

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
LP-21-00003)	CONDITIONS OF APPROVAL
STANAVICH PLAT)	AND DECISION

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on May 26, 2022, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and Decision:

I. FINDINGS OF FACT

1. Mike and Debbie Stanavich, landowners, submitted an application for an agricultural long plat with four (4) buildable parcels and one (1) open space parcel out of 81 acres that is zoned Agriculture 20 within the Rural Working Comprehensive Plan land use designation.
2. The project area is located north of the City of Ellensburg along Smithson Road. It includes two parcels owned by Mike and Debbie Stanavich. The subject property is parcels 10729 and 14217, in the northern half of the northwest quarter of Section 35, Township 19, Range 18, bearing Assessor's Map numbers 19-18-35020-0001 and 19-18-35020-0003.
3.

Total Project Size:	81 acres
Number of Lots:	4 Buildable parcels and 1 open space parcel
Domestic Water:	Shared Well for lots B&C, Individual Wells on lots D&E
Sewage Disposal:	Individual Septic Systems
Fire Protection:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	Kittitas Reclamation District
4. Site Characteristics:

North:	Primarily undeveloped Agricultural Land
South:	Primarily Single-Family Dwelling/Agricultural Land
East:	Primarily Single-Family Dwelling/Agricultural Land
West:	Primarily undeveloped Agricultural Land
5. Access: Primary access to the site will be via Smithson Road.
6. Zoning and Development Standards: The subject property is located in Agricultural 20 zoning within the Rural Working Land Use. The purpose and intent of the Agricultural 20 zoning is to preserve fertile farmland from encroachment by nonagricultural land uses and to protect the rights and traditions of those engaged in agriculture.

7. Preliminary Plats: The plat drawing submitted with the current application was reviewed under the current version of KCC 16.12 Preliminary Plats.
8. Deemed Complete. A Long Plat Application and SEPA Checklist were submitted to Kittitas County Community Development Services on September 8, 2021. The application was deemed complete on October 4, 2021.
9. Notice of Application: The site was posted pursuant to KCC 15A.03.110 on October 8, 2021. Two posting sites were established near two primary access routes. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's contiguous tax parcels on October 21, 2021 and noticed in the local county paper of record on October 21, 2021 and October 28, 2021. The comment period for this notice ended on November 5, 2021.
10. Comprehensive Plan: The Kittitas County Comprehensive Plan designates the proposal site as an "Rural Working" land use. Kittitas County has established the following goals and policies to guide activities that are designated in these lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:
 - 10.1 RR-G1: Open space and visual and natural landscape should predominate over the built environment.
 - 10.1.1 The project proposal includes a 40 acre (of 81 total acres) dedicated open space lot for agricultural purposes and not for residential use.
 - 10.2 RR-G2: Opportunities should exist for traditional rural lifestyle and rural based economies.
 - 10.2.1 The proposed project is creating in 4 total buildable lots ranging in size from 3 acres to 18.92 acres, allowing space for traditional rural lifestyle.
 - 10.3 RR-G3: Spaces and development should be compatible with fish & wildlife habitat.
 - 10.3.1 The proposed project has had a full critical areas report completed and all critical area buffers will be maintained for the buildable lots.
 - 10.4 RR-P3: The use of cluster platting and conservation platting shall be encouraged in specific rural areas to lessen the impacts upon the environment and traditional agricultural/forestry uses and to provide services most economically. The use of other innovative land use techniques that protect rural character and resource land uses will be evaluated for future implementation.
 - 10.4.1 The proposed project includes an open space parcel to continue use for agricultural purposes and not for residential use
 - 10.5 RR-G10: The County should look for opportunities for a variety of rural density and housing choices while maintaining rural character and protecting health and safety.
 - 10.5.1 The proposed project is providing four (4) buildable lots ranging in size from 3 acres to 18.92 acres, as well as a 40-acre agricultural open space lot.
 - 10.5.2 The Hearing Examiner reviewed the project for consistency with the Kittitas County Comprehensive Plan as described above. The Hearing Examiner finds the proposed development consistent with the Goals and Policies of the Kittitas County Comprehensive Plan.

