

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

**PRELIMINARY PLAT APPROVAL
Schmaus #4 Preliminary Plat (P-07-55)**

RESOLUTION

NO. 2008- 171

WHEREAS, according to Kittitas County Code Chapter 16, relating to the Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing was held by the Kittitas County Planning Commission on July 22, 2008 for the purpose of considering a preliminary plat known as the Schmaus #4 Preliminary Plat and described as follows:

The division of 22.95 acres into seven (7) lots, tax parcel number 20-14-21033-0003
Proponent: Robin and Jayne Schmaus, landowners

WHEREAS, public testimony was heard from those persons present; and,

WHEREAS, due notice of the hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by such platting; and,

WHEREAS, the Planning Commission recommended approval of said proposed subdivision by a vote of 4 to 0; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on November 18, 2008 to consider the Planning Commission's recommendation on this matter; and,

WHEREAS, the Kittitas County Board of County Commissioners make the following FINDINGS OF FACT and CONCLUSIONS AT LAW concerning said proposed preliminary plat:

1. The Board of County Commissioners finds that Robin and Jayne Schmaus, landowners, submitted an application on October 18, 2007. The application was deemed complete on April 4, 2008 upon receipt of the required SEPA Checklist.
2. The Board of County Commissioners finds that the proposed development is located south of Interstate-90, north of Nelson Siding Road, east of Talmadge Road, Cle Elum, WA 98922, and is located in a portion of Section 21, T20N, R14E, WM, in Kittitas County. Map number 20-14-21033-0003.

3. The Board of County Commissioners finds that the proposed development application included a preliminary plat depicting the division of one parcel totaling approximately 22.95 acres into seven (7) lots. The lot sizes are between 3.00 and 3.58 acres in size.
4. The Board of County Commissioners finds that Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on April 17, 2008. Said notice was mailed to interested jurisdictional agencies and landowners within 500 feet of the subject property, as required by law. Said notice was published in the Daily Record on April 17, 2008.
5. The Board of County Commissioners finds that the Schmaus #4 Preliminary Plat was reviewed under the State Environmental Policy Act (SEPA). Based on comments received, a Mitigated Determination of Non-Significance was issued on May 22, 2008 under WAC 197-11-350. There were no appeals.
6. The Board of County Commissioners finds that all conditions of the SEPA Mitigated Determination of Nonsignificance shall be conditions of final approval (see Exhibit A).
7. The Board of County Commissioners finds that the applicant shall meet or exceed all rules and regulations set forth from the Department of Public Works as included in the issued memorandum.
8. The Board of County Commissioners finds that Big Creek shall be shown on the face of the final mylars and its associated floodplain shall also be depicted.
9. The Board of County Commissioners finds that a plat note shall be added as follows:

The Schmaus #4 Preliminary Plat (P-07-55), Schmaus #2 Short Plat (SP-07-134) and Schmaus #3 Short Plat (SP-07-146) shall be considered as one project and shall be limited to a single 5,000 gallon per day groundwater withdrawal to serve all 13 lots combined. All wells associated with the three plats shall be metered and records documenting water usage shall be submitted to the Department of Ecology by January 31st of each year.

10. The Board of County Commissioners finds that a plat note shall be added as follows:

The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the groundwater 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.

11. The Board of County Commissioners finds that a plat note shall be added as follows:

Metering will be required on all residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements.

12. The Board of County Commissioners finds that an open record hearing was held on July 22, 2008 and testimony was taken from those persons present who wished to be heard. Due notice of this public hearing was given as required by law, and the necessary inquiry was made into the public interest to be served by this proposed subdivision.

13. The Board of County Commissioners finds that prior to approval of the Schmaus #4 Preliminary Plat (P-07-55) a water distribution plan shall be approved by the Kittitas County Reclamation District and all KRD General Guidelines shall be met. Proof that this requirement has been met shall be submitted to Community Development Services to be included in the project file.

14. The Board of County Commissioners finds that a closed record meeting was held on November 18, 2008 for the purpose of considering the preliminary plat known as the Schmaus #4 Preliminary Plat (P-07-55). A motion was made and seconded that the preliminary plat be approved. The motion carried by a 3-0 vote.

15. The Board of County Commissioners finds that additional conditions are necessary to protect the public's interest.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby grants preliminary plat approval to the Schmaus #4 Preliminary Plat with the following conditions:

1. Soil logs need to be scheduled and dug at a mutually convenient time. The developer/owner shall provide soil logs as per Chapter 246-272 WAC or as amended. The information obtained will be recorded and placed in the plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and does not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.
2. Proof of potable water must be shown prior to final plat approval.
3. For final approval of an individual well, the submittal of well logs or a hydrogeological report with documentation/evidence to support the claim regarding adequate availability of groundwater for the proposed number of potable water wells is required. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed Hydrogeologist.

4. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.
5. All applicants for subdivision utilizing wells shall have a note placed on the face of the final mylar that states:

Kittitas County relies on its record that a supply of potable water exists. The approval of this division of land includes no guarantee or assurance that there is a legal right to withdraw groundwater within the land division.

6. Required on Final Plat: The Final Plat shall meet all requirements as listed in Chapter 16.20 of the Subdivision Code; including content, format, etc. The following items will be required on the Final Plat Submittal:
 - a. Adjacent Property Owners: The adjacent property owners and surrounding properties shall be on the face of the final short plat. (KCC 16.20.040, 10, Plat drawing, Adjacent Owners).
 - b. Surrounding Area: All surrounding property shall be shown in dotted lines and letters with names of plats, roads, adjoining lots, canals, and etc., and if un-platted shall be so indicated. (KCC 16.20.040, 11, Plat drawing, Surrounding Area).
7. Timing of Improvements: This application was received by Community Development Services on October 18, 2007 therefore it is subject to the latest revision of the Kittitas County Road Standards, dated September 6, 2005. The following conditions apply and must be constructed prior to the issuance of a Building Permit for any of the residence within this Plat. A Performance Bond or acceptable financial guarantee may be used, in lieu of the required improvements, per the conditions outlined in the current Kittitas County Road Standards.
8. Vicinity Map: The vicinity map or other graphical reference shall reflect that all private roads end in a cul-de-sac.
9. Private Road Certification: Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with current Kittitas County Road Standards, 9/6/05 edition. Kittitas County Public Works shall require this road certification to be completed prior to the issuance of a building permit for any of the structures within the proposed plat.
10. Private Road Improvements Access Easement "T": Access easement "T", as shown on the face of the plat, shall be constructed as a Low Density Private Road. See Kittitas County Road Standards, 9/6/05 edition.

- a. Access easements shall be a minimum of 60' wide. The roadway shall have a minimum width of 20', with 1' shoulders, for a total width of 22'.
 - b. Minimum centerline radius shall be 60'.
 - c. Surface requirement is for a minimum gravel surface depth of 6".
 - d. Maximum grade is 12%
 - e. Stopping site distance, reference AASHTO.
 - f. Entering site distance, reference AASHTO.
 - g. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - h. Any further subdivision or lots to be served by proposed access may result in further access requirements.
 - i. All roads located within this development or roads that provide access to this development shall be constructed to current county road standards unless any other maintenance agreements, forest service road easements or state easements require higher road standards. The higher of the road standards shall apply.
 - j. All easements shall provide for AASHTO radius at the intersection with a county road.
 - k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right-of-way.
11. Private Road Improvements Access Easement "Q": Access Easement "Q", as shown on the face of the plat, shall be constructed as a Low-Density Private Road. See Kittitas County Road Standards 9/6/05 edition.
- a. Access easements shall be a minimum of 60' wide. The roadway shall have a minimum width of 20', with 1' shoulders, for a total width of 22'.
 - b. Minimum centerline radius will be 60'.
 - c. The surface requirement is for a minimum gravel surface depth of 6".
 - d. Maximum grade is 12%
 - e. Stopping Site Distance, reference AASHTO
 - f. Entering site distance, reference AASHTO
 - g. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - h. Any further subdivision or lots to be served by proposed access may result in further access requirements.

- i. All roads located within this development or roads that provide access to this development shall be constructed to current county road standards unless any other maintenance agreements, forest service road easements, or state easements require higher road standards. The higher of the road standards shall apply.
 - j. All easements shall provide for AASHTO radius at the intersection of the county road.
- 12. Cul-de-Sac: Permanent dead-end streets shall have a turn-around having an outside right-of-way easement diameter of at least 110' (55' radius) at the closed end. See Kittitas County Road Standards, September 6, 2005 edition.
 - a. Cul-de-sac design, reference AASHTO.
 - b. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
- 13. Joint Use Driveway Access Easement "U": Access easement "U" as shown on the face of the plat shall be constructed as a joint-use access. See Kittitas County Road Standards, September 6, 2005 edition.
 - a. Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.
 - b. The surface requirement is for a minimum gravel surface depth of 6".
 - c. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - d. Any further subdivision or lots to be served by proposed access may result in further access requirements.
- 14. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
- 15. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
- 16. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.
- 17. Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.

18. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
19. Mailbox Placement: Mailboxes must be approved by the U.S. Postal Service. Mailbox locations are site specific. The U.S. Postal Service requires that private roads with 6 or more residences install USPS approved Cluster Box Units (CBUs) at a safe location at the mouth of the private road. Contact your local post office for location and design standards before beginning construction.
20. Private roads shall meet the following conditions:
 - a. Private roads shall meet the minimum access requirements of the International Fire Code as adopted by the County, and
 - b. Shall be designed and constructed in conformance with AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400) 2001, as now exists or hereafter amended, and
 - c. Shall be inspected and certified by a licensed professional engineer for conformance with the above referenced standards. In the alternative, an applicant may request the private roadway to be inspected and subject to the approval of the Public Works Director. If certification by the public Works Director/County Engineer is desired, submission of road plans and necessary testing documentation that confirms compliance with Kittitas County Road Standards is required, and services will be performed on a reimbursable basis, and
 - d. Permanently established by an easement recorded with the Kittitas County Auditor or right-of-way, providing legal access to each affected lot, dwelling unit, or business, and
 - e. Will not result in land locking of existing or proposed parcels, and
 - f. Maintained by the developer or legally responsible owner or homeowners' association or other legal entity made up of all benefited property owners, under the provisions of an acceptable and recorded "Private Road Maintenance Agreement", and
 - g. Clearly described on the face of the plat, short plat, or other development authorization and clearly signed at street location as a private street or road, for the maintenance of which Kittitas County is not responsible and a disclosure statement of the same is filed with the County Auditor, and
 - h. The following note shall be placed on the face of the plat, short plat, or other development authorization:

Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into

EXHIBIT "A"

SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE

Project: Schmaus # 4 Preliminary Plat (P-07-55), Schmaus # 3 Short Plat (SP-07-146), Schmaus # 2 Short Plat (SP-07-134)

Description: Three contiguous subdivision projects to divide a total of approximately 43.51 acres into 13-lots. The property is zoned Agriculture-3. The Schmaus #4 Preliminary Plat is a proposal to subdivide approximately 22.95 acres into 7-lots; the Schmaus #3 Short Plat is a proposal to divide approximately 10.00 acres into 3-lots; and the Schmaus #2 Short plat is a proposal to divide approximately 10.56 acres into 3-lots.

Proponent: Robin and Jayne Schmaus
1001 Big Creek Road
Cle Elum, WA 98922

Location: The subject properties are located south of Interstate-90, north of Nelson Siding Road, east of Talmadge Road, Cle Elum, WA 98922, and are located in a portion of Section 21, T20N, R14E, WM, in Kittitas County. Specific map numbers 20-14-21033-0003, 20-14-21033-0006 and 20-14-21030-0008.

Lead Agency: Kittitas County Community Development Services

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

The following conditions shall also apply based on the project specific analysis:

I. Transportation

- A. The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the Department of Public Works, as listed in the attached memorandum.

II. Air

- A. If the applicant plans to burn trees or debris from the property, the applicant shall obtain a burn permit from the Department of Ecology. Only natural unprocessed vegetation may be

burned in an outdoor fire. It is the applicant's responsibility to contact the Department of Ecology regarding this permit.

- B. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precautions be taken to prevent dust from leaving the project site. Additionally, dust is prohibited from interfering unreasonably with the use and enjoyment of property, causing health impacts or damaging property or business. As a result, the applicant shall be responsible for creating a site-specific Fugitive Dust Control Plan (FDCP) before starting this project. The plan shall be followed throughout the duration of any activity and construction of the project.

III. Water

- A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan. It is the applicant's responsibility to contact the Department of Ecology.
- B. Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administrated by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.
- C. To comply with the 5,000 gallon per day groundwater withdrawal exemption limit set for by the Department of Ecology, all wells for this development (P-07-55, SP-07-146 and SP-07-134) shall be metered. An approved measuring device shall be installed and maintained for the source(s) in accordance with "Requirements for Measuring and Reporting Water Use," WAC 173-173. Water use data from the source well will need to be recorded at a prescribed interval and submitted to the Department of Ecology by January 31st of each calendar year.
- D. The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the groundwater 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.
- E. Washington Administrative Code (WAC) 173-150 provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If the water supply in your area becomes limited your use could be curtailed by those with senior water rights.

IV. Land and Shoreline Use

- A. Portions of the subject properties are located within the 100-year floodplain of Big Creek, a designated Shoreline of the State, as defined by the Shoreline Management Act. Future applications for building permits shall require further review by Community Development Services to determine the need for flood development permits.

- B. There shall be no structures located within 100-feet of the Ordinary High Water Mark (OHWM) of Big Creek. All work done within 200-feet of the OHWM requires further review by Community Development Services.

V. Light and Aesthetics

- A. All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

VI. Noise

- A. Development and construction practices for this project shall only occur between the hours of 7:00am to 7:00pm to minimize the effect of construction noise on nearby residential properties.

VII. Public Safety

- A. Addresses of all new residences shall be clearly visible from both directions at the county road.
- B. The applicant shall consult with the local school district to determine the safest location for a school bus stop and said location shall be depicted on the final mylars.

VIII. SEPA Review

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced within 10 working days (on or before 5:00 PM, Friday, June 6, 2008).

Responsible Official: _____
Mackenzie Moynihan

Title: Staff Planner

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

Date: May 22, 2008

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$500.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 PM, June 6, 2008. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

