

**KITTITAS COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>LP-23-00002</b>	)	<b>CONDITIONS OF APPROVAL</b>
<b>TUMBLING RIDGE LONG PLAT</b>	)	<b>AND DECISION</b>

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on January 24, 2024, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and Decision:

**I. FINDINGS OF FACT**

1. Tumbling Ridge LLC & Lucky Load LLC submitted an application for a 7-lot plat on 2 parcels totaling 35.4 acres of land. The proposal includes 7 residential lots ranging in size from 5.01 acres to 5.17 acres. The subject parcels are zoned Rural 5. It is part of a Rural Residential Land Use designation on the south parcel and Mineral Land Use designation on the north parcel.
2. Location: Two tax parcels (952139 and 952140) located approximately .4 miles northwest of the intersection of Bullfrog Road and I-90 off Jenkins Drive in Section 31, Township 20, Range 15, W.M.; Kittitas County. The properties bear Kittitas County Map numbers 20-15-31050-0001 and 20-15-31050-0002. They are lots 1 & 2 of the Tumbling Ridge Short Plat (SP-06-84).
3. 

Total Project Size:	35.4 acres
Number of Proposed Lots:	7 (2 currently existing)
Domestic Water:	Shared Well & a Group B Water System
Sewage Disposal:	Individual Septic
Fire Protection:	Cle Elum (Fire District 7)
4. Site Characteristics:  
North: Jenkins Drive/Yakima River (Suncadia Houses to NE farther away)  
South: I-90  
East: Bullfrog Rd/Forested Land (a few houses on east side of Cle Elum River)  
West: Mostly Forested Land (Houses on West Side of I-90)
5. Access: Access to the site will be via a private easement off Jenkins (a private drive) from Bullfrog Road.
6. Deemed Complete: A Long Plat Application and SEPA Checklist were submitted to Kittitas County Community Development Services on March 27, 2023. The application was deemed complete on April 18, 2023.

7. Notice of Application: The site was posted pursuant to KCC 15A.03.110 on May 5, 2023. One posting site was established (One Jenkins Drive). 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 May 18, 2023, and noticed in the local county paper of record on May 18, 2023. The comment period for this notice ended on June 5, 2023. All comments and a request for information were transmitted on June 6, 2023 to the applicant.
  
8. Zoning and Development Standards: The subject property is located approximately .4 miles northwest of the intersection of Bullfrog Road and I-90 off Jenkins Drive and has a zoning designation of Rural 5. The purpose and intent of Rural 5 zone is to provide for areas where residential development may occur on a low-density basis. The minimum lot size in Rural 5 districts is 5 acres unless in a cluster plat as seen in KCC 17.30A.040. As this property is not a cluster plat, the size of all lots must be at least 5 acres. As proposed, the plat meets the 5-acre minimum lot size criteria. There is sufficient room on all parcels to meet all setbacks (Front: 25 ft. Side/Rear: 15 ft.) seen in KCC 17.30A.050.
  
9. Preliminary Plats: The plat map submitted with the current application was reviewed under the existing KCC 16.12 Preliminary Plats and meets all requirements.
  
10. Comprehensive Plan: The Kittitas County Comprehensive Plan designates the proposal site as "Rural Residential" and "Mineral Lands". 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-G2: Opportunities should exist for traditional rural lifestyle and rural based economies.
    - 10.1.1 The proposed plat provides for people to live a traditional rural lifestyle and support the rural based economy especially being near Cle Elum.
  - 10.2 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.
    - 10.2.1 This plat provides housing choices on 5 acres which is a variety of rural density and does not require local government services to meet the housing needs of the county. The county and state have found 5 acres to be consistent with rural character.
  - 10.3 RR-P152: The County shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as mineral resource lands, shall contain a notice that states that: "The subject property is within or near designated mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject or legal action as public nuisances."
    - 10.3.1 The Hearing Examiner sets as a condition of approval to include the plat note about mining to the final plat.

