

**KITTITAS COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
LP-22-00003)	CONDITIONS OF APPROVAL
HAYBROOK FARMS PH. 3 LONG PLAT)	AND DECISION

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on September 22, 2022, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and Decision:

I. FINDINGS OF FACT

1. Matt Willard, authorized agent for Haybrook Land Holdings LLC, landowner, submitted an application for a 9-lot plat on one parcel totaling 14.09 acres of land. The proposal includes nine residential lots ranging in size from 1.02 acres to 3.07 acres. The subject parcel is zoned Urban Residential in the Inner Turning Zone of the Bowers Airport Overlay zone. It contains an Urban Land Use designation. This property is located inside the Ellensburg Urban Growth Area.
2. The project area is located just northeast of the City of Ellensburg off of Look Road in a portion of the southwest quarter of Section 30, Township 18N, Range 15E, W.M., Kittitas County. Parcel No. 639136.
3.

Total Project Size:	14.09 acres
Number of Lots:	9
Domestic Water:	Group B Well
Sewage Disposal:	Septic
Fire Protection:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	Kittitas Reclamation District
4. Site Characteristics:

North: Some residential
South: Residential/some farmland
East: Primarily undeveloped farmland
West: Farming/some residential (4 lot short plats have been approved to the west).
5. Access: Primary access to the site will be via a private drive off of Look Road.
6. Zoning and Development Standards: The subject property is located approximately 2.2 miles northeast of Downtown Ellensburg and has a zoning designation of Urban Residential within the Airport Overlay Zone. It is also within the City of Ellensburg's Urban Growth Area.

The purpose and intent of Urban Growth areas is to provide areas that are suitable for urban densities as determined by the sponsoring city's ability to provide urban services, and to allow for alternative methods of development that allows for infill and development at urban levels. The minimum density in urban growth areas requires 4 units per acre but this provision does not apply to the Airport Overlay zone as seen in KCC 17.11.050. The intent of the Urban Residential zoning classification is to provide for and protect areas for home-site development and/or urban levels of development where municipal services can be provided or is already available. The minimum lot size does not apply to properties in the Airport Overlay Zone as seen in KCC 17.22.030. The purpose and intent of the Airport Overlay Zone is to establish an airport overlay zoning district on properties located on, adjacent to, and in the vicinity of public-use airports including Easton State, Cle Elum Municipal, DeVere Field and Kittitas County Airport (Bowers Field), in order to protect the health, welfare, safety, and quality of life of the general public, property owners, airport operators, and aviation community; and also to ensure compatible land uses in the vicinity of the affected environments of the airport overlay zoning district, with regulations set forth in the Adopted 14 CFR Federal Aviation Regulations Part 77. The property is located within the Inner Turning Zone of the Airport Overlay. For lands that are inside the inner turning zone that are zoned urban residential, the average density needs to be one unit per one acre of property per KCC 17.58.050 (2). Since the airport overlay district is more restrictive, its standards apply. The proposed lots average to 1.38 acres after removing critical areas, which is consistent with the intent of KCC 17.58.050(2).

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 June 24, 2022 (Index #1 & 4). The application was deemed complete on July 18, 2022.
9. Notice of Application: The site was posted pursuant to KCC 15A.03.110 on July 20, 2022 (Index #10). One posting site was established off of Look Road. 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 July 26, 2022 and noticed in the local county paper of record on July 26, 2022 (Index #13). The comment period for this notice ended on August 10, 2022. All comments were transmitted to the applicant on August 16, 2022.
10. Comprehensive Plan: The Kittitas County Comprehensive Plan designates the proposal site as an "Urban Growth Area". 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 LU-G4: Maintain a flexible balance of land uses which will protect, preserve, and enhance the rural character, historical forest lands, agricultural industries, mineral lands, and high-quality environment.