11. A critical areas review of the parcel was conducted by CDS staff. County GIS data indicated there were two type 2 (Fish bearing) streams, two type 9 (unidentified streams) as well as multiple wetlands located on the property. On November 29, 2021, CDS staff requested a Critical Areas Study be completed on the property to ensure buildable space on the four (4) buildable lots. The applicants submitted a Critical Areas Report from Sewell Wetland Consulting, Inc. on April 1, 2022. The Critical Areas Report identified a single wetland (Wetland A of the Critical Areas Report) on the south side of the project classified as a Category III wetland, Currier Creek (Fish Bearing), and an un-named tributary (non-fish bearing-seasonal) located in the center of the site. Kittitas County CDS issued an MDNS for this project on April 21, 2022 after utilizing the optional DNS process. This MDNS was not appealed and is final. The SEPA MDNS includes conditions pertaining to the identified streams and Category III wetland of the Critical Areas Report received 4-1-22. The MDNS also includes a condition that if any development leads to inadvertent discovery of cultural or archaeological material, work will immediately be stopped, and the proper authorities shall be contacted.

12. Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal and have been notified of the Public Hearing. Agency comments were received from The Department of Health – Office of Drinking Water, Kittitas Reclamation District, Kittitas Valley Fire and Rescue, Washington State Department of Ecology, Kittitas County Public Works, and Kittitas County Public Health. Below are agency comments submitted:
 - 12.1 Washington State Department of Health – Office of Drinking Water: The Washington State Department of Health commented regarding wells and if the applicant intends to connect all homes to one or more wells, a Group B water system would be required, and review would be from Kittitas County Health. If the applicant intends to install multiple individual or private wells then this would be defined as a “project” by DOE, the total water usage would not be allowed to exceed either a single exempt well quantity of water or cannot exceed the total of any water rights. WSDOH also requested confirmation of an existing onsite private well.
 - 12.1.1 Applicant response: “There is an existing well on the property providing water to the home.”
 - 12.2 Kittitas Reclamation District: Kittitas Reclamation. District provided comment that the proposed long plat lies within the KRD and will be required to meet the KRD General Subdivision Guidelines.
 - 12.2.1 Applicant response: The Applicant did not provide a response.
 - 12.3 Kittitas Valley Fire and Rescue: Kittitas Valley Fire and Rescue commented that they had no comment on the proposed project.
 - 12.3.1 The applicant did not provide a response.
 - 12.4 Department of Ecology: The Department of Ecology (DOE) provided comments concerning wetlands showing on the National Wetland Inventory Mapping and the impacts future development could have on these critical areas and requested a wetland delineation and rating be conducted on the site, discharges into Waters of the State being regulated by the State under the Water Pollution Control Act and could require Ecology’s review and authorization, placement of fill in wetland may trigger additional permits from the U.S. Army of Corps of Engineers, and information regarding Water Resources and Ground water withdrawals.

- 12.4.1 Applicant response: “We would like to point out that the wetland mapping submitted by DOE does not match the county’s wetland mapping on COMPAS. I am hoping we can add a note to get through the plat process that future development may require further environmental review and/or mitigation, contact Kittitas County CDS for additional information.”
- 12.5 Kittitas County Public Works: Kittitas County Public Works (KCPW) provided comments stating prior to preliminary approval including limiting the accesses onto the county road system by use of joint-use driveways between lot B&C and D&E, driveway requirements, Plat Notes, Plat approval block, Private Road Maintenance Agreement, Lot Closures, Access Permits, Addressing, Fire Protection, survey comments, flood/water/mitigation and metering comments, Flood, and water mitigation and metering. KCPW submitted an amended comment on April 8, 2022, regarding the joint use access requirements and removed the requirement for lots D&E to access from a joint-use driveway.
- 12.5.1 Applicant Response: “Mike and Debbie met with PW and believe they are re-reviewing the application to allow for one more access point.”
- 12.6 Kittitas County Public Health: Kittitas County Public Health (KCPH) provided comments requiring one soil log for each new, proposed lot (with the exception of lot D) and where individual wells are proposed, a well log must be provided along with documentation of water rights for each proposed new lot. Where shared wells are proposed a well log, water right documentation for each lot and a shared well user’s agreement must be signed, notarized and filed.
- 12.6.1 Applicant Response: The applicant did not provide a response.
13. No public comments were received.
14. The Hearing Examiner has reviewed all the comments submitted and has conditioned this decision to address the concerns noted.
15. 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 the Hearing Examiner’s findings regarding consistency review for the subject application.
16. Comprehensive Plan Consistency: The Hearing Examiner finds that the proposal is consistent with the goals and policies of the 2006 Kittitas County Comprehensive Plan as described in No. 10 above.
17. Consistency with KCC16.09.040(7), Development Regulations: Agricultural plats are subject to the following provisions:
- 17.1 No agricultural plat shall be adjacent to another cluster, conservation, or agricultural plat so that the total development on the parcels within the adjacent plats exceeds 10 units;
- 17.1.1 The proposed Agriculture Plat is adjacent to the four (4) lot Strole Agricultural Short Plat 15-00009. The Total developable lots between the Strole Agricultural Short Plat and the Stanavich Agricultural Plat are 7 units.

