

**KITTITAS COUNTY  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>LP-23-0003</b>	)	<b>CONDITIONS OF APPROVAL</b>
<b>McALLISTER SUMMIT LONG PLAT</b>	)	<b>AND DECISION</b>

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on November 16, 2023, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law and Decision:

**I. FINDINGS OF FACT**

1. The Louise McAllister Trust submitted an application for an 8-lot plat (subdivision) on 2 parcels totaling 11.27 acres of land. The proposal includes 8 residential lots ranging in size from 0.31 acres to 8.8 acres. The subject properties are currently zoned LAMIRD Type 1 - Residential with a LAMIRD land use designation.
2. Location: Two tax parcels (707835 and 747835) located approximately .25 miles southeast of the intersection of Yellowstone Rd and I-90, off Yellowstone Rd in Section 9, Township 22, Range 11, W.M.; Kittitas County. The properties bear Kittitas County Map numbers 22-11-09011-0001 and 22-11-09011-0005.
3. 

Total Project Size:	11.27 acres
Number of Proposed Lots:	8 (2 currently existing)
Domestic Water:	Snoqualmie Pass Utility District
Sewage Disposal:	Snoqualmie Pass Utility District
Fire Protection:	Snoqualmie Pass Fire and Rescue
4. Site Characteristics:  

North:	Primarily Wenatchee National Forest
South:	Primarily residential
East:	Primarily Wenatchee National Forest
West:	Primarily residential, vacant forested land
5. Access: Access to the site will be via a private access road off Yellowstone Road.
6. Deemed Complete: A Long Plat Application and SEPA Checklist were submitted to Kittitas County Community Development Services on June 28, 2023. The application was deemed complete on July 21, 2023.
7. Notice of Application: The site was posted pursuant to KCC 15A.03.110 on August 4, 2023. One posting site was established (Yellowstone 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 August 10, 2023, and noticed in the local county paper of record on August 10, 2023. The comment period for this notice ended on August 25, 2023. All comments & a request for information were transmitted on August 30, 2023, to the applicant.

8. Zoning and Development Standards: The subject property is located approximately .25 miles southeast of the intersection of Yellowstone Rd and I-90, off Yellowstone Rd. The subject properties are currently zoned LAMIRD Type 1 - Residential with a LAMIRD land use designation. The purpose and intent of the Residential zone is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where public water and sewer systems are provided. The minimum lot size in Residential districts is 7,200 square feet for single family dwellings. As proposed, the plat meets the 7,200 square foot minimum lot size criteria. There is sufficient room on all parcels to meet all property line setbacks (Front: 25 ft. Side: 5 ft. Rear: 15 ft.) seen in KCC 17.16.060, KCC 17.16.070, and KCC 17.16.080.
9. Preliminary Plats: The plat drawing submitted with the application was reviewed under KCC 16.12 Preliminary Plats and meets all requirements.
10. Comprehensive Plan: The Kittitas County Comprehensive Plan designates the proposal site as "LAMIRD 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-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 Snoqualmie Pass.
  - 10.2 RR-G10: The County should look for opportunities for a variety or rural density and housing choices while maintaining rural character and protecting health and safety.
    - 10.2.1 This plat provides housing choices on lots ranging from approximately 0.31 acres to 8.8 acres. This range in lot sizes exceeds the 7200 square foot minimum lot size for LAMIRD - Residential zoning. The proposed plat does not require additional local government services to meet the housing needs of the county.
  - 10.3 RR-P13: Development shall be located distances from streams, rivers, lakes, wetlands, critical areas determined necessary and as outlined within existing Shorelines Management Program, the Critical Areas Ordinance and other adopted resource ordinances in order to protect ground and surface waters.
    - 10.3.1 The applicant has completed a critical areas report for the proposed plat which complies with Title 17A of Kittitas County Code. The proposed buffer averaging also complies with Title 17A.
  - 10.4 RR-G30: Establish areas of community pattern that accommodate community activities without having to incorporate.