- 10.1.1 The proposed plat has an average density of 1 unit/acre preserving some of the rural character in the Urban Growth Area while not creating a ton of units in an airport zone.
 - 10.2 LU-P1: Minimize the cost of providing public services and utilities by directing urban growth and development to areas where public roads and services can support such growth.
 - 10.2.1 The short plat will be served by an existing county road (Look Rd).
 - 10.3 LU-P21: The County will continue to implement the following Federal Aviation Administration safety zones within the airport overlay zone(s) to protect airport operations and reduce safety risks: Inner Safety Zone; Inner Turning Zone; Outer Safety Zone; Sideline Zone; and Traffic Pattern Zone.
 - 10.3.1 The plat will be conditioned to include a plat note that notices all potential buyers that the property is within the Airport Overlay Zone and likely to have noise and activities associated with aircraft in the vicinity of the property.
 - 10.4 LU-P67: The county should consider notifying all property owners within the Airport Overlay Zone of airport activities.
 - 10.4.1 The plat will be conditioned to include a plat note that notices all potential buyers that the property is within the Airport Overlay Zone and likely to have noise and activities associated with aircraft in the vicinity of the property.
 - 10.5 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. There is a Type S Stream (Wilson Creek) has a 100' buffer. A Critical area report done by Sewall Wetland Consulting Inc. was submitted to the County with the application materials on June 24, 2022. This report indicated no jurisdictional wetlands and recognized Wilson Creek as a Type S stream with a 100-foot setback. Kittitas County CDS issued an MDNS for this project on September 1, 2022 after utilizing the optional DNS process under WAC 197-11-355. The SEPA MDNS includes conditions that include denoting on the plat maps the stream and floodplain. 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. At the time of this writing, the SEPA MDNS decision has not been appealed.
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. Timely comments were received from the following agencies: Department of Health – Office of Drinking Water, Snoqualmie Tribe, City of Ellensburg – Natural Gas Division, Kittitas County Public Health, Washington Department of Fish & Wildlife, Kittitas Reclamation District, Department of Archaeology & Historic Preservation, Kittitas County Community Development Services – Building Department, and Kittitas County Public Works. Below are summaries of the substantive agency comments submitted:
 - 12.1 Department of Health – Office of Drinking Water (DOH-ODW): DOH-ODW commented that the applicant needs to communicate with Ecology even if separating their applications into smaller pieces as it would all be a single project and drinking water needs to be evaluated as a collective. Based on the number of lots, they

- mentioned that if it is a Group B public water system, that would be evaluated entirely under Kittitas County Health.
- 12.1.1 Applicant response: No response from Applicant.
- 12.2 Snoqualmie Tribe: Snoqualmie Tribe commented that they have cultural resource concerns about the project but defer to more proximate tribes.
- 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.
- 12.3.2 The Hearing Examiner sets as a Condition of Approval that this proposal have an inadvertent discovery plan.
- 12.4 City of Ellensburg – Natural Gas Division: The City of Ellensburg Natural Gas Division mentioned the parcel is within the City’s natural gas territory. They also mentioned that there are currently no requirements in regard to the proposed subdivision and creation of lots. If the developer desires to serve the lots with natural gas, the developer will need to work the City gas division to coordinate the construction and layout of gas facilities.
- 12.4.1 Applicant response: No response.
- 12.4.2 CDS staff provided a response to the Applicant.
- 12.5 Kittitas County Public Health (KCPH): KCPH Submitted comments in regards to on-site septic systems and a Group B Water System. They mentioned that the applicant must prove legal and physical availability of water for all new uses of water on the proposed lots. They mentioned a soil log must be done on each lot prior to final approval and that the Group B Water system must be approved by them prior to final approval. They also mentioned about required plat notes.
- 12.5.1 Applicant Response: No response.
- 12.5.2 The Hearing Examiner sets as a Condition of Approval that the KCPH requirements are addressed prior to final plat approval.
- 12.6 Washington Department of Fish & Wildlife: The Washington Department of Fish & Wildlife (WDFW) provided comments appreciating the designation of Wilson Creek on the plat and how Wilson Creek provides habitat. They mentioned that technical and financial support is available to enhance riparian habitat on their property and WDFW can help with this if they are interested.
- 12.6.1 Applicant Response: The applicant did not provide a response.
- 12.6.2 Hearing Examiner Finding: The applicant does not need to enhance the creek as part of this plat.
- 12.7 Kittitas Reclamation District (KRD): KRD commented that the proposal lies within the KRD boundaries and will be required to meet the KRD General Subdivision Guidelines. They mentioned that they can get a copy of the guidelines from the KRD office.
- 12.7.1 No response from applicant.
- 12.7.2 The Hearing Examiner sets as a Condition of Approval that the plat must meet KRD General Subdivision Guidelines.
- 12.8 Department of Archaeology and Historic Preservation: Department of Archaeology and Historic Preservation (DAHP) commented that due to the proximity to Wilson Creek and the potential for encountering cultural resources, they are recommending a professional archaeological survey of the project area.

