly on Sheet 2 of the plat.
18. Gates: If this is a gated community, approval for the gate and key box system is required from the Fire Marshal.
19. 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 proposed access may result in further access requirements.

20. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
21. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
22. 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.
23. 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.
24. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.

Onsite Sewage and Wastewater Treatment:

25. Soil Log or Site Evaluation: A soil log or site evaluation must be performed prior to the Public Health Department recommending final approval. WAC 246-272A governs on-site sewage systems in the State of Washington. Table 10, is the minimum land area requirement needed for on-site sewage systems, the minimum land area is determined by the soil type on site, and the type of water supply (individual wells or a public water system). It is strongly recommended that the applicant conduct soil logs as soon as possible to anticipate any difficulties citing the community drain fields.

Water and Stormwater:

26. Plat Notes: According to the Public Health Department, the following notes shall be placed 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 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.”
 - b. “Metering will be required on all new residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements.”
27. Water Neutrality: A determination of water neutrality will be required from the Department of Ecology before the Kittitas County Public Health Department can recommend final approval.
28. Water Availability: Final approval shall be conditioned upon:
 - a. Documentation from the State of Washington, Department of Ecology verifying the quantity of water required for the plat has been transferred, and
 - b. Completion of an affidavit of water availability, on a form available from the Public Health Department-- a well log from the State of Washington, Department of Ecology and a recent passing bacteriological test will meet the water availability requirement; and

- c. Demonstration and evidence that the following activities have taken place: all planned wells have been drilled, flow capacity is known, water storage mitigations are resolved, bacteriological and nitrate tests must be performed and deemed satisfactory from all wells to be used for domestic.
29. NPDES Permit Requirement: 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.
30. NPDES Permit Timing: 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.

Air Quality

31. A burn permit must be obtained from Ecology if the proponent plans to burn trees or debris from the property. Only natural, unprocessed vegetation may be burned in an outdoor fire.
32. The proponent should create a site-specific Fugitive Dust Control Plan (FDCCP) before starting this project, according to Department of Ecology standards, and then follow the plan for the construction of the project and the duration of activity on property.
33. 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.

Fire Safety

34. Approved water storage with a private fire hydrant system shall be installed. The hydrant system shall be subject to plan review through the Fire Marshal's Office and shall be subject to an annual Operational Permit.
35. Water storage and hydrant spacing shall comply with the International Fire Code.
36. The minimum fire flow requirements for the residential structures shall be no less than 1,000 gpm for a duration of no less than 30 minutes. A reduction in fire flow of 50% is allowed when buildings are provided with an automatic sprinkler system.
37. No fire apparatus access lane shall have a slope greater than 12%. A Variance Permit will be required for any slopes or grades greater than allowed by County Code.
38. "No Parking-Fire Lane" signs must be posted per Fire Marshal requirements on all cul-de-sacs. Secondary access is required.
39. All bridges shall be required to be certified (over KRD canals, etc)
40. All development, design and construction shall comply with Kittitas County Code, Kittitas County Zoning and the 2006 International Fire and Building Codes.

41. A separate permit is required for any private water storage or hydrant system.
42. Review of the final project submittals may include further requirements.
43. 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.”
44. 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.
45. Both sheets shall reflect the Plat number: LP-08-00028.

SEPA Mitigation

46. Water and Septic
 - a. Withdrawals of groundwater on the subject property will be subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology. The applicant shall develop a Group A Water System for this 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 completed prior to final plat approval. Demonstration of adequate water rights in relation to development of a Group A Water System shall be completed prior to final approval. Any deviations to the water system requirements shall undergo further environmental and plat review.
 - b. All waters/waterways/ditches/springs located on the subject property shall be delineated and shown on the final mylars. Improvements to such water features shall not impact on-site and off-site use.
 - c. Erosion control measure must be in place prior to any clearing, grading or construction. These control measures must prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. The applicant shall contact the Washington State Department of Ecology regarding requirements if there is a potential for discharge from a construction site larger than one acre.
 - d. The applicant shall contact the Washington State Department of Ecology regarding the requirements from a Stormwater Prevention Plan (Erosion Sediment Control Plan) for all construction sites.
 - e. 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 design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit. Stormwater plans shall be submitted in accordance with KCC 12.06 and 12.08.
 - f. Seasonal drainage and/or stormwater runoff shall be addressed through an engineered stormwater detention design and installation.
 - g. Stormwater and surface runoff generated by this project shall be retained or detained and treated on-site in accordance with regulating agencies' standards.

- h. Grading Plan: A grading plan prepared by an engineer licensed in the state of Washington shall be presented to Public Works prior to final approval. Depending on the amount of fill to be removed from the site, a haul route and road condition analysis may be required prior to approval of the grading plan. The grading plan shall be submitted in accordance with KCC 12.08, and shall be approved by the County Engineer.
- i. Environmental Health shall review and approve the location of the On-site Septic Systems in relation to the lake in order to ensure that contamination of the lake and septic system will not occur.
- j. A stormwater and pond management plat that is consistent with maintaining good water quality in the ponds shall be prepared and reviewed by Kittitas County and the Department of Ecology prior to final plat approval.

47. Transportation

- a. Provisions shall be included in the site development plan for appropriate snow storage and disposal per the stormwater requirements and approved by Kittitas County.
- b. The applicant shall submit plans for maintenance of this facility (e.g. Snowplowing, road maintenance, vegetation, etc.). This shall be addressed via the development of a formal road maintenance agreement or similar means.
- c. Trail: The proposed trail shall not travel through Tract A except for where any crossing structures are located. Crossing structures shall be designed wide enough to provide a separate pedestrian lane in addition to the full width of the required roadway. A trail easement or right-of-way should be provided for the portion of trail which passes through Lots 22, 23, 47-61, and any other location the trail may pass through private property.
- d. Tract A: Tract A is designated as right-of-way throughout the plat. Tract A shall be designed for the construction of a road with at least a 25 mph design speed. The tract will be privately owned, but may be dedicated in the future to Kittitas County for the construction of a new County road. This dedication will occur when requested by the County, or when the road is constructed to County public road standards and accepted onto the County road system by the Board of County Commissioners.
- e. Godawa Lane Improvements: Godawa Lane is currently classified as a Primitive Road and has an ADT of less than 100. Based on the results of the TIA, this project will increase the ADT to approximately 210 trips per day, which is above the 100 ADT threshold for primitive roads. Godawa Lane must be upgraded to a rural local access road, and the developer must follow all requirements of Kittitas County Road Standards, including:
 - i. Road Plans: The developer shall submit road plans for all public road improvements 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. No work may be started until such plans are approved. See current Kittitas County Road Standards 12.08 for more detailed information.
 - ii. 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.

- iii. 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.
- iv. Cul-de-Sac: A public use cul-de-sac shall be constructed on Godawa Lane at the plat entrance. The cul-de-sac may be located in right-of-way or a temporary easement dedicated to the public. The easement may be relinquished at such time Godawa Lane is improved to the end of the road and a cul-de-sac constructed there, or Tract A becomes a through County maintained road. The cul-de-sac turn-around shall have an outside right-of-way or easement diameter of at least 110 feet. 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.

48. Land Use and Recreation

- a. Proposed Restrictive Covenants (CCRs), Homeowner's Association Bylaws and applicable documents, and proposals related to roads, Group A Water System, On Site Sewage, recreation and open space need to be reviewed, approved and recorded as appropriate for consistency with the applicant's proposal and KCC 16.09 for final approval. Any conditions of approval of the Group A Water System and On Site Sewage shall be a condition of the final plat approval and included as a plat note as appropriate.
- b. Pursuant to Kittitas County Code 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).
- c. Pursuant to Kittitas County Code 16.18.080, a plat note regarding the irrigation systems is required for lots 3 acres or less in size. The note shall read as follows: "Lots shall be required to irrigate their individual lot or lots by the use of either a sprinkler irrigation system or a drip irrigation system."
- d. Prior to excavation, the applicant shall submit documentation for review and approval to CDS containing a timeline, haul routes, and location, placement, stockpiling and use of excavated material. All excavation and stockpiling shall comply with federal, state and local regulations. All stockpiling sites and use of excavated material shall be reviewed through a separate critical areas review process as sites are identified by the applicant. It shall be the responsibility of the applicant to pay any applicable review fees and submit appropriate documentation for review.
- e. Prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.

49. Air

- a. A Fugitive Dust Control Plan (FDCP) shall be developed and implemented during construction of the project and duration of activity on the property in order to control blowing dust and dirt.

50. Light and Glare and Aesthetics

- a. Any on-site lighting shall be downward shaded and directed on-site. No mercury vapor lights shall be allowed.
- b. Metal roofs with a reflective glare shall not be allowed.
- c. Trees and landscaping should be planted and maintained along all streetscapes and the perimeter of the residential cluster in order to reduce impacts of lighting or glare on existing and future residential areas.

51. Noise

- a. Construction activities shall comply with KCC 9.45 (noise). Construction activities shall comply with KCC 9.45 (noise). Construction hours shall be from 7:00am to 7:00 pm.
- b. It is the developer's responsibility to dampen or deflect any traffic noise for this development. It shall not be the responsibility of WSDOT to create noise dampening facilities or structures within this development.
- c. Noise: the project shall adhere to regulations in Kittitas County Code 9.45, RCW 70, and WAC 173.60.040. Regulations regarding noise shall be addressed in CC&R's. Signage including noise regulations shall be posted on-site, and at a minimum shall be in the area in the proximity of the lake.

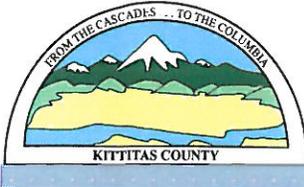
52. Cultural

- a. If any items of possible cultural or historic significance are encountered during construction activities, work shall be immediately halted with the area and a large enough perimeter established in order to maintain the integrity of the site. Kittitas County Community Development Services, the State Historic Preservation Office and the Yakama Nation, as relevant, shall be immediately consulted.

53. Utilities and Services

- a. All lots must be provided with adequate fire flow.
- b. All development must comply with International Fire Code (IFC) and Appendices.
- c. Adequate fire protection systems shall be provided subject to requirements of the Kittitas County Fire Marshal and Fire District 7. The requirements for private water systems for fire suppression are subject to review and approval by the Fire Marshal and Fire District 7.
- d. The Group A Water System will abide by the requirements of the Kittitas County Fire Marshal and the local fire district for fire flow and placement of fire hydrants.
- e. The minimum road width shall not be less than 20' in width.
- f. "No Parking- Fire Lane" signs must be posted at all cul-de-sacs per International Fire Code requirements.
- g. All cul-de-sacs must have a minimum turning radius of 50 feet.
- h. Construction documents for the proposed systems for fire suppression shall be submitted to Fire District #7 and the Fire Marshal's Office for review and approval prior to construction.

- i. Mail routes shall be approved by the postmaster. 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. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.
- j. The applicant shall work with the local school district to provide for a safe location and passageway for a school bus stop. This location shall be delineated on the final mylar.



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships - Building Communities"

NOTICE OF DECISION SEPA ACTION AND PUBLIC HEARING

To: Interested County Departments & Agencies with jurisdiction
Adjacent Property Owners
Applicant

From: Dan Valoff, Staff Planner

Date: May 6, 2010

Subject: **White Water Performance Based Cluster Plat (LP-08-00028)**

Please find the attached Mitigated Determination of Nonsignificance (MDNS) for the above referenced project. The submitted application and related file documents were mailed with the Notice of Application on November 24, 2008.