- 10.4 RR-P153: The impact of potential residential/commercial development upon Mineral Resource Lands of Long-term Significance shall be considered when determining the compatibility of the proposed development within the Rural area.
- 10.4.1 The Hearing Examiner reviewed the plat for potential development on mineral resource lands and found that there is sufficient acreage to preserve resource lands and the Hearing Examiner could not find claims or easements regarding mining rights on 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. The only critical area identified on the property was hazardous slopes. Kittitas County CDS issued a MDNS for this project on January 4, 2024 after utilizing the optional DNS process under WAC 197-11-355. The SEPA MDNS decision was not appealed.
12. Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. Timely comments were received from the following agencies: Department of Health – Office of Drinking Water, Snoqualmie Tribe, KITTCOM, Colville Tribe, Department of Natural Resources, Department of Ecology, Washington Department of Fish & Wildlife (WDFW), Department of Archaeology & Historic Preservation (DAHP), Bonneville Power Administration (BPA), Kittitas County Public Health, Washington Department of Transportation – Aviation Division, and Kittitas County Public Works. No Public Comments were received. Below are summaries of the substantive agency comments submitted as well as the response from the applicant regarding the comments.
- 12.1 Snoqualmie Tribe: Snoqualmie Tribe commented that they recommend a archaeological review be performed for the project. The tribe considers this area to be culturally significant and has a moderate to high probability to have unknown archaeological deposits.
- 12.1.1 Applicant response: “We were able to locate the cultural and archaeological survey performed in 2008 for the site. We would also reference the survey by Mountain Star (Suncadia) Final EIS published by the County on April 10, 2000 that surrounds a majority of this property.”
- 12.1.2 Hearing Examiner Finding: CDS staff required an inadvertent discovery plan in the SEPA MDNS based on the 2008 cultural resources survey that was conducted.
- 12.2 KITTCOM: KITTCOM commented that no structures are proposed with this application, so no comment from KITTCOM.
- 12.2.1 Applicant response: “Noted”
- 12.2.2 Hearing Examiner Finding: CDS staff provided these comments to the applicant.
- 12.3 Colville Tribe: Colville Tribe commented that they recommend an inadvertent discovery plan for the property. They mentioned that there are known cultural resources nearby and the parcels are considered moderate to very high risk for

inadvertent discovery. They mentioned that that have been a few prior surveys of a portion of the property, but the full area has not been surveyed and that new archaeological sites were discovered as part of the prior surveys.

12.3.1 Applicant response: "We were able to locate the cultural and archaeological survey performed in 2008 for the site. See attached. We would also reference the survey by Mountain Star (Suncadia) Final EIS published by the County on April 10, 2000 that surrounds a majority of this property."

12.3.2 Hearing Examiner Finding: CDS Staff required an inadvertent discovery plan in the SEPA MDNS based on the 2008 cultural resources survey that was conducted.

12.4 WSDOT Aviation: WSDOT Aviation commented that they have no concerns or comments about the application.

12.4.1 Applicant Response: "Noted"

12.4.2 Hearing Examiner Finding: CDS staff provided these comments to the applicant.

12.5 Department of Health – Office of Drinking Water (DOH-ODW): DOH-ODW commented that the development appears to meet the definition of a "project" and they should contact Ecology to investigate if individual or shared wells are proposed to see if they would work. They concur that the provision of drinking water would be a Group B system and that Kittitas County has regulatory jurisdiction and authority for Group B Water systems.

12.5.1 Applicant Response: "We will work with our engineer to design a Group B well system. Due to the size of the lots and the challenging topography of the site, it may be necessary to have one or 2 individual or shared wells. We will reach out to the County and Ecology immediately once we begin the design process."

12.5.2 Hearing Examiner Finding: CDS Staff transmitted these comments to the applicant. The Hearing Examiner sets as a condition of approval to this proposal to get a Group B Well and any individual/shared well approvals from Kittitas County Public Health prior to final plat.

12.6 Kittitas County Public Health (KCPH): KCPH commented on well and septic requirements including the proposed Group B water systems. They said that soil logs were done on each lot. They said a Group B water system must be approved with a state identification number issued prior to obtaining final plat signature.

12.6.1 Applicant Response: "We will work with our engineer to design a Group B well system. Due to the size of the lots and the challenging topography of the site, it may be necessary to have or 2 individual or shared wells. We will reach out to Ecology & County DOH once we being the design process."

12.6.2 Hearing Examiner Finding: CDS staff has provided this comment to the applicant. The Hearing Examiner sets as a condition of approval Group B well approval, soil logs and water mitigation prior to final platting.

12.7 Department of Natural Resources (DNR): DNR commented that this parcel will require a Forest Practices Application (FPA) from the DNR if merchantable timber is

removed/harvested as part of the proposal. They recommended that the applicant meet with their local forest practices forester to discuss.

12.7.1 Applicant Response: “We will comply to DNR and FPA requirements.”

12.7.2 Hearing Examiner Finding: CDS Staff has provided this comment to the applicant. The Hearing Examiner sets as a condition of approval getting documentation that an FPA is not required by DNR or getting the FPA from DNR.

12.8 Department of Ecology: The Department of Ecology made comments on the withdrawal of groundwater and said anything beyond 5,000 gallons of water per day withdrawn requires authorization from the Department of Ecology.