- 10.4.1 The proposed plat provides residential lots which are consistent with nearby residential uses and help to accommodate the recreation focused activities of the Snoqualmie Pass area.
- 10.5 RR-G31: Provide opportunity for residential infill which provides a variety of housing and yet maintains rural character.
- 10.5.1 The proposed plat will provide eight residential lots to be made available for single-family residential use. The lots range in size from 0.31 acres to 8.8 acres and help protect rural character by exceeding the minimum lot size for single-family homes in the LAMIRD – Residential zone.
- 10.6 RR-P102: Require that development or redevelopment harmonize with the rural character of the surrounding areas.
- 10.6.1 The proposed plat protects rural character through lot sizes exceeding the LAMIRD – Residential standards for single-family homes and is consistent with neighboring uses.
- 10.7 The Hearing Examiner reviewed the project for consistency with the Kittitas County Comprehensive Plan as described above. CDS finds the proposed development consistent with the Goals and Policies of the Kittitas County Comprehensive Plan.
11. Critical areas review of the parcel was conducted by CDS staff. GIS data shows two Type F streams on parcel 707835. The applicants provided a critical areas report with their application. The report indicates Coal Creek, a Type F stream, passes on the eastern portion of parcel 707835 and flows south. According to KCC 17A.04.030(4), this stream holds a 150' stream buffer with an additional 15' building setback. A Type Ns stream is indicated in the report at the northwest corner of parcel 707835. Kittitas County GIS data denotes this stream as Type F. Field observations by Ed Sewall classify the stream in question as Type Ns. According to KCC 17A.04.030(4), this stream holds a 50' buffer with additional 15' building setback. Due to location and orientation of stream flow, the applicants are proposing buffer averaging as indicated in their critical areas report. The Hearing Examiner finds the project and corresponding report meet the requirements of KCC 17.04.030(4) for buffer averaging. Kittitas County CDS issued an MDNS for this project on October 3, 2023 after utilizing the optional DNS process under WAC 197-11-355. The appeal period ended on October 17, 2023. No appeals were received during the appeal period.
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 Natural Resources, Washington State Department of Transportation – Aviation, Washington Department of Fish and Wildlife, Confederated Tribes of the Colville Reservation, Washington State Department of Archaeology & Historic Preservation, Kittitas County Public Health, Kittitas County Public Works. Public Comment was received from Mattie & Bryan Campbell. Below are summaries of the substantive agency and public comments submitted as well as the response from the applicant regarding the comments.
- 12.1 Department of Natural Resources: DNR commented on the requirements for a Forest Practices Application.
- 12.1.1 Applicant response: “Acknowledged. No merchantable timber removal or harvest is anticipated under the preliminary plat process. If merchantable timber is to be removed or harvested as part of plat infrastructure or home

construction, a Forest Practices Application will be acquired prior to the beginning of any work on site, if said application is required.”

12.1.2 Hearing Examiner Finding: CDS staff conditioned the MDNS to require the applicants to contact DNR on the applicability of a Forest Practices Application.

12.2 WSDOT Aviation: WSDOT Aviation stated they have no comment.

12.2.1 Applicant response: “Acknowledg”

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

12.3 Washington Department of Fish and Wildlife: WDFW commented on the project’s impact on fish and wildlife habitats. WDFW specifically has concerns related to the typing of the stream in the NW corner of 707835 and requested an opportunity to review with the applicant and/or consultants. Additionally, WDFW commented on their desire for future development to not encroach on habitat areas or buffers.

12.3.1 Applicant response: “Per WDFW’s request, we met with Scott Downes of the WDFW and our environmental consultant Ed Sewall on September 15, 2023. The stream in question was deemed Type Ns (seasonal non-fish bearing) by Scott Downes. Here are his comments: “The stream typing reflected in your critical areas report is correct; you have a Type F (fish-bearing)-Coal Creek on your eastern boundary and then a Type Ns (seasonal non-fish bearing) in your NW corner. The majority of the lots are generously sized. Even the smallest of the parcels, Lot 8, provides sufficient space for fire-fighting activities and will not require fire fighters to enter the buffer to protect the structure. The property owners are aware of fire-wising techniques such as vegetation management and appropriate building material selection to reduce fire risk. Additionally, we acknowledge receipt of the following comments from Scott Downes: “For the firewire discussion, keeping the overstory trees is a priority, so trees could be limbed up some, but other elements along the fish stream such as shrubs and logs are important.”

12.3.2 Hearing Examiner Finding: CDS Staff provided these comments to the applicant. Scott Downes of WDFW concurred with the findings of Ed Sewall’s report regarding the Type Ns stream.