The Hearing Examiner finds the proposal to be consistent with the allowed units total with adjacent cluster, conservation, or agricultural plats.

- 17.2 The agriculture development does not exceed the density permitted by the zone in which the agricultural land is located;
 - 17.2.1 The project, as proposed, includes 81 acres within the Agricultural 20 zone. The Agricultural 20 zone requires a twenty (20) acre minimum lot size. The density permitted in the zone allows for four (4) residential units on 81 acres, which is consistent with the number of buildable lots being proposed for the Stanavich Agricultural Plat.
- 17.3 The agricultural plat is necessitated or pursued for one or more of the following reasons:
 - 17.3.1 To accommodate housing for farm labor or farm family members; or
 - 17.3.2 To implement an irrigation improvement; or
 - 17.3.3 To create parcels of real property for financing purposes; or
 - 17.3.4 To improve or increase agricultural efficiencies or dispose of property no longer useful to the agricultural activities; or
 - 17.3.5 To allow gradual or sequential platting as needed to ensure the economic viability of the farm's future; or
 - 17.3.6 To facilitate residential dwellings on acreages with varying sizes to allow "small" farms such as Community Support Agriculture (CSA), local farmer's market suppliers to exist in Ag and other zones while acres in excess of those purchased remain with original owner but carry non-development status to meet the density of the underlying zone.
 - 17.3.7 The project, as proposed, is pursued to create parcels of real property for financing purposes.
 - 17.3.8 The Hearing Examiner finds that Findings of Fact Nos. 17.3.3, 17.3.5, 17.3.6 and 17.3.7 apply to this project.
- 17.4 Dwellings shall be located with the plat in a manner which secures the necessity of the plat as defined in 4(c) above and in a manner which does not adversely impact productive farmland or on- or- off site agricultural activities. The possibility that lots and dwellings may be located where they are impacted by dust, irrigation water, or agricultural treatments or chemicals, or will encourage trespass, or will interfere with the movement of agricultural vehicles or livestock, or may be adversely impacted by noise or odor, should be minimized. All lots shall have a notation on the face of the plat or a deed restriction that runs with the title that provides notice that the lot is located in an area where agricultural activities occur and may impact lot owners' use and enjoyment of their property.
 - 17.4.1 The code calls out 4(c) but staff believes this should be 7(c) of KCC16.09.040 Development Regulations. The applicants have stated the application is pursued in accordance with KCC16.09.040 7(c)(iii). The application has been conditioned to have a notice located on the face of the plat or a deed restriction in accordance with KCC 16.09.040 (7)(d).
- 17.5 Lots smaller than two acres and, for all lots, home sites and facilities that support the residential development, such as onsite waste disposal systems, residential units shall

be located on lands with poor soils or otherwise not suitable for agricultural purposes.
17.5.1 The smallest lot within the Stanavich Agricultural Plat is 3 acres in size. All residential lots have been situated outside the farmed agricultural land.