NOTICE IS HERBY given that pursuant to 43.21(C) RCW, Kittitas County Community Development Services did on Map 6, 2010 issued a Mitigated Determination of Non-Significance (MDNS) for Dave Blanchard of Misty Mountain LLC, authorized agent for Lonny Peter White and Joanne White, Peter A. White and Michael Lee White, landowners, for a 67-lot Performance Based Cluster Plat on 112.04 acres of land zoned Ag-3. The applicant is proposing 44.82 acres of open space, a Class A water system and active recreation in the form of water and trails. The subject property is located south of Lower Peoh Point Road, east of Iron Mountain Road, west of Godowa Lane, Cle Elum, WA 98922, and is located in a portion of Section 01, T19N, R15E, WM, in Kittitas County. Map numbers 19-15-01053-0001, 0002, 0003, 0004, 19-15-01000-0003, 0035, and 0043.

The complete application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA. 98926. Staff Planner: Dan Valoff.

Any action to set aside, enjoin, review, or otherwise challenge such administrative SEPA action on the grounds of noncompliance with the provisions of chapter 43.21RCW shall be commenced on or before May 20, 2010 at 5:00 p.m. to the Kittitas County Board of Commissioners, Rm. 108, County Courthouse, Ellensburg, WA 98926.

NOTICE IS HEREBY given that a hearing on said application before the Kittitas County Hearing Examiner has been scheduled for Thursday, May 27, 2010 at 6:00 p.m. in the Kittitas County Courthouse Auditorium, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the above address prior to the hearing. Interested persons are encouraged to verify prior to attending.

**Notice of SEPA Action and Public Hearing
White Water Performance Based Cluster Plat (LP-08-00028)**

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Date: May 4, 2010

Publish: May 6th & May 13, 2010

DAILY RECORD
AD AUTHORIZATION
(CONTINUED)

Salesperson: KATHY ADAMS

Printed at 05/04/10 16:12 by \$LOGIN

Acct#: 84329

Ad#: 205289 Status: N

**Notice of SEPA Action
and Public Hearing
White Water
Performance Based
Cluster Plat
(LP-08-00028)**

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The complete application file may be viewed at Kittitas County Community Development Services, 411 N Ruby St. Suite 2, Ellensburg, WA 98926 Staff Planner: Dan Valoff

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Date: May 4, 2010
Publish: May 6th & May 13,
2010



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"Building Partnerships – Building Communities"

STATE ENVIRONMENTAL POLICY ACT (SEPA)
MITIGATED DETERMINATION OF NONSIGNIFICANCE

File: White Water Performance Based Cluster Plat (LP-08-00028)

Proponent: Lonny P. White & Joanne White, landowner; Michael L. White, landowner
280 Iron Mtn. Rd.; 661 Godawa Ln.
Cle Elum, WA 98922; Cle Elum, WA 98922

Peter A. White, landowner; Misty Mountain LLC, Authorized Agent
8080 Lower Peoh Pt. Rd.; 206 West 1st Street.
Cle Elum, WA 98922; Cle Elum, WA 98922

Location: South of the City of Cle Elum, east of Pays Road, west of Godawa Lane, Cle Elum, WA,
in a portion of Section 01, T19N, R15E, WM, in Kittitas County. Map numbers 19-15-01053-0001,
0002, 0003, 0004, 19-15-01000-0003, 0035 & 0043.

Lead Agency: Kittitas County Community Development Services

The lead agency for this proposal has determined that it does not have a probable significant adverse
impact on the environment. An environmental impact statement (EIS) is not required under RCW
43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and
other information on file with the lead agency. This information is available to the public on request.
The lead agency for this proposal has also determined that certain mitigation measures are necessary in
order to issue a Determination of Non-Significance for this proposal. Failure to comply with the
mitigation measures identified hereafter will result in the issuance of a Determination of Significance
(DS) for this project. These mitigation measures include the following:

- I. Water and Septic
a. Withdrawals of groundwater on the subject property will be subject to the rules and
regulations adopted and administrated by the Washington State Department of Ecology. The
applicant shall develop a Group A Water System for this 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 completed prior to final plat approval.
Demonstration of adequate water rights in relation to development of a Group A Water System
shall be completed prior to final approval. Any deviations to the water system requirements
shall undergo further environmental and plat review.
b. All waters/waterways/ditches/springs located on the subject property shall be delineated and
shown on the final mylars. Improvements to such water features shall not impact on-site and
off-site use.
c. Erosion control measure must be in place prior to any clearing, grading or construction.
These control measures must prevent soil from being carried into surface water (this includes
storm drains) by stormwater runoff. The applicant shall contact the Washington State

Department of Ecology regarding requirements if there is a potential for discharge from a construction site larger than one acre.

- d. The applicant shall contact the Washington State Department of Ecology regarding the requirements from a Stormwater Prevention Plan (Erosion Sediment Control Plan) for all construction sites.
- e. 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 design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit. Stormwater plans shall be submitted in accordance with KCC 12.06 and 12.08.
- f. Seasonal drainage and/or stormwater runoff shall be addressed through an engineered stormwater detention design and installation.
- g. Stormwater and surface runoff generated by this project shall be retained or detained and treated on-site in accordance with regulating agencies' standards.
- h. Grading Plan: A grading plan prepared by an engineer licensed in the state of Washington shall be presented to Public Works prior to final approval. Depending on the amount of fill to be removed from the site, a haul route and road condition analysis may be required prior to approval of the grading plan. The grading plan shall be submitted in accordance with KCC 12.08, and shall be approved by the County Engineer.
- i. Environmental Health shall review and approve the location of the On-site Septic Systems in relation to the lake in order to ensure that contamination of the lake and septic system will not occur.
- j. A stormwater and pond management plat that is consistent with maintaining good water quality in the ponds shall be prepared and reviewed by Kittitas County and the Department of Ecology prior to final plat approval.

II. Transportation

- a. Provisions shall be included in the site development plan for appropriate snow storage and disposal per the stormwater requirements and approved by Kittitas County.
- b. The applicant shall submit plans for maintenance of this facility (e.g. Snowplowing, road maintenance, vegetation, etc.). This shall be addressed via the development of a formal road maintenance agreement or similar means.
- c. Trail: The proposed trail shall not travel through Tract A except for where any crossing structures are located. Crossing structures shall be designed wide enough to provide a separate pedestrian lane in addition to the full width of the required roadway. A trail easement or right-of-way should be provided for the portion of trail which passes through Lots 22, 23, 47-61, and any other location the trail may pass through private property.
- d. Tract A: Tract A is designated as right-of-way throughout the plat. Tract A shall be designed for the construction of a road with at least a 25 mph design speed. The tract will be privately owned, but may be dedicated in the future to Kittitas County for the construction of a new County road. This dedication will occur when requested by the County, or when the road is constructed to County public road standards and accepted onto the County road system by the Board of County Commissioners.

- e. Godawa Lane Improvements: Godawa Lane is currently classified as a Primitive Road and has an ADT of less than 100. Based on the results of the TIA, this project will increase the ADT to approximately 210 trips per day, which is above the 100 ADT threshold for primitive roads. Godawa Lane must be upgraded to a rural local access road, and the developer must follow all requirements of Kittitas County Road Standards, including:
- f. Road Plans: The developer shall submit road plans for all public road improvements 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. No work may be started until such plans are approved. See current Kittitas County Road Standards 12.08 for more detailed information.
- g. 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.
- h. 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.
- i. Cul-de-Sac: A public use cul-de-sac shall be constructed on Godawa Lane at the plat entrance. The cul-de-sac may be located in right-of-way or a temporary easement dedicated to the public. The easement may be relinquished at such time Godawa Lane is improved to the end of the road and a cul-de-sac constructed there, or Tract A becomes a through County maintained road. The cul-de-sac turn-around shall have an outside right-of-way or easement diameter of at least 110 feet. 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.

III. Land Use and Recreation

- a. Proposed Restrictive Covenants (CCRs), Homeowner's Association Bylaws and applicable documents, and proposals related to roads, Group A Water System, On Site Sewage, recreation and open space need to be reviewed, approved and recorded as appropriate for consistency with the applicant's proposal and KCC 16.09 for final approval. Any conditions of approval of the Group A Water System and On Site Sewage shall be a condition of the final plat approval and included as a plat note as appropriate.
- b. Pursuant to Kittitas County Code 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).
- c. Pursuant to Kittitas County Code 16.18.080, a plat note regarding the irrigation systems is required for lots 3 acres or less in size. The note shall read as follows: "Lots shall be required

to irrigate their individual lot or lots by the use of either a sprinkler irrigation system or a drip irrigation system.”

- d. Prior to excavation, the applicant shall submit documentation for review and approval to CDS containing a timeline, haul routes, and location, placement, stockpiling and use of excavated material. All excavation and stockpiling shall comply with federal, state and local regulations. All stockpiling sites and use of excavated material shall be reviewed through a separate critical areas review process as sites are identified by the applicant. It shall be the responsibility of the applicant to pay any applicable review fees and submit appropriate documentation for review.
- e. Prior to final plat approval, any features of the project incurred as a result of bonus density shall be fully constructed or bonded for.

IV. Air

- a. A Fugitive Dust Control Plan (FDCP) shall be developed and implemented during construction of the project and duration of activity on the property in order to control blowing dust and dirt.

V. Light and Glare and Aesthetics

- a. Any on-site lighting shall be downward shaded and directed on-site. No mercury vapor lights shall be allowed.
- b. Metal roofs with a reflective glare shall not be allowed.
- c. Trees and landscaping should be planted and maintained along all streetscapes and the perimeter of the residential cluster in order to reduce impacts of lighting or glare on existing and future residential areas.

VI. Noise

- a. Construction activities shall comply with KCC 9.45 (noise). Construction activities shall comply with KCC 9.45 (noise). Construction hours shall be from 7:00am to 7:00 pm.
- b. It is the developer’s responsibility to dampen or deflect any traffic noise for this development. It shall not be the responsibility of wsdot to create noise dampening facilities or structures within this development.
- c. Noise: the project shall adhere to regulations in Kittitas County Code 9.45, RCW 70, and WAC 173.60.040. Regulations regarding noise shall be addressed in CC&R’s. Signage including noise regulations shall be posted on-site, and at a minimum shall be in the area in the proximity of the lake.

VII. Cultural

- a. If any items of possible cultural or historic significance are encountered during construction activities, work shall be immediately halted with the area and a large enough perimeter established in order to maintain the integrity of the site. Kittitas County Community Development Services, the State Historic Preservation Office and the Yakama Nation, as relevant, shall be immediately consulted.

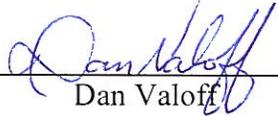
VIII. Utilities and Services

- a. All lots must be provided with adequate fire flow.
- b. All development must comply with International Fire Code (IFC) and Appendices.
- c. Adequate fire protection systems shall be provided subject to requirements of the Kittitas County Fire Marshal and Fire District 7. The requirements for private water systems for fire suppression are subject to review and approval by the Fire Marshal and Fire District 7.

- d. The Group A Water System will abide by the requirements of the Kittitas County Fire Marshal and the local fire district for fire flow and placement of fire hydrants.
- e. The minimum road width shall not be less than 20' in width.
- f. "No Parking- Fire Lane" signs must be posted at all cul-de-sacs per International Fire Code requirements.
- g. All cul-de-sacs must have a minimum turning radius of 50 feet.
- h. Construction documents for the proposed systems for fire suppression shall be submitted to Fire District 7 and the Fire Marshal's Office for review and approval prior to construction.
- i. Mail routes shall be approved by the postmaster. 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. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.
- j. The applicant shall work with the local school district to provide for a safe location and passageway for a school bus stop. This location shall be delineated on the final mylar.