- 12.8.1 Applicant response: No response from applicant.
- 12.8.2 The Hearing Examiner sets as a Condition of Approval that this proposal must ensure that if ground disturbing or other activities related to the proposed project 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). The Hearing Examiner also set as a Condition of Approval that a Cultural Resource Survey must be completed by the Applicant before any ground disturbing activity.
- 12.9 Community Development Services – Building Department: Community Development Services Building Department commented that all new structures proposed will need to be permitted and built to the current Kittitas County adopted building codes at time of submittal for construction with the County. They also commented that all accesses and roads need to be compliant with the 2018 IFC including Appendix D and Kittitas County Public Works requirements. They also mentioned fire flow requirements are per the 2018 IFC including appendices B & C and that as development progresses to contact the Kittitas County Fire Marshal's office regarding fire flow and hydrant requirements.
 - 12.9.1 No response from applicant.
 - 12.9.2 The Hearing Examiner sets as a Condition of Approval that the proposal must obtain building permits and be compliant with fire code and fire flow requirements.
- 12.10 Kittitas County Public Works: Kittitas County Public Works (KCPW) provided comments addressing private and public road standards, driveways, utility easements, Urban Growth Area (UGA) design criteria, lot closures, access permits, and fire protection. Additionally, KCPW commented about the floodplain and making sure the legal description matched the Title Report.
 - 12.10.1 Applicant Response: "There is a distinction in urban growth area between the portion of the UGA that is within the airport overlay where densities are restricted as set forth in the overlay text. The city and county acknowledge in existing ordinances this distinction. In the UGA that is also within the airport overlay county standards for public works should apply as city development standards for public works cannot be achieved due to the density restrictions. This complete application as the date of completeness to comply with county not city development codes."
 - 12.10.2 The Hearing Examiner sets as a Condition of Approval that the proposal must ensure the applicant obtains all necessary permits through Public Works and complies with current road standards. Current Road standards already include conditions related to the UGA and City standards. There is no provision currently in the road standards for different standards within the Airport Overlay District related to the Urban Growth Area when it comes to potentially using County or City Road Standards. Any subdivision within the Urban Growth Area would be subject to roadway improvements seen in KCC 12.01.090(E) and KCC 12.04.040: All land use development activities proposing public or private roads located within Urban Growth Areas (UGA) shall follow the guidelines of [KCC 12.04.040](#). 12.04.040 Design Criteria within an Urban Growth Area:
 - 12.10.2.1 Roads proposed within the UGA shall conform and support the

road system or grid, Transportation Plan and Comprehensive Plan of the affected city.

12.10.2.2 Roads constructed within the UGA shall comply with the road standards of the affected city or Kittitas County Road Standards, whichever is more stringent. The city shall have the final approval of the road alignment, geometry and construction requirements.

12.10.2.3 Utilities constructed within the UGA shall comply with the requirements of the affected city.

12.10.3 Additionally, the applicant shall address survey and engineering changes noted in the Public Works comment letter for final plat approval.