12.4 Confederated Tribes of the Colville Reservation: Confederated Tribes of the Colville Reservation stated there are known cultural resources nearby and the parcel is considered “Very High Risk” for an inadvertent discovery. Colville requested a cultural resource survey be completed prior to project implementation.

12.4.1 Applicant Response: “The property owners will complete a Cultural Resource Survey as requested and have an IDP in place prior to ground-disturbing activity. We have identified three qualified firms to perform the archaeological sampling and are in the process of reviewing bids.”

12.4.2 Hearing Examiner Finding: CDS staff has conditioned the MDNS to require a cultural resource survey of the project area.

- 12.5 Washington State Department of Archaeology & Historic Preservation: DAHP commented on the high probability of encountering cultural resources and recommended a professional archaeological survey of the project area.
- 12.5.1 Applicant Response: “The property owners will complete a Cultural Resource Survey as requested and have an IDP in place prior to ground-disturbing activity. We have identified three qualified firms to perform the archaeological sampling and are in the process of reviewing bids. The property owner welcomes the application of conditions of approval to the project that may provide a smoother route to approval of the subdivision.”
- 12.5.2 Hearing Examiner Finding: CDS staff has conditioned the MDNS to require a cultural resource survey of the project area.
- 12.6 Kittitas County Public Health (KCPH): KCPH commented on water and septic requirements.
- 12.6.1 Applicant Response: “Acknowledged, the proposed subdivision will be utilizing existing water and sewer mains.”
- 12.6.2 Hearing Examiner Finding: CDS staff has provided this comment to the applicant.
- 12.7 Kittitas County Public Works (KCPW): KCPW provided comments on access requirements, grading, survey, transportation concurrency, flood, and water mitigation/metering.
- 12.7.1 Applicant Response: “Acknowledged. The project proposes to comply with the standards and codes noted in your comments.”
- 12.7.2 Hearing Examiner Finding: CDS staff has provided this comment to the applicant and proposed conditions regarding various road standards, grading, survey updates, and required plat notes. The applicant provided information to KCPW regarding estimated traffic for the project. Public Works completed a courtesy traffic concurrency review and found that no traffic impact analysis was needed.
13. Public Comments were received from the following people:
- 13.1 Mattie & Bryan Campbell: Mattie & Bryan Campbell provided comments on potential impact to neighborhood character, traffic, stormwater runoff, and stream impacts.
- 13.1.1 Applicant response: “The property owners have owned the site for decades, and do not propose a dense redevelopment of the site. The project proposes to create eight (8) generously sized parcels from two existing ones on a combined total of 11 acres in a manner that maintains vegetated buffers from all adjacent environmental critical areas. The project does not propose to fully clear the site, rather to remove trees where necessary for fire-wising requirements and necessary infrastructure improvements. All development will be done in compliance with Kittitas County and Washington State requirements for clearing, grading, stormwater and preservation of natural resources.”
- 13.1.2 Hearing Examiner Finding: CDS staff has provided this comment to the applicant.
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.
17. Consistency with the provision of KCC 17 Zoning: The proposal is consistent with the provisions of KCC 17.16. The lots are all over 7200 square feet and there is adequate space 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 the identified streams on the subject property can be mitigated with recommended conditions. The proposed buffer averaging is consistent with Title 17A.
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 recommended conditions.
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.
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
22. An open record public hearing after due legal notice was held on November 16, 2023 via video conferencing.
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 Receipt
  - 23.3 Ex. 3 Project Narrative
  - 23.4 Ex. 4 Preliminary Plat Map Small Format
  - 23.5 Ex. 5 Preliminary Plat Map
  - 23.6 Ex. 6 Buffer Averaging Report
  - 23.7 Ex. 7 COMPAS Map
  - 23.8 Ex. 8 Revised Critical Area Report
  - 23.9 Ex. 9 SEPA Checklist
  - 23.10 Ex. 10 Pre-Application Meeting Notes
  - 23.11 Ex. 11 Letter of Transmittal
  - 23.12 Ex. 12 Deemed Complete
  - 23.13 Ex. 13 Staff Maps
  - 23.14 Ex. 14 Affidavit of Posting
  - 23.15 Ex. 15 Notice of Application