This MDNS is issued under WAC 197-11-350. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced on or before 5:00 PM, May 20, 2010.

**Responsible
Official:**


Dan Valoff

Title: Staff Planner

Address: Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506 FAX 962-7682

Date: May 6, 2010

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$300.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 PM, May 20, 2010. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

F. Steven Lathrop, P.S.
John P. Winbauer
Susan K. Harrel
Jeff Slothower
James T. Denison, Jr.
Christopher P. Taylor

Tel (509) 925-6916
Fax (509) 962-8093

December 9, 2008

Allison Kimble
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: LP-08-00028 White Water PBCP

Dear Ms. Kimble:

The purpose of this letter is for the Kittitas Reclamation District ("KRD") to supplement its December 1, 2008 comments on the above-referenced White Water Performance Based Cluster Plat ("PBCP") application which is currently pending in Kittitas County. First, as you know, the Kittitas Reclamation District is an Irrigation District organized pursuant to Washington law that delivers irrigation water to over 59,000 acres within Kittitas County. The KRD delivers this water pursuant to a contract with the United States Bureau of Reclamation. All property within the Kittitas Reclamation District is owned subject to the KRD's contract with the United States Bureau of Reclamation and is also owned subject to the laws relating to Irrigation Districts within the State of Washington.

The White Water PBCP is entirely within the Kittitas Reclamation District and virtually all of the property within the proposed plat is classified as Irrigable by the Kittitas Reclamation District. As such, the KRD general guidelines for subdivisions of land that are deemed irrigable by the Kittitas Reclamation District must be complied with. Those general guidelines include the following:

1. The face of the plat must state: "The KRD is only responsible for delivery of water to the highest feasible point in each 160 acre unit or designated turnout¹. The KRD is not responsible for water delivery loss (seepage, evaporation, etc.) below the designated turnout."

¹ As used herein a turnout is defined as whatever structure(s) is/are required to divert and measure water from the KRD distribution system.



2. The face of the plat must state: "Full payment of annual KRD assessment is required regardless of the use or non-use of water by the owner of the property."
3. The landowner shall provide for irrigation easements, in a form acceptable to the KRD, from the KRD turnout to each portion of the plat and provide a written description of the water distribution system, including covenants if any.
4. The plat drawing must show the amount of irrigable acreage within each parcel within the subdivision and contain a statement that KRD water may only be applied to the irrigable acreage.
5. At the time of the first transfer of ownership (other than by inheritance) an approved existing or new turnout shall be installed at the landowner's expense. Turnout structure design must be approved by KRD. Turnout structures, after construction, shall become the property of the KRD. KRD will be responsible for the normal maintenance of the turnout structure after installation.
6. Installation and maintenance of the conveyance facilities attached to the turnout are the responsibility of the landowners. Construction and attachment of the conveyance facilities to the turnout cannot impact the functionality of the turnout.
7. There will be a per lot parcel fee of \$120 per lot payable to the KRD at the time of plat approval, i.e., a plat into two lots is a \$240 fee; into 3 lots is \$360, etc. The fee for this plat is \$9,360.00 (67 homesites and 11 open space parcels).
8. This plat will have to have a water master. The landowners must provide for the appointment of a water master who shall be the only one responsible for or able to order water for the entire plat. The water master will be responsible for keeping water use records for each lot in a form and in a manner approved by KRD. KRD will only be responsible for keeping records on the total water ordered at the KRD turnout. The requirement for the establishment of a water master shall be stated on the face of the plat.
9. The face of the plat must state: "KRD operations and maintenance roads are for District use only. Residential and recreational use is prohibited."
10. All plats/subdivisions/divisions/boundary line adjustments or segregations of any irrigable property within KRD boundaries may be subject to piping or fencing of KRD right-of-ways for public safety.

11. All divisions² are presented to the Board of Directors for approval. Each division will be reviewed by the Board on a case by case basis. The landowner must provide a map and written description of your water distribution plan that includes parcel covenants, if any. Allow enough time to meet all of the General Guidelines requirements prior to the board meeting. The Board meets on the First (1st) Tuesday of the month.

The Board of Directors of the KRD considered this plat at their December 2, 2008 meeting and was not able to approve this subdivision because it did not meet the KRD's General Guidelines. The application creates a number of issues which will be addressed in this letter.

First, the proposed plat was submitted to the KRD without a written description of the water distribution plan including parcel covenants, if any. As such, this plat fails to meet the General Guidelines.

It is unclear to the KRD where the easements are located for delivery of irrigation water to each of the lots and the proposed open space tracts within the plat.

It appears there are two large "open space" ponds which taken together total over 26 acres. All of the acreage encompassed within these ponds is classified as "Irrigable" and thus is capable of being irrigated. All of the land within the open space ponds is obligated to pay an assessment based upon the number of acres of irrigable land. The plat and the application submitted with Kittitas County do not identify who will own this portion of the property and who will be responsible for payment of irrigation assessments due and owing.

The plat drawing depicts a portion of the KRD right-of-way within one of these ponds. This is not acceptable to the KRD. There are no plans to pipe this particular lateral and no portion of this lateral may be excavated and/or submerged in any form of a pond. It must be left in tact as is and not be interfered with.

It is unclear to the KRD as to what the source of water will be in these ponds. If the ponds are going to be filled with Kittitas Reclamation District water, there must be some mechanism to prevent individual landowners from pumping the KRD water onto their property and other portions of the property. All KRD water will be delivered, pursuant to the General Guidelines, to a single point which will be metered and that water will be available for distribution by the designated water master. The United States Bureau of Reclamation Rules and Regulations prohibit the application of KRD water to land which is classified as "non-irrigable". Thus, the KRD needs assurance that non-irrigable land will not be irrigated and assurance that no KRD water from these ponds will be pumped off of the property on to other lands.

² As used herein a "Division" is any change in the amount of classified irrigable acres caused by any given exempt segregation, boundary line adjustment, short plat or long plat of any subdivision, short subdivision, lot, tract, parcel or site. KRD must be notified when there is any change in the legal description of real property that changes the irrigable acres, including but not limited to: short plats, long plats, final plat, exempt segregations, and boundary line adjustments.

Allison Kimble

12/9/08

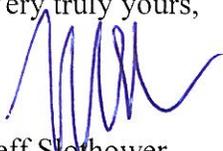
Page 4 of 4

The KRD is a pro-ratable irrigation district. There will be years in the future when a reduced quantity of water will be delivered to this property because of pro-rationing. During pro-rationing the ponds may go dry.

The KRD also has a question as to where the domestic water for this plat will come from. If there is an existing irrigation water right that will be used to supply domestic water, then the landowner will be required to go through a water right change process through the Department of Ecology. Any change of existing water rights cannot affect the total water supply available to meet the KRD's entitlement.

At this point, until the KRD Guidelines are addressed and the issues we raise with respect to the KRD right-of-way and the ponds are resolved, the KRD will oppose this Performance Based Cluster Plat. Until the Kittitas Reclamation District's concerns set forth in this letter are addressed, we recommend Kittitas County not approve this plat.

Very truly yours,



Jeff Slothower

Attorney for Kittitas Reclamation District

JS/ka

cc: Client

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John and Shelley Bennett
910 Iron Mountain Road
Cle Elum, WA 98922

December 7, 2008

Kittitas County Community Development Services
Re: White Water Performance Based Cluster Plat (LP-08-00028)
410 North Ruby Street, Suite 2
Ellensburg, WA 98926



Dear County Planners,

We are new to the area, having recently purchased a small farm close to the end of Iron Mountain Road. We moved to this area for a variety of reasons. Last week we discovered a notice of application placed cleverly out of site off Pays road for all interested parties to read.

We are writing today to register strong opposition to the proposed cluster plat. We moved to this area to get far away from developments such as this. We were told this area was zoned AG3 and thus would not be turned into your typical big city sub-division. As you can imagine we were shocked to learn of this proposal.

These are our prime concerns:

At the top of our list is ground water. We are on a shared well. The scarcity of water is well documented and has become a major issue in the entire Cle Elum/Roslyn area. For this reason alone we are surprised the County Planners would even consider additional housing of this magnitude. At this time we have a marginal well and are not willing to compromise the aquifer providing that water. Sixty seven new homes would most certainly have an impact on most of the surrounding wells. We would propose multiple studies be required to determine the feasibility of supplying additional water to a cluster plat of this size. That would be addition water from other sources.

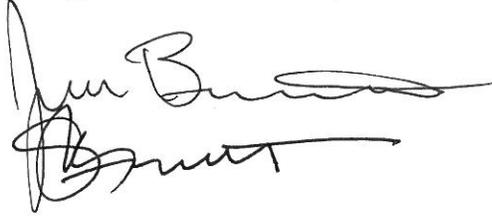
In addition to the above, what happened to AG3 zoning and what gives the planners the authority to turn an area in AG3 zoning into a cluster plat with sixty seven homes? Was this properly disclosed to all interested parties in the area?

This area is surrounded with irrigation run off, ditch canals and nearby streams. All will be impacted by surface street run off, yard fertilizers and the potential for additional spills into the water system. We all know this water eventually flows into the Yakima River which is already severely impacted by such waste. We are also especially concerned about home owner applied

fertilizers, detergents and what have you. All of this will impact our sport and salmon fishery.

We moved to Kittitas County to live in a rural country environment. Our land and the surrounding large and small farms provide us the standards we expect to live in. Therefore we strongly oppose the proposed development of this land. Quite frankly we don't feel the County Planners are protecting our best interests when a proposal such as this is considered given the overwhelming environmental impact it would have on our surrounding area.

Sincerely,

A handwritten signature in black ink, appearing to read "John & Shelley Bennett". The signature is written in a cursive style with a large initial "J" and "S".

John & Shelley Bennett

Joann Iverson
P.O. Box 216
Cle Elum, WA 98922

December 9, 2008

Kittitas County Community Development Services

Re: COMMENTS ON "WHITE WATER PERFORMANCE BASED CLUSTER PLAT"
(LP.08.00028)

In the past our feelings have always been that our neighbors could do whatever they wanted with their land. After all they were the ones who had worked, struggled and reaped the rewards of the land. So if they reached a point in their lives that their children didn't want the land, or for some other reason they wanted to divide the land and sell it..that was their business.

But now a situation has arisen that goes beyond our neighbors dividing their land and selling it. We have been informed that our neighbors will be selling to Sapphire Skies, a well known development company. This company will build sixty-plus homes and all the extra beautification that goes with the houses right across from our top field. That's a small city, not a few homes in the country. This probably should require a sewer treatment plant.

We do have a huge question to ask:

How much water does it take to supply these homes and the ponds they are planning to put in, and what will be the effect on the neighboring property owners?

We know first hand about a water situation. Our lives have been built around it.

We are going on our fourth generation of living here on the farm. Grandparents, parents son and family living close together on the farm, sharing the water from a shallow well. We boiled our drinking water, and constantly checked with each other and the other household

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to see who would be washing clothes or taking baths, showers etc. We didn't want the well to go dry. Through it all we were very considerate of each other. Usually we went to the Laundromat where we met other people from the surrounding rural areas who didn't have enough water, especially in the winter months.

When we had family gatherings, we had to make sure the toilet wasn't flushed too many times. Although it was embarrassing to explain to everyone, it was the way it was.

About four years ago the State allowed us to have a new well drilled.

There has been plenty of water for our household, and for our daughter and her husband who now live next door in Harold's Mom's house. But we are still careful. We do not waste the water.

Before we had the new well drilled, there was a small earthquake that changed the color of the water in the old well for a while to black. There was also a heavy sulfur smell. At that time we thought it was from the coal mines. We have since learned there is a layer of slimy black clay-type substance that runs between upper and lower Peoh Point.