13. Comprehensive Plan Consistency: The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The subdivision is adequately served by Kittitas County and City of Ellensburg services. The lots are in the urban growth area within an airport overlay zone. This helps to preserve some rural character seen in LU-G4 and can be supported by roads and services that can handle growth in compliance with LU-P1.
14. Consistency with the provision of KCC 17 Zoning: The proposal is consistent with the provisions of KCC 17.11 and KCC 17.58 The lots average density 1 lot per acre which is consistent with Urban Residential Zoning within an Urban Growth Area and in the Inner turning zone of the Bowers Field Airport Overlay zone pursuant to KCC 17.58.050(2). CDS reviewed the project for consistency with KCC 17.11 and found that it was consistent.
15. Consistency with the provisions of KCC 17A Critical Areas: This proposal is consistent with the Kittitas County Critical Areas Code. There is a Type S Stream that has been identified as Wilson Creek on the far east side of the site. The stream has a 100' buffer in the application materials which is consistent with Title 17B buffer requirements for shoreline streams. The plat map also contains the 100-year floodplain. The SEPA MDNS was conditioned to protect the creek and its buffer. CDS staff finds the project, as conditioned, consistent with KCC 17A Critical Areas.
16. Consistency with the provisions of KCC 16.12: Preliminary Plat Subdivision Code: This proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats.
17. Consistency with the provisions of KCC Title 12: Roads and Bridges: All roads are required to meet all Kittitas County Road Standards and comply with City of Ellensburg is more stringent.
18. The Hearing Examiner has reviewed all the comments submitted and has conditioned this decision to address the concerns noted.
19. An open record public hearing after due legal notice was held on September 22, 2022.
20. At the open record public hearing the following exhibits were entered into the record:
 - 20.1 Ex. 1 Plat Application
 - 20.2 Ex. 2 Receipt
 - 20.3 Ex. 3 Certificate of Title (Subdivision Guarantee)

- 20.4 Ex. 4 SEPA Checklist
- 20.5 Ex. 5 Critical Areas Report
- 20.6 Ex. 6 Project Narrative
- 20.7 Ex. 7 Preliminary Plat Map
- 20.8 Ex. 8 Deemed Complete
- 20.9 Ex. 9 CDS Staff Maps
- 20.10 Ex. 10 Sign Posting Affidavit and Picture
- 20.11 Ex. 11 Notice of Application
- 20.12 Ex. 12 Notice of Application - Email
- 20.13 Ex. 13 Affidavit of Mailing & Publication – Notice of Application
- 20.14 Ex. 14 Comments: Washington State Department of Health – Office of Drinking Water
- 20.15 Ex. 15 Comments: Snoqualmie Tribe
- 20.16 Ex. 16 Comments: City of Ellensburg – Natural Gas Division
- 20.17 Ex. 17 Comments: Kittitas County Public Health
- 20.18 Ex. 18 Comments: Washington Department of Fish & Wildlife
- 20.19 Ex. 19 Comments: Kittitas Reclamation District
- 20.20 Ex. 20 Comments: Department of Archaeology & Historic Preservation
- 20.21 Ex. 21 Comments: Community Development Services Building & Fire
- 20.22 Ex. 22 Comments: Kittitas County Public Works
- 20.23 Ex. 23 Transmittal of Comments
- 20.24 Ex. 24 Owner response to comments
- 20.25 Ex. 25 SEPA MDNS
- 20.26 Ex. 26 Notice of SEPA Action & Public Hearing Notice
- 20.27 Ex. 27 Affidavit of Publication & Mailing: Notice of SEPA Action & Hearing
- 20.28 Ex. 28 PowerPoint Presentation
- 20.29 Ex. 29 Staff Report
- 20.30 Ex. 30 Six letters from Applicant dated between September 15, 2022 and September 21, 2022.