12.8.1 Applicant Response: “We will comply with DOE requirements.”

12.8.2 Hearing Examiner Finding: CDS Staff provided comments to the applicant. The Hearing Examiner sets as a condition of approval that the Applicant obtain approval from the Department of Ecology if planning on withdrawing over 5,000 gallons of water a day.

12.9 Washington Department of Fish & Wildlife (WDFW): WDFW commented that there is a road that passes through this plat to access WDFW lands to the west, namely lots 4 & 5. WDFW needs to maintain access along the road if the parcel is split. They said residents need to be aware that they are living next to public land. They mentioned if the plat was approved, that the applicant should work with LT Murray manager Shaun Morrison to ensure that access is maintained for WDFW management of their land. WDFW also had concerns about the approval of Lot 2. They mention that the northern half of Lot 2 is situated above the Cle Elum River which is an important waterbody for aquatic life. Steep slopes in the northern half of this parcel could lead to landslide entering the Cle Elum River if proper precautionary measures are not taken. They request that if the long plat is approved, that a geotechnical report be required before any land clearing activities, including tree removal, is approved on the northern half of proposed lot 2. They said that the geotechnical report should demonstrate where ground clearing could occur without causing disturbance to the steep slopes and increasing the risk of a landslide.

12.9.1 Applicant Response: “The existing easement is shown on the proposed plat and will continue to provide access for WDFW land management to the neighboring parcel. This easement will be shown on the final recorded plat so that all future residents are aware of its existence. No development or clearing is anticipated in the northeast corner of Lot 2 and northeast of Jenkins Drive.”

12.9.2 Hearing Examiner Finding: The Hearing Examiner sets as a condition of approval that the easement that accesses WDFW’s neighboring parcel be shown on the face of the final plat. CDS staff also put a requirement in the SEPA that a geotechnical report be done for the northern half of Lot 2 prior to any grading or clearing.

12.10 Department of Archaeology & Historic Preservation (DAHP): DAHP commented that there is a high probability of encountering cultural resources within the proposed project area. They said this area has been partially surveyed in the past, but a majority of the project area has not been surveyed. They recommended a professional

archaeology survey of the project area be conducted and a report be produced prior to ground disturbing activities.

12.10.1 Applicant Response: “We were able to locate the cultural and archaeological survey performed in 2008 for the site. See attached. We would also reference the survey by Mountain Star (Suncadia) Final EIS published by the County on April 10, 2000, that surrounds a majority of this property.”

12.10.2 Hearing Examiner Finding: Due to the previous survey, CDS staff required an inadvertent discovery Plan be put in place prior to ground disturbing activities as mitigation in the SEPA determination.

12.11 Bonneville Power Administration (BPA): BPA commented that the project appears to impact BPA’s access roads and access right-of-way. BPA’s rights need to be reserved for BPA’s uses. They mentioned that if any of the applicant’s uses will impact BPA’s access road or other access rights, they will need to reach out and work with BPA to retain BPA’s access rights and establish routes of travel prior to any work or development taking place.

12.11.1 Applicant Response: “No impacts to BPA access are anticipated. All existing access points will continue to be in place.”

12.11.2 Hearing Examiner Finding: The Hearing Examiner sets as a condition of approval that all BPA access roads and rights of way be shown on the face of the final plat. The Hearing Examiner also sets as a condition of approval that BPA give written approval prior to final plat approval that their access ways are not affected by this plat.

12.12 Kittitas County Public Works (KCPW): KCPW provided comments on access requirements, grading, and roads meeting fire codes. They also commented about the project would require transportation concurrency. They had comments about required survey updates, plat notes, floodplain, and water mitigation.

12.12.1 Applicant response: “We will work with our engineers to prepare the necessary grading permit application and design plans. We will work with our surveyor to prepare final plat maps meeting all County and State requirements. We request this requirement (traffic concurrency) to be waived since the plat is for only 7 lots on Jenkins Drive which is rarely used and is very near to the I-90 on ramp (Less than 700-ft). The application of concurrency evaluation is attached for further consideration. We will comply with all water right requirements”.

12.12.2 Hearing Examiner Finding: CDS staff has provided this comment to the applicant and proposed conditions regarding various road standards, grading, survey updates as well as required plat notes. The applicant requested that the transportation concurrency be waived on July 3, 2023. Public Works did a courtesy concurrency and found that no traffic impact analysis was needed and what was supplied was sufficient on July 27, 2023.