What would be the effect of that substance on us and the other neighbors if the huge well that will supply those homes with water should have a "glitch" in the system? And what about the septic sewer system, the ponds and their involvement with the black clay substance?

Both of us have lived in Kittitas County all of our lives. Harold's grandparents once owned part of the property that is now going to be the development, so we do have some knowledge of the water situation there too.

In conclusion, we are not trying to stop our neighbors from selling their land. We wish them

Kittitas County Community Development
Comments on White Water
(LP.08.00028)

Joann Iverson
Page three
12/09/08

well; however, we are still farming and we have made a choice to stay on our land, along with our daughter, son-in law and their upcoming child.

Our daughter and her husband have their own dreams for our farm, and we would like to make sure they will have their fair share of the water.

Thank you,

Joann Iverson

Clifford and Shelley Winfrey
40 River Ranch Lane
Cle Elum, WA 98922

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December 1, 2008

Allison Kimball, Planner II
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: White Water Performance Based Cluster Plat (LP-08-00028)

Dear Ms. Kimball:

We are writing this letter in response to the above-referenced cluster plat. We own property located off of Godawa Lane (Parcel Nos. 14222, 14221, 14907 and 14906). We are opposed to the cluster plat for the following reasons:

1. **Godawa Lane.** Our property is used for agricultural purposes (hay growing). During the time we have owned our property the traffic using Godawa Lane has increased tremendously. Because Godawa Lane is a "primitive" county road, it is not a paved road and as a result during the spring and summer months the dust created by the traffic covers our field and has caused damage to our crops. Godawa Lane in its present condition would not be suitable for access for the proposed cluster plat. The Applicant should be required to bring Godawa Lane up to county road standards to accommodate the increase in traffic that will occur if this cluster plat is approved.
2. **KRD Water.** Our property is served by KRD. The Applicant is proposing two "recreational ponds". Where is the water going to come from to fill those? We have heard the Applicant is going to use KRD water to fill those. In conversations with KRD employees, this is not legal.
3. **Sewer.** Where is the on-site sewer system for the 64 lots? We know from developing a 3 acre piece of property off of Lower Peoh Point Road in the last year it was extremely difficult to place a structure, well and septic system on 3 acres. If there is not a community sewer system, how is the county going to allow a septic system for every lot that is less than an acre in size?
4. **Water.** Is there sufficient water output from the one domestic well to service 64 lots? We would hope the county would require water studies to confirm the water availability.

Allison Kimball, Planner II
Kittitas County Community Development Services
December 1, 2008
Page 2

In conclusion, we think the county should deny a project of this size in an agricultural area. This property was rezoned Ag-3 from Forest and Range 20. It should remain Ag-3 and developed accordingly. We do not need a development of this size and nature in our area. It does not keep with the surrounding uses and will cause a negative impact on the surrounding properties. **This would allow urban densities and services in a designated rural area.**

We appreciate your consideration of our comments and request that you deny this project.

Sincerely,



Cliff and Shelley Winfrey

Dave Landes
3550 Lower Peoh Point Road
Cle Elum, WA 98922

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December 1, 2008

Allison Kimball, Planner II
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: White Water Performance Based Cluster Plat (LP-08-00028)

Dear Ms. Kimball:

I am writing this letter in response to the above-referenced cluster plat. I own property bordering Godawa Lane to the west. I am opposed to the cluster plat for the following reasons:

1. **Godawa Lane.** My property is used for agricultural purposes (hay growing). The traffic on Lower Peoh Point Road and Godawa Lane has increased tremendously in the past five years. Because Godawa Lane is a "primitive" county road, it is not a paved road and as a result during the spring and summer months the dust created by the traffic has caused damage to my crops. Godawa Lane in its present condition would not be suitable for access for the proposed cluster plat. The Applicant should be required to bring Godawa Lane up to county road standards to accommodate the increase in traffic that will occur if this cluster plat is approved.
2. **KRD Water.** My property is served by KRD. The Applicant is proposing two "recreational ponds". Where is the water going to come from to fill those? I have heard the Applicant is going to use KRD water to fill the ponds. If so, is that legal?
3. **Sewer.** Where is the on-site sewer system for the 64 lots? If there is not a community sewer system, how is the county going to allow a septic system for every lot that is less than an acre in size? I am concerned about contamination resulting from such a large development served only by a septic system.
4. **Water.** Is there sufficient water to service this cluster plat and not deplete the water source for the people who already live in this area? I am concerned about the aquifer supplying my water source being depleted and my well drying up.
5. **Fire/Sheriff.** I have served as a volunteer for the local fire district. I think the addition of this development to our area would overly burden our volunteer fire

Allison Kimball, Planner II
Kittitas County Community Development Services
December 1, 2008
Page 2

department. I am also concerned about the increase in traffic and the inability of our County Sheriff to patrol this area due to a shortage of officers.

In conclusion, I think the county should deny a project of this size in an agricultural area. This property was rezoned Ag-3 from Forest and Range 20. It should remain Ag-3 and developed accordingly. A development of this size and nature in our area does not keep with the surrounding uses and will cause a negative impact on the surrounding properties.

Approval of this development would allow urban densities and services in a designated rural area.

I request that you deny this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Landes", with a long horizontal flourish extending to the right.

Dave Landes

John and Candi Snyder
3411 Lower Peoh Point Road
Cle Elum, WA 98922

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Kittitas County
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December 1, 2008

Allison Kimball, Planner II
Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA 98926

Re: White Water Performance Based Cluster Plat (LP-08-00028)

Dear Ms. Kimball:

We are writing this letter in response to the above-referenced cluster plat. We are opposed to the cluster plat for the following reasons:

1. **Access.** Lower Peoh Point Road has seen a significant increase in traffic during the past six years. Speeding is a problem and there have been numerous accidents, especially in the winter months. The Sheriff's department does not have sufficient officers to patrol Upper County and due to the economic situation we would expect that they will not be able to add officer's to increase the coverage in this area any time soon. In addition, the City of South Cle Elum would be greatly impacted by the increase in traffic to the proposed development and they also do not have sufficient officers to patrol for traffic violators. The homeowners on South Cle Elum Way have seen a huge increase in traffic volume over the past few years as well. There are no sidewalks or crosswalks on South Cle Elum Way for pedestrian safety. South Cle Elum is the main point of access to this area of the County and the proposed development's impact on their City should be taken into consideration.
2. **KRD Water.** The Applicant is proposing two "recreational ponds". Where is the water going to come from to fill those? We have heard the Applicant is going to use KRD water to fill those. Is this legal?
3. **Sewer.** Where is the on-site sewer system for the 64 lots? If there is not a community sewer system, how is the county going to allow a septic system for every lot that is less than an acre in size?
4. **Water.** Is there sufficient water output from the one domestic well to service 64 lots? How will the water use of this proposed development affect current residents? A water study to confirm the availability needs to be performed so that adjacent property owners do not have their wells dry up.

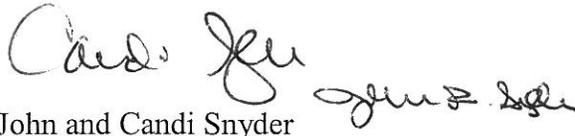
Allison Kimball, Planner II
Kittitas County Community Development Services
December 1, 2008
Page 2

5. **Fire.** This rural area is currently served by a volunteer fire department that is already stretched to the limit.

In conclusion, we think the county should deny a project of this size in an agricultural area. This property was rezoned Ag-3 from Forest and Range 20. It should remain Ag-3 and developed accordingly. We do not need a development of this size and nature in our area. It does not keep with the surrounding uses and will cause a negative impact on the surrounding properties. **This would allow urban densities and services in a designated rural area.**

We appreciate your consideration of our comments and request that you deny this project.

Very truly yours,

Handwritten signatures of Candi and John Snyder. The signature for Candi is written in a cursive style, and the signature for John is also cursive and appears to be written below or to the right of Candi's signature.

John and Candi Snyder

December 5, 2008

CDS
411 N. Ruby St., Suite 2
Ellensburg WA 98926

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Re: White Water PBCP - LP-08-00028
Staff Planner: Allison Kimble

To Whom It May Concern,

I have strong objections to the above referenced cluster plat application. My concerns are, but not limited to; traffic, water availability/water quality, emergency services, fire, animal migration, and septic. I do not wish to waste valuable time of the staff planner so I ask you to refer to line by line review of the applicants' SEPA application submitted by Melissa Bates. I agree with all she has written and questioned. I wish to add the following comments:

I do not feel this proposal meets the intent of code 16.09 for a cluster plat. There is no cluster of homes with contiguous open space. This looks like a subdivision.

A traffic study has not been done. To the west, in the last 3 years a large number of 3 acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. *All* of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on thru the town of So. Cle Elum and the 2 lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. I believe this county must stop trying to look at these applications while wearing horse blinders. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been rezoned and platted in adjoining Twp., Range and Sections the county is actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines.

Septic and water are difficult to address at this time as the application identifies a water delivery system not whether there is actually enough water to serve 67 homes.

The applicant claims there are no farm lands of long term significance. This is completely untrue. This acreage was inherited from John Rothlisberger. Johnny

farmed this land all his life. He grew potatoes and hay. I have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation District (KRD). The map shows all the soil the development will cover is Class 1 type soil. Class 1 type soil is the best for farming, producing the highest yields. The development will *completely* destroy this farmland.

Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one day survey for wild life is absurd; made even more so if any siting of personal firearms is done within days of the one (1) day survey. I challenge any deer or elk to navigate the "open" space in this sub-division; it is not a cluster plat.

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned, is that because the homes will be situated too close to allow for propane tanks? It is during winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing woodstoves/fireplaces to be incorporated in the homeowners' association rules, as Suncadia has done.

In light of so many 'unknown' answers on the applicants' SEPA Check List, and lack of a study on cumulative impact, I feel this application requires a formal Environmental Impact Study.