- 21. Appearing on behalf of the Applicant was Matt Willard. Mr. Willard testified that he is an agent for the Applicant and property owner, Haybrook Land Holdings, LLC and was authorized to appear and speak on behalf of the Applicant. Mr. Willard agreed with all of the representations in the staff report and all Conditions of Approval, with the exception that he requested that the Hearing Examiner allow the City of Ellensburg to waive their road standards, should they desire to do so.
- 22. No members of the public testified at the hearing.
- 23. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
- 24. 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 17B Shorelines, Title 15 Environmental, Title 12 Roads and Bridges and Title 20 Fire & Life Safety.
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-22-0003 – Haybrook Land Holdings, LLC, 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 submitted on June 24, 2022 except as amended by the conditions herein.

Building

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. Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible for compliance with all applicable local, state, and federal rules, requirements, codes, and regulations. It is incumbent upon said applicants and future owners to investigate for, and obtain from the appropriate agency or their representative, all required permits, licenses, and approvals for any development, construction, and/or improvements that occur within the boundaries of this subdivision.
4. If natural gas is desired for this development, the applicant must work with and get approval from the City of Ellensburg's Gas Division to coordinate construction and layout of gas facilities.
5. All structures will need to be permitted and built to the current Kittitas County adopted building codes at the time of construction.

Roads and Transportation

6. Road Standards: This application is subject to the latest revision of the Kittitas County Road Standards, dated 12/15/2015. A performance guarantee may be used, in lieu of the required improvements, per the conditions outlined in KCC 12.01.150.
 - 6.1 Driveways:

- 6.1.1 A driveway shall serve no more than four tax parcels. See Kittitas County Road Standards, 2015 edition.
 - 6.1.2 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' if the length of the driveway is more than 150'.
 - 6.1.3 Driveways longer than 150' in length are required to provide a Fire Apparatus Road Turnaround meeting the requirements of appendix D in the International Fire Code.
 - 6.1.4 Maximum grade shall be 10%
 - 6.1.5 Crushed surface depth per WSDOT standards.
 - 6.1.6 Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- 6.2 Urban Growth Area (UGA):
- 6.2.1 Roads proposed within the UGA shall conform and support the road system or grid, Transportation Plan and Comprehensive Plan of the City of Ellensburg.
 - 6.2.2 Roads constructed within the UGA shall comply with the road standards of the City of Ellensburg or Kittitas County Road Standards after a joint review decision by the City of Ellensburg Public Works and Kittitas County Public Works Departments. The City of Ellensburg shall have final approval of the road alignments and geometry.
 - 6.2.3 Utilities constructed within the UGA shall comply with requirements of the City of Ellensburg.
- 6.3 Other:
- 6.3.1 If over 100 cubic yards of material are displaced during construction, a grading permit shall be required. If over 500 cubic yards, an engineered grading permit shall be required. If the applicant plans on applying for final plat prior to building, a bond for construction shall be required
 - 6.3.2 Prior to the final platting process, a Civil Review of the plans will be required by Public Works. If the applicant is getting an engineered grading permit, the Civil Review will be included in the permit
 - 6.3.3 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

- 6.3.4 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.

- 6.3.5 Mailboxes must be approved the U.S. Postal Service. Mailbox locations are site specific. Contact your local Post Office for location and design standards before beginning construction.
- 6.3.6 All accesses and roads need to be compliant with the 2018 IFC including Appendix D.

Survey

- 7. Engineer and Surveyor of Record shall be on final plat.
- 8. A Title Report shall be submitted and the legal description on the Title Report shall match the legal description on the final plat.
- 9. Controlling corners shall be noted, and property corners set.
- 10. The boundaries along Wilson Creek shall be delineated
- 11. Access easements shall be labeled and the new access easement outside the plat boundaries shall be dedicated via separate easement
- 12. Lot Closures shall be submitted. 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.