18. Consistency with the provision of KCC 17 Zoning: The Hearing Examiner finds that the proposal is consistent with these provisions. The Agricultural 20 zone allows for one-half (1/2) acre lots in a conservation plat. The Stanavich Agricultural Plat consists of four (4) residential lots ranging in size from 3-acres to 18.92-acres.
19. Consistency with the provisions of KCC 17A Critical Areas: CDS staff conducted critical area review of the project area and considered the critical areas report prepared by Sewall Wetland Consulting on April 1, 2022. As described in section V above, CDS issued an MDNS for the project observing the buffer recommendations noted in the report. The MDNS was conditioned to protect the critical areas and their associated buffers. The MDNS also includes a condition that if any development leads to inadvertent discovery of cultural or archaeological material, work will immediately be stopped, and the proper authorities shall be contacted. The Hearing Examiner finds the project, as conditioned, consistent with KCC 17A Critical Areas.
20. Consistency with the provisions of KCC 16.12: Preliminary Plat Subdivision Code: The Hearing Examiner finds that this proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats.
21. Consistency with the provisions of KCC Title 12: Roads and Bridges: The Hearing Examiner finds that all roads are required to meet all Kittitas County Road Standards.
22. An open record public hearing after due legal notice was held on May 26, 2022.
23. At the open record public hearing the following exhibits were entered into the record:
 - 23.1 Ex. 1 Plat Application
 - 23.2 Ex. 2 Certificate of Title
 - 23.3 Ex. 3 Preapplication Conf. Waiver Request Form
 - 23.4 Ex. 4 Preliminary Plat Map
 - 23.5 Ex. 5 Preliminary Plat Map 8.5x11
 - 23.6 Ex. 6 Narrative
 - 23.7 Ex. 7 Receipt
 - 23.8 Ex. 8 SEPA Checklist
 - 23.9 Ex. 9 SEPA Receipt
 - 23.10 Ex. 10 Deemed Complete Letter 10-4-21
 - 23.11 Ex. 11 Affidavit of Site Posting 10-12-21
 - 23.12 Ex. 12 Staff Maps
 - 23.13 Ex. 13 Notice of Application 10-21-21
 - 23.14 Ex. 14 Affidavit of Mailing & Publication 10-21-21
 - 23.15 Ex. 15 Department of Health – Office of Drinking Water
 - 23.16 Ex. 16 Kittitas Reclamation District
 - 23.17 Ex. 17 Kittitas Valley Fire and Rescue
 - 23.18 Ex. 18 Washington State Dept. of Ecology

- 23.19 Ex. 19 Kittitas County Public Works
- 23.20 Ex. 20 Kittitas County Public Health
- 23.21 Ex. 21 Transmittal of Comments Letter 11-8-21
- 23.22 Ex. 22 Agent's Response to Comments
- 23.23 Ex. 23 Request for Critical Areas Study
- 23.24 Ex. 24 Wetland Survey
- 23.25 Ex. 25 Kittitas County Public Works Amended access comments 4-8-22
- 23.26 Ex. 26 Amended Preliminary Plat Map
- 23.27 Ex. 27 Amended Preliminary Plat Map w/contour
- 23.28 Ex. 28 Mitigated Determination of Nonsignificance
- 23.29 Ex. 29 Notice of Public Hearing and SEPA Action
- 23.30 Ex. 30 Affidavit of Mailing and Publication Notice of Public Hearing and SEPA Action
- 23.31 Ex. 31 Amended Preliminary Plat Map 5-4-22
- 23.32 Ex. 32 Amended Preliminary Plat Map (w/flood boundaries) 5-17-22
- 23.33 Ex. 33 Staff Report
- 23.34 Ex. 34 Presentation

- 24. Appearing on behalf of the Applicant was Debbie Stanavich. Ms. Stanavich testified that she and her husband are the property owners and Applicants for this project. Ms. Stanavich testified that they have complied with all of the requirements of the Kittitas Reclamation District and that lot lines had been adjusted to meet buffers as required by the Department of Ecology. She stated that they agreed with all the representations set forth within the staff report and had no objection to any of the proposed Conditions of Approval. She stated that even with the changed lot lines, there was still sufficient area to build a single family residence and accessory structures without the need for a variance.
- 25. Also appearing on behalf of the Applicant was Chris Cruse. Mr. Cruse testified that he was an agent authorized to appear and speak on behalf of the Applicant. He stated that he is the surveyor for the project. Mr. Cruse also indicated that he had no objection to any of the proposed Conditions of Approval. He further stated that all of the proposed lots have sufficient buildable area for a single family residence and accessory structures, knowing that there will be onsite septic for each of the proposed parcels.
- 26. No members of the public testified at the hearing.
- 27. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
- 28. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

- 1. The Hearing Examiner has been granted authority to render this decision.
- 2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
- 3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.