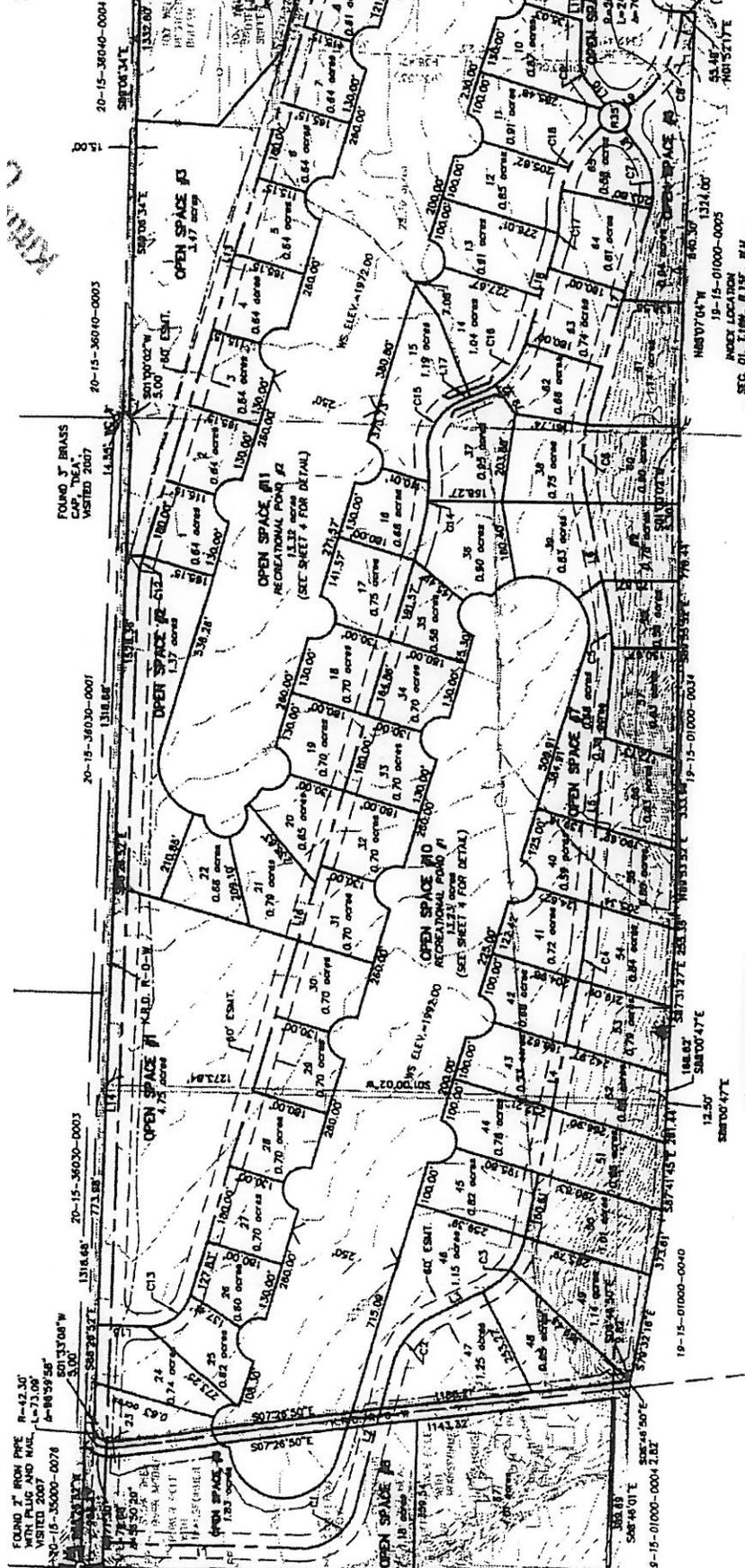
Regards,



Deidre Link

560 Hawk Haven Rd.
Cle Elum, WA 98922

AND INFORM THE OWNER ENGINEER OF ANY DISCREPANCIES.
Call Before You Dig
1-800-853-4344

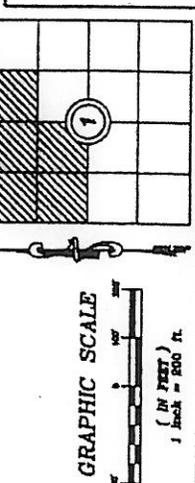


Encompass
ENGINEERING & SURVEYING
108 EAST 2ND STREET
GLEBEUM, WA 98522
PHONE: (509) 674-7433
FAX: (509) 674-7419

WHITE WATER
PERFORMANCE BASED CLUSTER FLAT
PTN. NORTH 1/2 SECTION 1, T.18N, R.18E, W.1M
KITITAS COUNTY, STATE OF WASHINGTON

OWN BY: DATE: JOB NO: 08068
CHKD BY: G. WEISER 07/08
D. NELSON SCALE: 1" = 200'

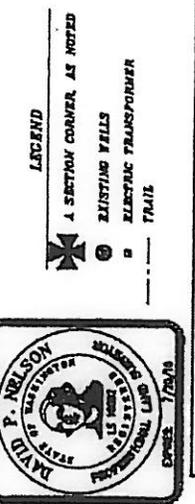
SHEET 2 OF 4



SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act of the state of WASH. STATE, MAY 2008.

DAVID P. NELSON DATE 18092
Certificate No. 18092



RECORDER'S CERTIFICATE

Filed for record this day of 20 at the request of DAVID P. NELSON, Surveyor's Name.

County Auditor Deputy County Auditor

CENTERLINE OF EASEMENTS

LINE	BEARING	DISTANCE
L1	N01°13'00"W	450.13
L2	N78°10'00"W	337.47
L3	N07°45'00"W	122.67
L4	S70°48'58"W	582.23
L5	N05°05'30"W	813.53
L6	S78°28'31"W	248.63
L7	S71°30'05"W	403.07
L8	S01°57'27"W	37.77
L9	S89°07'30"W	24.47
L10	S11°50'27"W	24.78
L11	N00°07'05"W	246.00
L12	S00°08'00"W	150.47
L13	S73°28'00"W	143.19
L14	S00°38'32"W	255.00
L15	N01°33'00"W	114.04
L16	S73°28'00"W	143.19
L17	S00°38'32"W	255.00
L18	N01°33'00"W	114.04
L19	S73°28'00"W	143.19
L20	S00°38'32"W	255.00
L21	N01°33'00"W	114.04
L22	S73°28'00"W	143.19
L23	S00°38'32"W	255.00
L24	N01°33'00"W	114.04
L25	S73°28'00"W	143.19
L26	S00°38'32"W	255.00
L27	N01°33'00"W	114.04
L28	S73°28'00"W	143.19
L29	S00°38'32"W	255.00
L30	N01°33'00"W	114.04
L31	S73°28'00"W	143.19
L32	S00°38'32"W	255.00
L33	N01°33'00"W	114.04
L34	S73°28'00"W	143.19
L35	S00°38'32"W	255.00
L36	N01°33'00"W	114.04
L37	S73°28'00"W	143.19
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L40	S73°28'00"W	143.19
L41	S00°38'32"W	255.00
L42	N01°33'00"W	114.04
L43	S73°28'00"W	143.19
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L53	S00°38'32"W	255.00
L54	N01°33'00"W	114.04
L55	S73°28'00"W	143.19
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L59	S00°38'32"W	255.00
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L61	S73°28'00"W	143.19
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L63	N01°33'00"W	114.04
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L71	S00°38'32"W	255.00
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L74	S00°38'32"W	255.00
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L83	S00°38'32"W	255.00
L84	N01°33'00"W	114.04
L85	S73°28'00"W	143.19
L86	S00°38'32"W	255.00
L87	N01°33'00"W	114.04
L88	S73°28'00"W	143.19
L89	S00°38'32"W	255.00
L90	N01°33'00"W	114.04
L91	S73°28'00"W	143.19
L92	S00°38'32"W	255.00
L93	N01°33'00"W	114.04
L94	S73°28'00"W	143.19
L95	S00°38'32"W	255.00
L96	N01°33'00"W	114.04
L97	S73°28'00"W	143.19
L98	S00°38'32"W	255.00
L99	N01°33'00"W	114.04
L100	S73°28'00"W	143.19

YAKIMA PROJECT - KITTITAS DIVISION

LAND CLASSIFICATIONS

CLASS 1

Lands that with sufficient water, and which, when farmed under approved systems of tillage and irrigation practice, should be the best producing lands on the project. These lands are of good soil, have favorable topography, are well adapted to general diversified agriculture and will allow the practice of some division and should yield maximum returns.

CLASS 2

Lands, whose topography, soil or subsoil conditions are slightly more unfavorable than Class 1 lands. These lands are not necessarily less productive than Class 1 lands. In some cases they may be less productive, in others the cost of tillage will be somewhat greater. Such lands may have good soil but under irrigation may require inexpensive drainage. They may be of such depth that greater care will be required in irrigation than on Class 1 lands. They may contain a few loose stones, may be somewhat rolling or uneven in topography, but are always capable of being plowed and irrigated and are otherwise adapted to the same systems of cropping as are Class 1 lands.

CLASS 3

Lands, which due to the character of the soil or subsoil or on account of rough topography, are difficult to handle and not adapted to diversified farming. These lands usually are stony and incapable of being plowed. In some cases they will produce good alfalfa and can always be irrigated and made to produce pasture.

CLASS 5

Lands which for any reason are not at present capable of agricultural use, but which may gradually under changing conditions be made sufficiently productive to justify cropping. This includes alkali or waterlogged lands, which may be improved by drainage.

CLASS 6

Lands which are non-irrigable.

IRRIGABLE

NON

December 5, 2008

CDS
411 N. Ruby St., Suite 2
Ellensburg WA 98926

RECEIVED
DEC 09 10 11 AM
Kittitas County
CDS

Re: White Water PBCP – LP-08-00028
Staff Planner: Allison Kimble

To Whom It May Concern,

I do not believe this is a cluster plat; it looks more like a subdivision. I have lived here most of my life and know this property to be some of the best farmland in Upper Kittitas County. I've enclosed a soil map and the descriptions of soil classifications used by the KRD. The map shows the property to be composed almost entirely of Class 1 soil. The applicants claim that it has not been classified prime farmland and does not meet the criteria for farm lands of long term commercial significance is false. I personally know John Rothlisberger farmed this property for many years. I strongly value individuals' property rights but this proposal is not appropriate for rural areas.

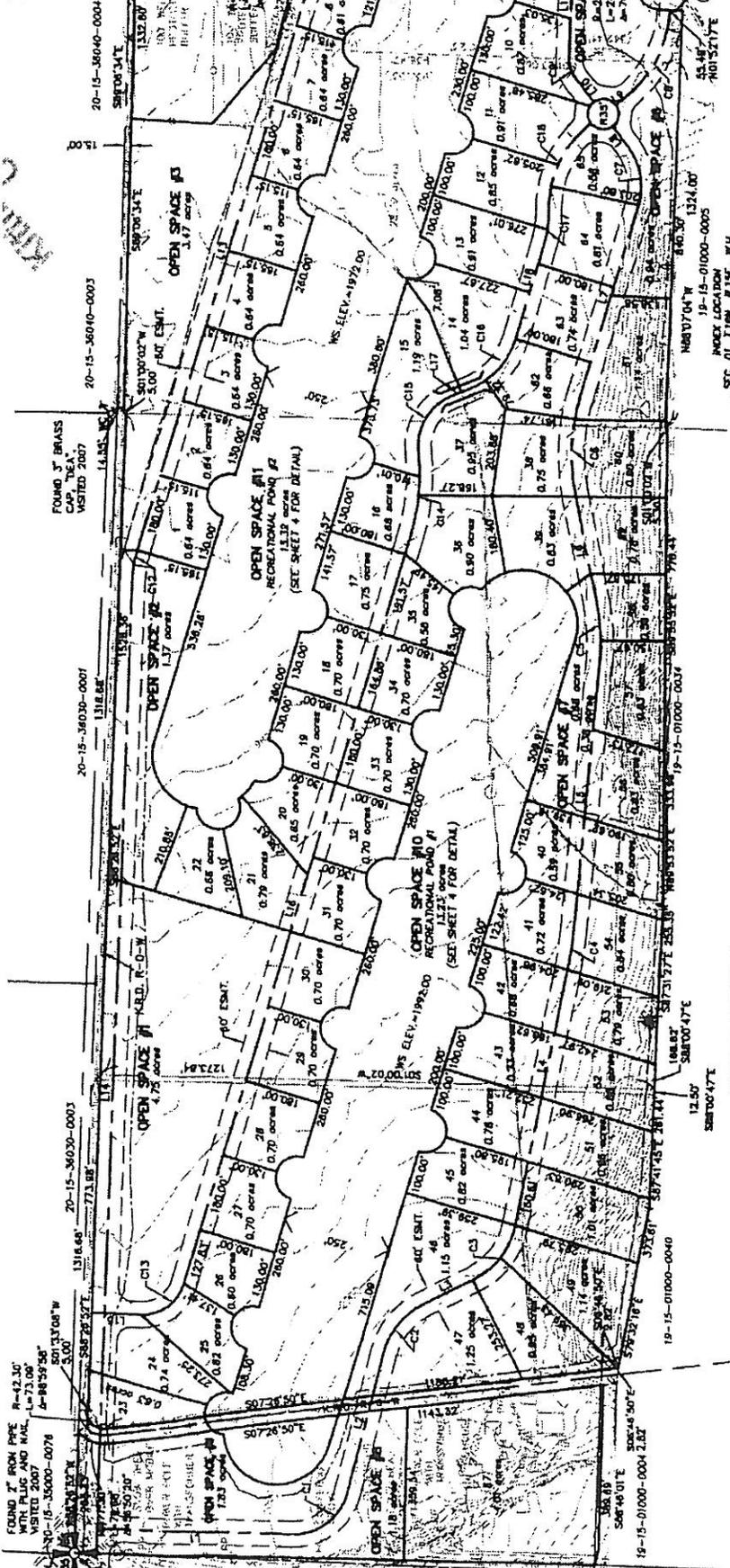
I also question who will pay for the widening of Iron Mountain and Godawa Lane, the applicant claims these 2 roads are county roads. I do not feel county tax payers should pay for improvements and maintenance as the roads **only** service the proposed development, they are private roads.