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 analysis and consistency review for the subject application.
16. Comprehensive Plan Consistency: The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The subdivision can help promote a rural lifestyle, only requires rural government services and does not complete infringe on mineral resource lands.
17. Consistency with the provision of KCC 17 Zoning: The proposal is consistent with the provisions of KCC 17.30A.040. The lots are all over 5 acres and there is adequate size to put houses or other uses on the properties.
18. Consistency with the provisions of KCC 17A Critical Areas: This proposal is consistent with the Kittitas County Critical Areas Code. Potential impacts to hazardous slopes on the property can be mitigated with conditions of approval.
19. Consistency with the provisions of KCC 16.12 Preliminary Plat Subdivision Code: This proposal is consistent with the Kittitas County Subdivision Code (Title 16) for Preliminary Plats with the conditions of approval.
20. Consistency with the provisions of KCC Title 12: Roads and Bridges: This proposal is consistent with the Kittitas County Title 12 Roads and Bridges with conditions of approval.
21. Consistency with the provisions of KCC Title 20: Fire & Life Safety: This proposal is consistent with the Kittitas County Title 20 Fire & Life Safety with conditions of approval.
22. An open record public hearing after due legal notice was held on January 24, 2024 via video conferencing.
23. At the open record public hearing the following exhibits were entered into the record:
  - 23.1 Ex. 1 Letter of Transmittal
  - 23.2 Ex. 2 Application
  - 23.3 Ex. 3 Receipt
  - 23.4 Ex. 4 Project Narrative
  - 23.5 Ex. 5 SEPA Checklist
  - 23.6 Ex. 6 Preliminary Plat Map
  - 23.7 Ex. 7 Lot Closures
  - 23.8 Ex. 8 Deemed Complete & Request for Information
  - 23.9 Ex. 9 CDS Staff Maps
  - 23.10 Ex. 10 Affidavit of Posting 5-9-23
  - 23.11 Ex. 11 Notice of Application
  - 23.12 Ex. 12 Affidavit of Mailing & Publication – Notice of Application
  - 23.13 Ex. 13 Snoqualmie Tribe Comments 5-18-23
  - 23.14 Ex. 14 State Department of Health – Office of Drinking Water Comments 5-19-23
  - 23.15 Ex. 15 KITTCOM Comments 5-19-23
  - 23.16 Ex. 16 Colville Tribe Comments 5-22-23

- 23.17 Ex. 17 WSDOT Aviation Comments 5-22-23
  - 23.18 Ex. 18 Department of Natural Resources (DNR) Comments 5-24-23
  - 23.19 Ex. 19 Kittitas County Public Health Comments 5-26-23
  - 23.20 Ex. 20 Department of Ecology Comments 6-1-23
  - 23.21 Ex. 21 Washington Department of Fish & Wildlife (WDFW) Comments 6-1-23
  - 23.22 Ex. 22 Department of Archaeology & Historic Preservation (DAHP) Comments 6-1-23
  - 23.23 Ex. 23 Bonneville Power Administration (BPA) Comments 6-5-23
  - 23.24 Ex. 24 Kittitas County Public Works Comments 6-5-23
  - 23.25 Ex. 25 Transmittal of Comments & Request for Information 6-6-23
  - 23.26 Ex. 26 Owner Response Comments Received 7-3-23
  - 23.27 Ex. 27 Transportation Concurrency Application Requesting to be Waived
  - 23.28 Ex. 28 E-mail about Mining 7-27-23
  - 23.29 Ex. 29 PW Traffic Concurrency Evaluation 7-27-23
  - 23.30 Ex. 30 SEPA MDNS
  - 23.31 Ex. 31 Notice of SEPA Action & Public Hearing Notice
  - 23.32 Ex. 32 Affidavit of Mailing & Publication – Notice of SEPA Action & Public Hearing
  - 23.33 Ex. 33 Staff Report
24. Appearing and testifying on behalf of the Applicant was Marc Kirkpatrick. Mr. Kirkpatrick was an agent of the Applicant and property owner and was authorized to testify on their behalf. He indicated that he had reviewed the staff report and had no objection to any of the representations contained therein. He also stated that he had reviewed the proposed Conditions of Approval and had no objections to them as well.
25. No member of the public testified at this hearing.
26. The Kittitas County Hearing Examiner considered all evidence within the record in rendering this decision.
27. 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, 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-23-00002 – Tumbling Ridge 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.

The project shall proceed in substantial conformance with the plans and application materials on file submitted on March 27, 2023.

#### 1. Building

- 1.1 The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
- 1.2 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.
- 1.3 All structures will need to be permitted and built to the current Kittitas County adopted building codes at the time of construction.