- 23.16 Ex. 16 Affidavit of Mailing & Publication – Notice of Application
  - 23.17 Ex. 17 Department of Natural Resources (DNR) Comments 8-10-23
  - 23.18 Ex. 18 Washington Department of Transportation - Aviation Comments 8-11-23
  - 23.19 Ex. 19 Washington Department of Fish & Wildlife (WDFW) Comments 8-15-23
  - 23.20 Ex. 20 Confederated Tribes of the Colville Reservation Comments 8-21-23
  - 23.21 Ex. 21 Department of Archaeology & Historic Preservation (DAHP) Comments 8-24-23
  - 23.22 Ex. 22 Kittitas County Public Health Comments 8-25-23
  - 23.23 Ex. 23 Mattie and Bryan Campbell Comments 8-25-23
  - 23.24 Ex. 24 Kittitas County Public Works Comments 8-25-23
  - 23.25 Ex. 25 Transmittal of Comments & Request for Information 8-30-23
  - 23.26 Ex. 26 Traffic Concurrency Info Submittal (9-12-23) & PW Response (9-13-23/10-23-23)
  - 23.27 Ex. 27 Applicant Response to Comments 9-20-23
  - 23.28 Ex. 28 Notice of SEPA Action
  - 23.29 Ex. 29 Affidavit of Mailing & Publication – Notice of SEPA Action
  - 23.30 Ex. 30 SEPA MDNS
  - 23.31 Ex. 31 SEPA MDNS – No Appeals Received
  - 23.32 Ex. 32 Notice of Public Hearing
  - 23.33 Ex. 33 Affidavit of Mailing & Publication – Notice of SEPA Action & Public Hearing
  - 23.34 Ex. 34 Staff Report
  - 23.35 Ex. 35 PowerPoint Presentation
24. Appearing and testifying on behalf of the Applicant was Carol Orr. Ms. Orr was an agent of the Applicant and property owner and was authorized to testify on their behalf. She indicated that she had reviewed the staff report and had no objection to any of the representations contained therein. She also stated that she had reviewed the proposed Conditions of Approval and had no objections to them as well. She confirmed that there is public water and sewer to the site so there is no need for wells or a septic system.
25. Also testifying for the Applicant was Rick Harris. Mr. Harris stated that he was speaking for his entire family. He stated that his family has enjoyed this property for years and that the purpose of the subdivision is to sell lots that will allow them to finance the construction of homes on the lots they do not sell.
26. No member of the public testified at this 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, 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-23-00003 – McAllister Summit 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 June 28, 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 Any ground water withdrawals over 5,000 gallons per day shall require authorization from the Department of Ecology.

5. Cultural Resources

5.1 A cultural resources survey shall be conducted by a professional archaeologist prior to ground disturbing activities. The cultural resource survey report produced as a result of the survey shall meet DAHP’s standards for cultural resource reporting. The report shall be shared with the Department of Archaeology & Historic Preservation and the Confederated Tribes of the Colville Reservation. This report shall be completed prior to final plat approval.

5.2 Should ground disturbing or other activities related to the proposed subdivision result in the inadvertent discovery of cultural resources 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) and the Confederated Tribes of the Colville Reservation. Work shall remain suspended until the findings are 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.

6. Other

- 6.1 Applicant must meet all state and federal regulations.
- 6.2 All conditions of the SEPA MDNS issued on October 3, 2023, shall be met.
- 6.3 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.
- 6.4 All final surveys shall include denotation of the identified critical areas and associated buffers as found in the Critical Areas Report done by Sewall Wetland Consulting, Inc. on June 20, 2022.
- 6.5 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.
- 6.6 All sheets of the final mylars shall reflect plat number LP-23-00003 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.

7. Plat Notes

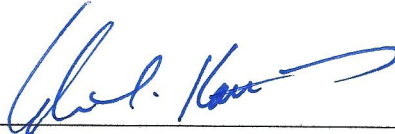
- 7.1 The following plat notes shall be recorded on the final mylar drawings:
  - 7.1.1 Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible 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.
  - 7.1.2 All development must comply with International Fire Code.
  - 7.1.3 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.
  - 7.1.4 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.

- 7.1.5 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.
- 7.1.6 Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- 7.1.7 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.
- 7.1.8 Maintenance of the access is the responsibility of the property owners who benefit from its use.
- 7.1.9 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.
- 7.1.10 All habitable structures shall require defensible space around them in accordance with 2018 IWUIC 603.2

Dated this 20th day of November, 2023.

KITTITAS COUNTY HEARING EXAMINER



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Andrew L. Kottkamp

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