Thank you for this opportunity to comment.
Regards,

Richard and Bonnie Filleau
850 Upper Peoh Point Rd.
Cle Elum, WA 98922

Richard Filleau
Bonnie Filleau

AND INFORM THE DESIGN ENGINEER
OF ANY DISCREPANCIES.
Call Before You Dig
1-800-883-4344



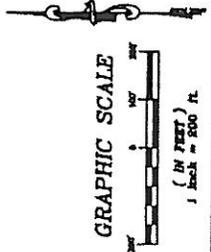
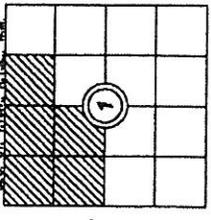
FOUND 2" IRON PIPE
R=42.30'
WITH 1" AND 1/2"
CAP. "DEA"
VISITED 2007
20-15-36030-0007
131648'
771.88'
501.3708"
3.00'
585.2737'
771.88'
19-15-36030-0007
131648'
771.88'
501.3708"
3.00'
585.2737'
771.88'
19-15-36030-0007
131648'
771.88'
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3.00'
585.2737'
771.88'

Encompass
ENGINEERING & SURVEYING
108 EAST 2ND STREET
CLEVELAND, WA 98022
PHONE: (509) 674-7433
FAX: (509) 674-7419

WHITE WATER
PERFORMANCE BASED CLUSTER FLAT
PTL NORTH 1/2, SECTION 1, T.19N., R.15E., W.14
KITITIAS COUNTY, STATE OF WASHINGTON

OWN BY
G. WEISER
DATE
07/08
JOB NO.
08068

CHKD BY
D. NELSON
SCALE
1"=200'
SHEET
2 OF 4



LEGEND

- A SECTION CORNER AS NOTED
- EXISTING WALLS
- ELECTRIC TRANSDUCER
- TRAIL

DAVID P. NELSON
REGISTERED SURVEYOR
EXPIRES 7/30/10

RECORDER'S CERTIFICATE
Filed for record this... day of ... at ...
in book... at page... at the request of
DAVID P. NELSON
Surveyor's Name
County Auditor
Deputy County Auditor

CENTERLINE OF EASEMENTS

LINE	MARK	LENGTH	BEARING	DELTA
L1	N0113700W	450.11		
L2	N7011047W	337.47		
L3	N2044530W	129.67		
L4	S7048453W	592.61		
L5	N4510526W	611.53		
L6	S7028263W	245.82		
L7	N1213051W	430.07		
L8	S0132222W	57.77		
L9	S3007462E	24.77		
L10	S1552927E	64.76		
L11	N8107047W	246.00		
L12	S0010106W	150.77		
L13	S7230053W	1431.32		
L14	S4028552E	2253.00		
L15	N0131100E	112.02		
L16	N7230250W	1798.45		
L17	N2310225W	40.54		
L18	N7230250W	238.54		

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of... **MISTY MOUNTAIN, LLC**...
in... **WA**... 2008.

DAVID P. NELSON DATE
Certificate No. 18092

YAKIMA PROJECT – KITTITAS DIVISION

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CLASS 6

Lands which are non-irrigable.

IRRIGABLE

NON

Submitted - December 9, 2008

Community Development Services
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

RECEIVED
DEC 09 2008
Kittitas County
CDS

Attn: Allison Kimball, Planner II
cc: Dan Valoff, Planner II

RE: White Water Performance-Based Cluster Plat (LP-08-00028)

To Whom It May Concern:

Please accept our comments on the above-noted cluster plat.

We have great concerns regarding the above-referenced cluster plat application. Our concerns are, but not limited to: traffic, water availability/water quality, emergency services, fire, animal migration, and septic. See SEPA comments attached.

First off, a concern we have is how many "Public Notice" signs were posted and their locations. This a huge project with only 2 "Public Notices" posted! No one would see the one posted at the **west end** of the project, unless they drove onto Iron Mountain Road off the Pays Road. (*see pictures submitted by Bill Harris*) Those people who live on Pays Road will be impacted by traffic, etc. whether it be ingress or egress! They should also be given the opportunity to know about this project (visually by sign and hard copy in the mail). The "Public Notice" on the **east end** of the project is posted on Godowa is down that road at the opposite end from the Lower Peoh Point Road. All of the people living off Lower Peoh Pt. Road will also be impacted by this project, ingress and egress. They should also be given the opportunity to know about this project (visually by sign and hard copy in the mail). How many people were actually notified and aware of this proposal??? Does anyone from CDS go out and verify the locations of the "Public Notices"? We doubt it. You just take for granted the word of the person who signed the "Affidavit of Posting". In this case a Noel Kurtz. We think better visual locations could have been chosen!

We add the following comments:

A traffic study has not been done. To the west, in the last 3 years a large number of 3-acre lots and cluster plats have been created by rezoning from Forest & Range 20 to Rural 3. *All* of the development in T19-R14-Sec(s) 01, 02, 03 and T19-R15-Sec(s) 04, 05, 06, 07, 08 & 09 will access Upper Peoh Point Rd. on through the town of So. Cle Elum and the 2-lane bridge over the Yakima River. The cumulative impact of this new development application must be considered. We believe this county must stop trying to look at these applications with tunnel vision. The county claims it is trying to create a diversity of housing; by refusing to look at what has already been rezoned and platted in adjoining Twp., Range and Sections the county is actually creating urban sprawl in very rural parts of the county. The proposed cluster plat development creates urban densities in rural zones; this is not in line with GMA guidelines!

Septic and water are difficult to address at this time as the application identifies a “water delivery system” not whether there is actually enough water to service 67 homes!

The applicant claims there are no farm lands of long term significance. This is not true. We have enclosed a copy of the soil map and definitions of the 6 Classes of soil used by the Kittitas County Reclamation District (KRD). The map shows all the soil the development will cover is Class 1 type soil. Class 1 type soil is the best for farming, producing the highest yields. The development will *completely* destroy this farmland!

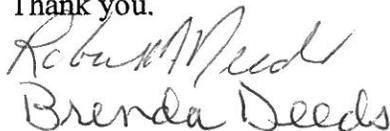
Timber harvest for the massive amount of development to the west has already occurred, a migration study for deer and elk needs to be done, a one-day survey for wild life is absurd; made even more so if any sighting of personal firearms is done within days of the one (1) day survey. This is a subdivision, not a cluster plat!

The proposed plan calls for the homes to utilize electricity with back-up wood burning stoves/fireplaces. Propane is not mentioned. Why is that? Will the homes be situated too close to allow for propane tanks? During winter months we experience extended weather inversions and power outages. Adding 67 homes with wood burning stoves/fireplaces to the large amount of development already allowed in the Upper County will only add to air quality issues. This would be mitigated by not allowing woodstoves/fireplaces to be incorporated in the homeowners’ association rules, as Suncadia has done. Breathing fresh air is a Right/necessity, not a Luxury!

In light of so many ‘unknown’ answers on the applicants’ SEPA Checklist, and lack of a study on cumulative impact, we feel this application requires a formal Environmental Impact Study.

We have followed the SEPA checklist format to make it easier for you to follow specific comments/concerns. We may wish to add further comments once the Departments of Ecology and Health have submitted their views on this project.

Thank you.



Robert & Brenda Deeds
871 Hawk Haven Road
Cle Elum, WA 98922

Attachments: SEPA Checklist
KRD water and soils map
Land Classifications
White Water Performance Based Cluster Plat map by *Encompass Engineering*

REF. White Water Cluster Plat Dec 2008

WAC197-11-960 Environmental checklist.

A. BACKGROUND

1. Name of proposed project, if applicable:
White Water Performance-Based Cluster Plat (LP-08-00028)
2. Name of applicant:
3. Address and phone number of applicant and contact person:
4. Date checklist prepared:
5. Agency requesting checklist:
6. Proposed timing or schedule (including phasing, if applicable):
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. Critical Area Studies conducted *after* the approval of this proposal serves to put the cart before the horse.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
10. List any government approvals or permits that will be needed for your proposal, if known.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
This is listed as a Performance-Based Cluster Plat. The reality is that this is nothing more than a subdivision. The development has been allowed to double the zoned density based on the premise of clustering and retaining open space. The applicants have no contiguous land parcels to make "open space" meaningful. The average size of land labeled as Open Space for this project is just over an acre in size. The open space lot sizes range from 0.68 acres to 4.75 acres in 9 different, non-contiguous pieces. The residence lot sizes average less than ¾ of an acre each. As Commissioner Alan Crankovich noted in the Oct. 23, 2008 issue of the Daily Record: "Lots from a half-acre to less than ¾ of an acre are, in my mind, an inappropriate density for the area," Crankovich said. "They're just too small."
This project, under any label, is an urban density. This has no place in rural areas. Developments on this scale must be located in UGAs precisely, because they need the services an urban area can provide!
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of

the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. In order to provide a more comprehensive view of the intended project, we are including a map courtesy of KRD. This shows the development to be located squarely on Class 1 Ag Land. This land has a long and productive history as some of the best farmland.

B. ENVIRONMENT ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other...
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. The professional submitting the application should locate the property on the Soil Conservation Maps and indicate the type.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. If all materials excavated from the project do not remain on the parcels (application states excavation estimate of 300,000 cubic yards) the ability to move the extra will require a Conditional Use Permit in Ag 3 where mining is not permitted.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
White Water - States that < 10% of the site will be covered by impervious surfaces. How was this calculated?
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
Based on (a) above the CCR's need to ban wood-burning stoves.

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Neighboring lands with wetlands are indicated, but no associated water (streams/springs). However, the applicant indicates that water rights "are anticipated" for this project. Only a water right could be utilized here. What is the source for this? Only adjudicated, year-round surface water would be allowed and would, out of necessity, require close proximity to this property. This critical water source needs to be clearly identified!

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. See above.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. Where will the excavated material (approx. 300,000 cy) be placed?

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Only adjudicated, year-round surface water would be allowed to serve a domestic population. The applicants do have senior water rights on paper, however, all but 2 acre feet are for seasonal/irrigation purposes only. The other 2 acre feet are for "stock-watering purposes". Applying for a "Change of Use" for the purpose of this water right is a complicated and lengthy process through the Dept. of Ecology. None of this settles the issue of "wet" water for the project. The intended "unnamed stream" for this application is in no way sufficient to serve this sort of population, especially on a year round basis. This targeted water source should be investigated further by the government agencies to ensure accuracy of paper rights.

In 2007 the Whites applied for a Point of Diversion Change: *Water Right Change Application No. CS4-01296CTCL (KIT-07-01) Point of Diversion Change. Ecology has required metering on the water right associated with this property to be recorded weekly (per certified mail March 25th, 2008).* This data should be made available if there is an intention to use these water rights with this application.