4. Public use and interest will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges.
6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, LP-21-0003 – Stanavich Long Plat is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the Applicant, and the Applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials on file dated September 8, 2021, and subsequent information included in the complete file index except as amended by the conditions herein.
2. There shall be a notification on the final plat and all conveyance instruments with the following notice: "The subject property is within or newer 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 the Section 17.74 of the Kittitas County Zoning Code."
3. The applicant is responsible for meeting the KRD General Subdivision Guidelines.
4. The applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.
5. All accesses and roads shall be IFC compliant.
6. 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.
7. Computer sheets shall be submitted with the final plat showing the closure of plat boundaries, blocks, lots, or any tract. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
8. The Final Plat shall contain the name of the Engineer/Surveyor responsible for preparing the documents on all sheets.
9. All structures will be permitted and built to the current Kittitas County adopted building

codes at the time of construction.

10. Except for lot D, the applicant shall provide one soil log for each new, proposed lot.
11. Where individual wells are proposed, a well log must be provided along with documentation of water rights for each proposed new lot. Where shared wells are proposed a well log, water right documentation for each lot and a shared well user's agreement must be signed, notarized, and filed.
12. Driveways: A driveway shall serve no more than four tax parcels. See Kittitas County Road Standards, 12/15/15 edition.
 - 12.1 New access easements shall be a minimum of 30' wide. The roadway width shall have a minimum width of 12' if the length of the driveway is less than 150', or 16' with 2' of clear zone on each side if the length of the driveway is more than 150'.
 - 12.2 Driveways with a length greater than 150' shall construct a turnaround which meets or exceeds the International Fire Code Appendix D turnaround.
 - 12.3 Maximum grade shall be 10%.
 - 12.4 Crushed surface depth per WSDOT standards.
 - 12.5 Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - 12.6 Any further subdivision or lots to be served by proposed access may result in further access requirements.
13. Plat Notes: Plat notes shall reflect the following:
 - 13.1 Maintenance of the access is the responsibility of the property owners who benefit from its use.
 - 13.2 An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.
 - 13.3 Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
 - 13.4 Kittitas County will not accept private roads until such roads are brought into conformance with current Kittitas County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.
 - 13.5 A public utility easement 10 feet in width is reserved along all lot lines. The 10-foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation.
 - 13.6 Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations.
 - 13.7 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.
14. Open Space:
 - 14.1 The final plat shall include plat notes and appropriate covenants and restrictions ensuring that the open space tract will not be further developed or subdivided in the

future.

- 14.2 The applicant will place the open space tract of 40-acres in Open Space for perpetuity and will be designated as such on the final mylar.
 - 14.3 The use of open space area will be for passive and active recreational/agricultural uses as allowed in KCC 16.09
 - 14.4 The final plat shall include a plat note ensuring the open space will be appropriately maintained to control noxious weeds and fire hazards.
15. Plat Approvals: All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

EXAMINED AND APPROVED

This _____ day of _____, A.D., 20 ____.

Kittitas County Engineer

16. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
17. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
18. 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.
19. 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.
20. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
21. Mailbox Placement: Mailboxes must be approved by U.S. Postal Service. Mailbox locations are site specific. Contact your local Post Office for location and design standards before beginning construction.
22. Flood: In accordance with KCC Chapter 14.08.220, all subdivisions as well as new development shall:
 - 22.1 Be consistent with the need to minimize flood damage.
 - 22.2 Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - 22.3 Have adequate drainage provided to reduce exposure to flood damage.
 - 22.4 Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments containing greater than 50 lots or 5 acres (whichever is lesser) and shall be included as part of the application and shall be noted on the final mylar.
 - 22.5 All subdivisions shall show on the face of both the preliminary and final plat, for

either short or long plats, the boundary of the 100-year floodplain and floodway.

23. Water Mitigation and Metering: Prior to final plat approval and recording, the following conditions shall be met. In accordance with KCC Chapter 13.35.027, the applicant shall provide one of the following documents before final plat approval:
- 23.1 A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use;
 - 23.2 An adequate water right for the proposed new use; or
 - 23.3 A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.
24. All applicants for land divisions shall also submit information on “proximate parcels” held in “common ownership” as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended.

Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.

25. In addition to the conditions noted above, the following MDNS conditions shall also apply
- 25.1 **Critical Areas**: All final surveys shall include denotation of the identified streams and category III wetland of the Critical Areas Report received 4-1-22 and the associated buffers in accordance with KCC 17A.
 - 25.2 **Cultural Resources**: Should ground disturbing or other activities related to the proposed subdivision result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

Dated this 31 day of May, 2022.

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp

This Decision is subject to appeal pursuant to the Kittitas County Code and the Revised Code of Washington.