#### 2. Roads and Transportation

- 2.1 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.
  - 2.1.1 Roads & Driveways:
    - 2.1.1.1 An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work in the county road right-of-way.
    - 2.1.1.2 Private roads serving any of the lots within the development shall be inspected and certified by a licensed professional engineer for conformance with the 2015 Kittitas County Road Standards. This

certification shall be completed prior to final plat approval or if a performance guarantee is used in lieu of the required improvements, the private road must be certified to comply with the minimum requirements of the International Fire Code prior to building permit issuance.

- 2.1.1.3 Roads and 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.
- 2.1.1.4 Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The county will not maintain access.
- 2.1.1.5 Future access onto proposed lots may not be accessed off a county road if there is an alternative road to access from.
- 2.1.1.6 Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.
- 2.1.1.7 Access is not guaranteed to any existing or created parcel on this application.
- 2.1.1.8 Newly created lots shall access onto an internal road system and not directly onto a County Road.
- 2.1.1.9 All road construction within the public or private right-of-way shall be designed by or under the direct supervision of a civil engineer, licensed to practice in the State of Washington. Please submit a road plan and profile drawings along with any associated drainage reports for a formal Civil Review to Kittitas County Public Works (KCC 12.04.020)
- 2.1.1.10 Driveway easements shall be a minimum of 30' wide and Private Road easements shall be a minimum of 60' wide.
- 2.1.1.11 Driveways and private roads that serve more than 4 parcels shall meet private road standards and be certified by a licensed engineer in the state of Washington. Additionally, private roads that serve 6 or more parcels shall be named according to the Kittitas County Private Road Naming and Signing Stand.

2.2 Other:

- 2.2.1 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.

2.2.2 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.

2.2.3 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

2.2.4 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.

2.2.5 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.

2.2.6 All accesses and roads need to be compliant with the 2018 IFC including Appendix D.

3. Survey

3.1 Owner, Engineer of Record, and Surveyor of Record shall be on final plat.

3.2 A Title Report shall be submitted and the legal description on the Title Report shall match the legal description on the final plat.

3.3 If topographic elements are used on the final plat, they shall meet the requirements of WAC 332-130-145.

3.4 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.

3.5 The final plat shall meet the requirements of KCC 16.20.

4. Water/Sewer

4.1 In accordance with KCC 13.35.027, the applicant shall provide one of the following documents before final plat approval:

- 4.1.1 A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use.
- 4.1.2 An adequate water right for the proposed new use.
- 4.1.3 A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.
  
- 4.2 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.
  
- 4.3 Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.
  
- 4.4 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 and approved prior to final plat approval.
  
- 4.5 Any individual/shared wells must be prior to final plat approval.
  
- 4.6 The proposed Group B water system must have a well drilled and a Group B water system approved with a public water system ID # issued prior to obtaining final plat signature.
  
- 4.7 Any ground water withdrawals over 5,000 gallons per day shall require authorization from the Department of Ecology.
  
- 5. Other
  - 5.1 Applicant must meet all state and federal regulations.
  - 5.2 All conditions of the SEPA MDNS issued on January 4, 2024, shall be met.
  - 5.3 All stormwater shall be kept on site or require a Construction Stormwater permit from the Department of Ecology.
  - 5.4 Written documentation that the plat will not affect Bonneville’s Power Administration’s (BPA) Rights-of-way shall be obtained from BPA prior to final plat approval.
  - 5.5 Access shall be maintained to access Washington Department of Fish & Wildlife’s property to the west of the development.
  - 5.6 An approved Forest Practices Act (FPA) permit shall be submitted for final plat approval or documentation from the Department of Natural Resources (DNR) shall be provided saying an FPA is not required for this project prior to final plat approval.
  - 5.7 Taxes must be paid in full on all tax parcels involved in this land use action as required

by Washington State Law (RCW 84.40.042 & 84.56.345) prior to final plat recording.

- 5.8 All sheets of the final mylars shall reflect plat number LP-23-00002 and an accurate legal description shall be shown on the face of the final plat. Engineers and Surveyors need to be 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.

6. Plat Notes

- 6.1 The following plat notes shall be recorded on the final mylar drawings:

- 6.1.1 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.
- 6.1.2 All development must comply with International Fire Code.
- 6.1.3 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.
- 6.1.4 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.
- 6.1.5 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.
- 6.1.6 Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- 6.1.7 Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.

- 6.1.8 Maintenance of the access is the responsibility of the property owners who benefit from its use.
- 6.1.9 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.
- 6.1.10 All habitable structures shall require defensible space around them in accordance with 2018 IWUIC 603.2.
- 6.1.11 The subject property is within or near designated mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject or legal action as public nuisances.

Dated this 25th day of January, 2024.

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.