Applicant states that while they intend to use irrigation water to fill the two 13 acre ponds, "measures will be taken so downstream users would not be affected". By law, zero impairment is allowed - the applicant does not indicate how they would be able to fill such a large area with water, when every drop is already spoken for in the Yakima Basin. The Federal government has ruled that return flows from federal projects are NOT available for appropriation and cannot be considered in this project. It is incumbent on the County to work with KRD, Ecology and the Bureau of Reclamation to ensure that water is used in a beneficial manner and that all water users are protected.

There is also the issue of creating more than a half-million square feet of surface water with the described ponds. A LARGE amount of evaporation will occur and must be calculated in the consumptive use. How will yard/lawn

watering work, especially if based on KRD water? What will happen in a water short year? Or when people want to keep lawns green before or after the canals are in use?

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The applicant states the "no discharge to surface waters is anticipated for this development". How was this calculated? Did the applicant look at the relationship of 67 homes, less than an acre in size, located directly on the two ponds? Was Encompass Engineering aware that 67 individual septic systems intend to be used for this project? If a community system does end up being required, where would it go? There doesn't appear to be any space left on this 112 acres.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water?

Give general description, purpose, and approximate quantities if known.

White Water - "Quantities and system requirements have not been calculated at this time." This should be one of the most critical questions that is required by an answer. A Class A system is a *delivery* system, not an answer to whether ground water will be used and how much. A hydraulic evaluation would have to be conducted before any groundwater withdrawals of this nature. There appears to be no right to groundwater and any groundwater would be far junior to local water rights (RCW 90.44.090). The applicant needs to remember any use of existing exempt wells would be limited to the amount of water historically used by the single families that are currently supplied by these wells.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

White Water - Answer; "systems and drainfields." This is a completely inadequate answer. There is no indication in the application as to where this will be located on what limited space is available. Bonus points cannot be awarded for open space that, by definition, cannot be built upon (i.e. drain fields). If they can't build upon it - they can't get bonus points that allow more homes. The bonus points were awarded as follows;

Open Space: 44.82 acres: = 40 points

Class A Water System: = 50 points

Active Recreation: = 10 points

This adds up to 100 'bonus' points which allows the applicants to effectively double the density of the project. *The fallacy behind these assumptions are numerous.*

1.) A cursory look at the map shows *NO* effective open space. Under KCC 16.09.030 regarding Performance Based Cluster Platting, a minimum of 40% of the development *must* be set aside in open space *prior to application of the Public Benefit Rating System* (see code below). Only bonus points can be awarded AFTER that minimum is met. In this case, the 40% of 112 acres = 44.8 acres. This still does not address the issue that this

land set aside is not contiguous, therefore does not constitute true open space of any kind. "...open space shall be of a functional nature and incorporate logical boundaries." (Kittitas County Code 16.09.100 C). A reminder that any land used for drain fields should *in no way* be considered part of the open space when it is not an optional use.

2.) Class A Water System; A development at one-quarter this size would require the use of a Class A system. There is nothing altruistic or inventive about this. Zero points should be awarded for a basic, non-negotiable environmental protection!

Chapter 16.09

PERFORMANCE BASED CLUSTER PLATTING

Sections

16.09.010 Purpose and Intent.

16.09.020 Uses Permitted.

16.09.030 Criteria.

16.09.010 Purpose and Intent.

With the recognition of the value of retention of rural densities in rural lands, while protecting our critical areas, water resources and resource lands, and recognition that urban densities belong in urban designated lands, Kittitas County also recognizes the need for innovative planning tools to achieve these goals. Encouraged by the Growth Management Act (GMA), Kittitas County may provide for clustering, planned unit developments, density transfer, design guidelines, conservation easements and other innovative techniques that will accommodate appropriate rural and urban densities and uses at levels that are consistent with the preservation of rural character and that provide a public benefit.

To assist in the implementation of Kittitas County's policy to provide tools to foster appropriate densities, while making development economically feasible, benefits to the greater community through an effort to conserve water resources by minimizing the development of exempt wells by encouraging group water systems, to protect public health by reducing the number of septic drain fields, by concentrating urban densities in urban growth areas and by minimizing the impact of "Rural Sprawl" in rural lands, as designated in the Kittitas County Comprehensive Plan, Kittitas County finds that this "Performance Based Cluster Platting" technique would foster the development of urban and rural designated lands at appropriate densities, while protecting the environment and maintaining a high quality of life in Kittitas County.

Kittitas County shall conduct a yearly review of the Performance Based Cluster Platting chapter to review the effectiveness of the code in meeting the purpose and intent. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.020 Uses Permitted.

The permitted uses of the clustered area shall be those of the underlying zone. Those uses specifically identified for the recreation categories in KCC 16.09.090 can be found in KCC 17.14 performance based cluster plat uses. Other uses not specifically identified may apply if determined a similar use as provided in Title 15A. (Ord. 2006-36, 2006; Ord. 2005-35, 2005)

16.09.030 Criteria.

Public Benefit Rating System (PBRS) elements are items that are not already required by code. No points shall be awarded for land which is already protected through the Critical Areas Ordinance, Shoreline Program or other regulatory requirement. The calculation of open space shall not include these areas already protected through regulation. When a public benefit is demonstrated then bonus density points will apply. An element that may have a high value in an urban designation may have a very low value in a rural designation. It is necessary, therefore, to have a separate set of criteria and outcomes depending on the land use designation. The density bonus is limited to use in the rural designations with a 100% bonus in the Rural -3, Agriculture -3, Rural -5 and Agriculture - 5 zones and 200% in the Agriculture 20 and the Forest and Range 20 zones. There is no limit to density bonus within the Urban Growth Areas and the Urban Growth Nodes. A minimum of forty percent (40%) the area within the project boundary must be set aside in open space prior to application of the Public Benefit Rating System contained in KCC 16.09.090 of this chapter.

Other important factors to consider;

Sixty-seven (67) individual septic tanks is a significant health factor for the neighbors, as well as future residents of this development. This is a very critical question that needs to be answered. To wait until the final stage of the permitting process to answer this, and many other critical questions, is not addressing the intention of this SEPA (State Environmental Policy Act):

State Regulations: WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

- c. Water runoff (including stormwater):
 - 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
 - 2) Could waste materials enter ground or surface waters? If so, generally describe.

White Water - see 3b2 above.
- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. **Plants**

- a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

- c. List threatened or endangered species known to be on or near the site.

White Water - while it's highly likely that not every possible endangered species was present on June 24th, 2008, there are bald eagles on a regular basis in this area.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. **Animals**

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other: Numerous species of raptors frequent this area.

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

- b. List any threatened or endangered species known to be on or near the site. White Water - see 4c above.

- c. Is the site part of a migration route? If so, explain.

This important information should come from current Department of Fish and Wildlife studies. The County has been struggling to get their maps updated in almost every area. It would be a *poor assumption* that the County has the most up-to-date info on this issue.

- d. Proposed measures to preserve or enhance wildlife, if any:

White Water - Applicant states that "it is not the intention of this development to restrict animal passage through the subject property." Are they referring to a different project? How could territorial animals expect to get from one side of the development to the other?

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Suncadia agreed to ban wood burning stoves from residences, this would be important here, too, where air stagnation in the winter can last for several days.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?

If so, describe. White Water - 67 homes using wood-burning stoves/fireplaces can create severe health hazards during frequent inversions, at precisely the time of year when stoves and fireplaces would be desired. Stagnant water also can provide desired breeding grounds for mosquitoes.

- 1) Describe special emergency services that might be required.
- 2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

White Water - Class 1 Ag land - see attached KRD map. Also see comment about SCS classification earlier.

- b. Has the site been used for agriculture? If so, describe.

White Water - Historically known for being some of the best farmland in Upper Kittitas County. The county is currently out of compliance on Ag land designation criteria and mapping. Repeatedly out of compliance!

- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
White Water - "no other critical area exist on the property." What does this mean in reference to "other"?
- i. Approximately how many people would reside or work in the completed project?
The professional representing the application should have provided an estimate. This is very basic but essential information. OFM uses a standard of 2.3 people/residence for Kittitas County. This represents 155 people on 112 acres in Ag lands.
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Looks like a subdivision, walks like a subdivision, smells like a subdivision...there is no apparent clustering to make this a cluster-based plat. This configuration, with no meaningful open space, does NOT fit the intent of KCC 16.09.010.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
WSU Washington Center for Real Estate Research (www.wcrer.wsu.edu) indicates there is more than a 24 month inventory of homes sitting on the market in Kittitas County as of this fall (Yakima Herald Sept. 8, 2008 Home Supply Statistics). There is a good reason to believe that number has only increased. The county is not in need of more residential units. The Cost of Community Services (www.skagitonians.org) studies repeatedly show that Ag Lands are far better for the County economy than residential units. While residences in rural areas are a drain on county resources, farmland pays far more in taxes than the services they require providing a net gain for the county (example: Gallatin County, Montana. For every dollar the county receives from a residence, it costs \$1.45 in services - for every dollar the county receives from a farm the county pays around 25 cents in services). The house of cards Kittitas County has built using residential-only growth is now taking its toll on the local economy, the schools and the infrastructure. The county does not benefit from this type of development!
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:
Applicants indicate that impacts will be controlled by CC &R's without indicating WHAT impacts and HOW exactly that will be controlled. The county cannot make a determination without adequate answers.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
White Water - light pollution will occur "mostly at night". Perhaps applicants are unaware that virtually ALL light pollution occurs only at night.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
White Water - both Godowa and Iron Mountain Rd are secondary gravel roads, not sufficient for a subdivision of this scale. Impacts to publicly funded roads feeding the development must be assessed and if the development is approved these impacts must be mitigated by other than more public (taxpayer) funds!
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
White Water - The applicant uses 550 trips per day associated with this project. (County standards use 9 trips per day residence = 603 trips). Either figure adds up to a tremendous impact on this rural community. With this amount of traffic, existing roads could not possibly absorb the impact, nor the bottleneck that would occur at the South Cle Elum bridge, the only route to local emergency services!
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any.

15. **Public services**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
White Water - Applicants state "there is a chance that additional services may be requested to service the development." Who is to pay for this??? The brunt of all recent development in Kittitas County has fallen to the current taxpayers, how would this be different?
- b. Proposed measures to reduce or control direct impacts on public services, if any.