Water/Sewer

- 13. In accordance with KCC 13.35.027, the applicant shall provide one of the following documents before final plat approval:
 - 13.1 A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use
 - 13.2 An adequate water right for the proposed new use
 - 13.3 A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.
- 14. 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.
- 15. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.
- 16. In accordance with KCC 13.04.090, a minimum of one soil log for each proposed lot where individual sewage disposal systems are contemplated must be completed prior to final approval.

17. A group B water system must be installed and approved with a state ID# issued. A well site inspection must be performed by the Kittitas County Public Health Department prior to drilling the well. Mitigation for the 9 proposed lots must be provided.
18. Any Ground Water withdrawals over 5,000 gallons per day shall require authorization from the Department of Ecology.

Other

19. Applicant must meet all state and federal regulations
20. Taxes must be paid in full on all tax parcels involved in this land use actions as required by Washington State Law (RCW 84.40.042 & 84.56.345) prior to final plat recording
21. The applicant shall provide evidence to CDS of project consistency with KRD General Subdivision Guidelines prior to final approval.
22. All sheets of the final mylars shall reflect plat number LP-22-00003 and an accurate legal description shall be shown on the face of the final plat. Engineers and Surveyors need to cognizant of the requirements related to Final Plats (KCC 16.20) and Survey Data and Dedications (KCC 16.24). The final plat must be submitted in full conformance with these chapters of Kittitas County Code; **non-compliant mylars will be rejected and returned to the applicant.** A final plat number will be assigned when CDS receives your final plat application. This file number will also be required on the face of the final plat.
23. Any work done within 200 feet of the Ordinary High Water Mark (OHWM) that is subject to the County's Shoreline Master Program (SMP) shall obtain shoreline permits from the county and any state or federal agency prior to starting work.

Plat Notes

24. The following plat notes shall be recorded on the final mylar drawings:
 - 24.1 Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible for compliance with all applicable local, state, and federal rules, requirements, codes, and regulations. It is incumbent upon said applicants and future owners to investigate for, and obtain from the appropriate agency or their representative, all required permits, licenses, and approvals for any development, construction, and/or improvements that occur within the boundaries of this subdivision.
 - 24.2 All development must comply with International Fire Code.
 - 24.3 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.

- 24.4 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.
- 24.5 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.
- 24.6 Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- 24.7 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 by 5 feet on each side of interior lot lines. Said easement may also be used for irrigation.
- 24.8 A hydrant system, or other system as approved by the Fire Marshal, shall be installed and operational to support required fire flow before building permits are issued.
- 24.9 The subject property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibrations, or odors). Individual sensitivities to those annoyances can vary from person to person.
- 24.10 The property is located within the Airport Overlay Zoning District in which a variety of airport aviation activities occur. Such airport aviation activities may impact the use of your property.

In addition to the conditions noted above, the following MDNS conditions shall also apply:

25. Critical Areas:
 - 25.1 All final surveys shall include denotation of Wilson Creek and it's 100' buffer.
 - 25.2 All final surveys shall include denotation of boundary of the 100-year floodplain and floodway.
26. Cultural Resources:
 - 26.1 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.

27. Hearing Examiner:

- 27.1 The Applicant shall have prepared a Cultural Resource Survey on the subject property prior to any ground disturbance activities. Further, the Applicant shall comply with all recommendations set forth within the Cultural Resource Survey.
- 27.2 The reason why the Hearing Examiner is setting this Condition of Approval is because in the SEPA Environmental Checklist, Section 13(c) and (d), the Applicant stated that it was “not applicable” for the Applicant to describe methods used to assess potential cultural impacts on or near the project site. The Applicant further stated, that it was “not applicable” for the Applicant to take measures to avoid or minimize disturbance to cultural resources.
- 27.3 The Hearing Examiner further sets this condition based upon the comment from the Washington State Department of Archeology and Historic Preservation (DAHP), that indicates that there is a high probability of the Applicant encountering cultural resources within the proposed project area. DAHP indicates that identification of cultural artifacts during construction is not a recommended detection method. This letter from DAHP was not challenged by the Applicant.

Dated this 26th day of September, 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.