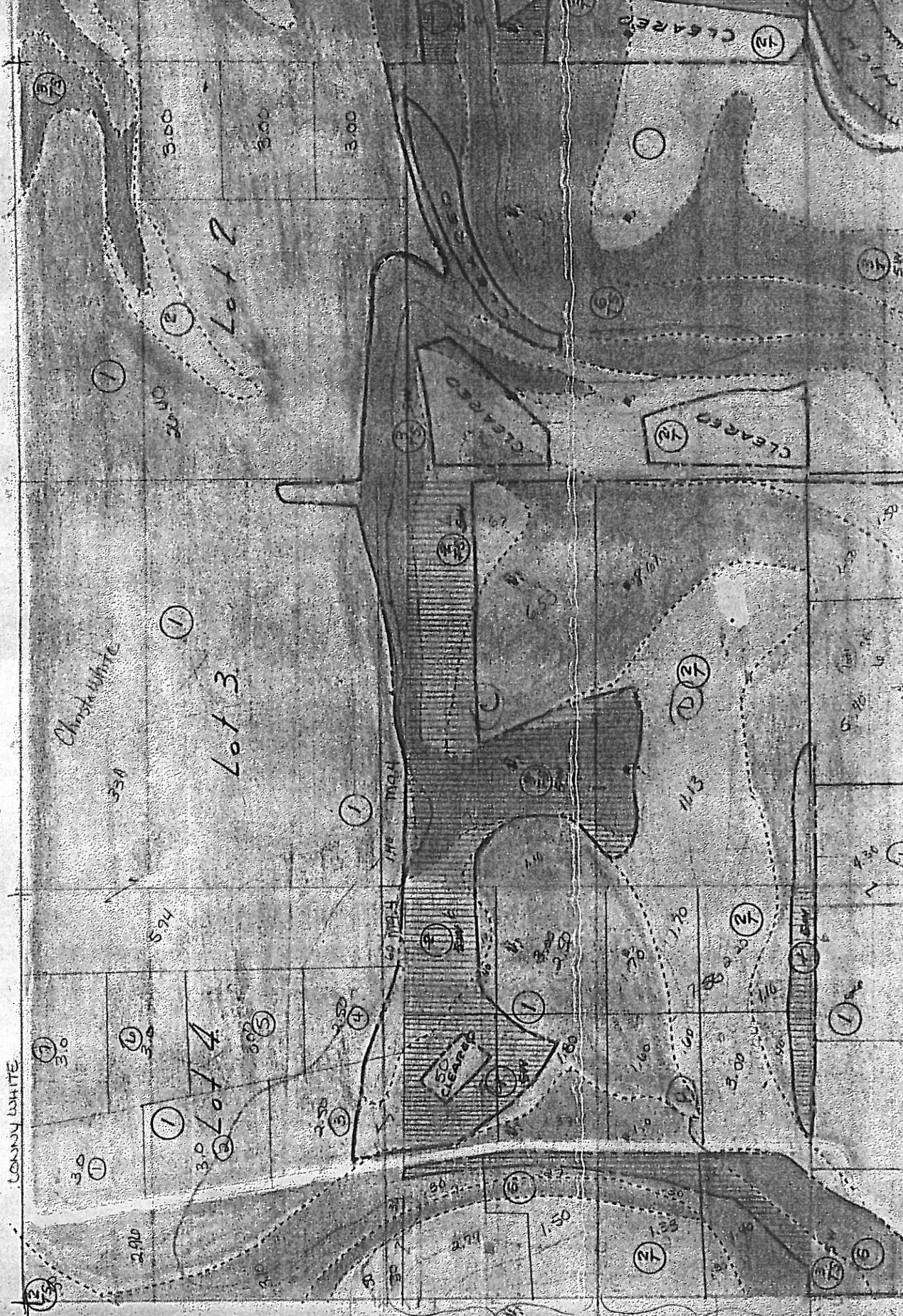
16. **Utilities**

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

These are some of the concerns that we have, based on the information available to the public. As additional information and/or comments are provided there may be other issues to address. At the very least, we feel this project should go back to a **qualified engineering firm** and address the above concerns before it progresses any further in the application process.

Thank you for the opportunity to comment on this project.

Robert & Brenda Deeds
871 Hawk Haven Road
Cle Elum, WA 98922



LOONEY WHITE

Christie White

Lot 4

Lot 3

Lot 2

500
CLEARED

CLEARED

CLEARED

CLEARED

300
300
300

2.90
3.00
3.00

5.74

3.54

1/4 Mile Hill

1.70

11.13

7.80

1.70

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YAKIMA PROJECT - KITTITAS DIVISION

LAND CLASSIFICATIONS

CLASS 1

Lands that with sufficient water, and which, when farmed under approved systems of tillage and irrigation practice, should be the best producing lands on the project. These lands are of good soil, have favorable topography, are well adapted to general diversified agriculture and will allow the practice of some division and should yield maximum returns.

CLASS 2

Lands, whose topography, soil or subsoil conditions are slightly more unfavorable than Class 1 lands. These lands are not necessarily less productive than Class 1 lands. In some cases they may be less productive, in others the cost of tillage will be somewhat greater. Such lands may have good soil but under irrigation may require inexpensive drainage. They may be of such depth that greater care will be required in irrigation than on Class 1 lands. They may contain a few loose stones, may be somewhat rolling or uneven in topography, but are always capable of being plowed and irrigated and are otherwise adapted to the same systems of cropping as are Class 1 lands.

CLASS 3

Lands, which due to the character of the soil or subsoil or on account of rough topography, are difficult to handle and not adapted to diversified farming. These lands usually are stony and incapable of being plowed. In some cases they will produce good alfalfa and can always be irrigated and made to produce pasture.

CLASS 5

Lands which for any reason are not at present capable of agricultural use, but which may gradually under changing conditions be made sufficiently productive to justify cropping. This includes alkali or waterlogged lands, which may be improved by drainage.

CLASS 6

Lands which are non-irrigable.

IRRIGABLE

NON-IRRIGABLE

P-08-XX

NOTE:
THE EXISTING UTILITIES AS SHOWN ARE ONLY APPROXIMATE AND ARE NOT TO BE CONSIDERED AS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE SIZE, TYPE, LOCATION, DEPTH, AND STARTING CONSTRUCTION AND INFORM THE DESIGN ENGINEER OF ANY DISCREPANCIES.

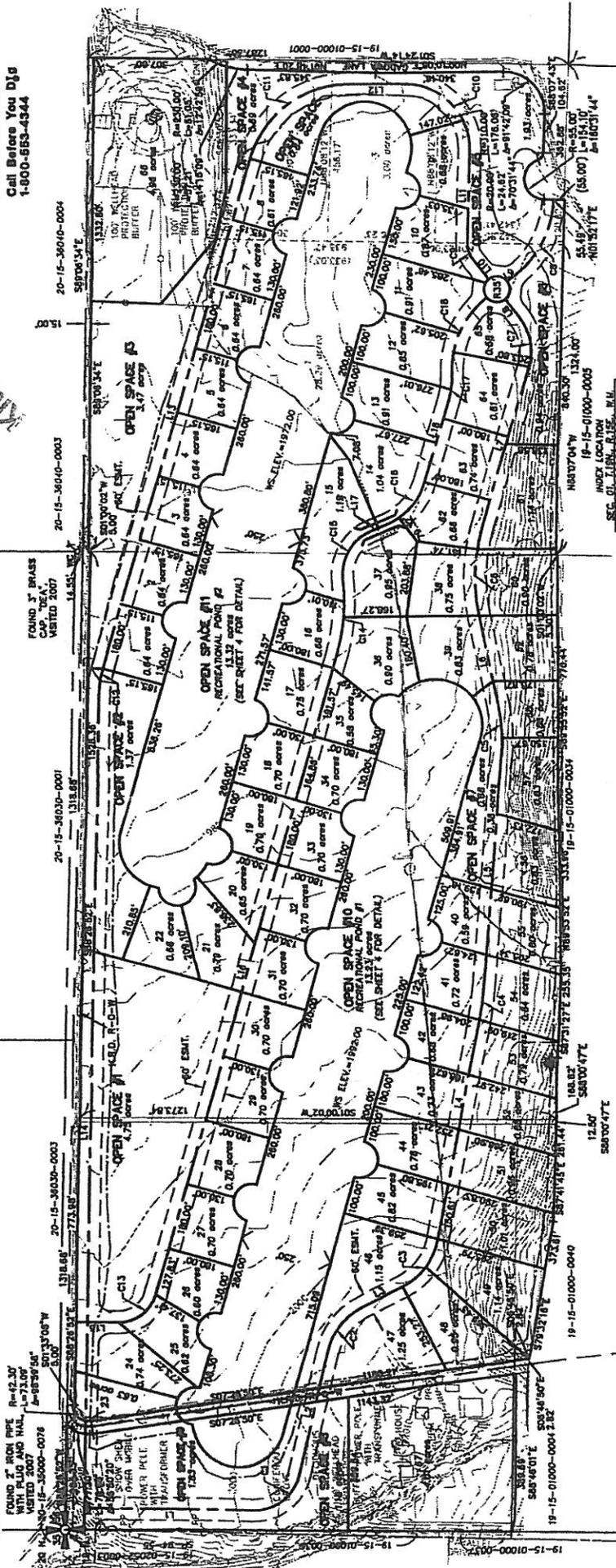
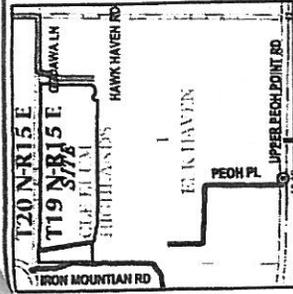
Call Before You Dig
1-800-853-4344

**WHITE WATER
PERFORMANCE BASED CLUSTER PLAT**
PTN. NORTH 1/2, SECTION 1, T.19N., R.15E., W.M.
KITITAS COUNTY, STATE OF WASHINGTON

PERFORMANCE BASED CLUSTER EXISTING DATA

OPEN SPACE TOTAL (400)	44.62 AC.	40 PORTS
DEVELOPMENT AREA	67.26 AC.	50 PORTS
CLASS A WATER SYSTEM		10 PORTS
ACTIVE RECREATION (WATER & TRAILS)		100 PORTS
TOTAL	112.88 AC.	100 PORTS

VICINITY MAP - N.T.S.



Encompass
ENGINEERING & SURVEYING
100 EAST 2ND STREET
CLE ELUM, WA 99222
PHONE: (509) 674-7453
FAX: (509) 674-7419

**WHITE WATER
PERFORMANCE BASED CLUSTER PLAT**
PTN. NORTH 1/2, SECTION 1, T.19N., R.15E., W.M.
KITITAS COUNTY, STATE OF WASHINGTON

DWN BY: G. WEISER
DATE: 07/08
JOB NO.: 08068

CHKD BY: D. NELSON
SCALE: 1"=200'
SHEET: 2 of 4

RECORDER'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act of the request of **MSTY. MOUNTAIN, LLC.** in **MAY, 2008.**

DAVID P. NELSON
Surveyor's Name

County Auditor

Deputy County Auditor

Filed for record this 20 day of July 2008 at page 18992 of book 18992 of the Survey Recording Act of the request of **MSTY. MOUNTAIN, LLC.** in **MAY, 2008.**

DAVID P. NELSON
Surveyor's Name

County Auditor

Deputy County Auditor

DAVID P. NELSON
KITITAS COUNTY
PROFESSIONAL LAND SURVEYOR
EXPIRES 7/20/10

CENTERLINE OF EASEMENTS

LINE	BEARING	DISTANCE	CURVE LENGTH	RADIUS	DELTA
C1	S88.78°E	724.00'	724.00'	724.00'	72.40°
C2	S88.78°E	100.00'	100.00'	100.00'	10.00°
C3	S88.78°E	100.00'	100.00'	100.00'	10.00°
C4	S88.78°E	100.00'	100.00'	100.00'	10.00°
C5	S88.78°E	100.00'	100.00'	100.00'	10.00°
C6	S88.78°E	100.00'	100.00'	100.00'	10.00°
C7	S88.78°E	100.00'	100.00'	100.00'	10.00°
C8	S88.78°E	100.00'	100.00'	100.00'	10.00°
C9	S88.78°E	100.00'	100.00'	100.00'	10.00°
C10	S88.78°E	100.00'	100.00'	100.00'	10.00°
C11	S88.78°E	100.00'	100.00'	100.00'	10.00°
C12	S88.78°E	100.00'	100.00'	100.00'	10.00°
C13	S88.78°E	100.00'	100.00'	100.00'	10.00°
C14	S88.78°E	100.00'	100.00'	100.00'	10.00°
C15	S88.78°E	100.00'	100.00'	100.00'	10.00°
C16	S88.78°E	100.00'	100.00'	100.00'	10.00°
C17	S88.78°E	100.00'	100.00'	100.00'	10.00°
C18	S88.78°E	100.00'	100.00'	100.00'	10.00°

RECEIVED
OCT 21 2008
KITITAS COUNTY CDS