



KITTITAS COUNTY LAND USE HEARING EXAMINER

IN THE MATTER OF)	RECOMMENDED FINDINGS OF
)	FACT, CONCLUSIONS OF
LP-08-00021)	LAW, DECISION AND
Craig & Reesa Duncan)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the Kittitas County Hearing Examiner on November 13, 2008, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. RECOMMENDED FINDINGS OF FACT

1. Chris Cruse of Cruse & Associates, authorized agent for Craig and Reesa Duncan, landowners, submitted a Preliminary Plat application to subdivide approximately 21.57 acres into 7-lots on land that is currently zoned Ag-3. (Application materials and Staff report).
2. The applicant is Chris Cruse of Cruse & Associates, authorized agent for Craig & Reesa Duncan, PO Box 959, Ellensburg, WA 98926. (Application materials)
3. The proposed lot sizes range from 3.00 acres to 3.21 acres. The project is proposed to be served by shared wells and individual septic and drainfields. The daily groundwater withdrawal exemption of 5,000 gallons per day shall be shared between all 7 lots, allowing each connection 714 gallons per day. However, the applicant requested that each individual well be allowed to have a 5,000 gallon per day withdrawal limit. (Application materials, staff report and presentation by applicant at open record public hearing).
4. The property is located southwest of the City of Ellensburg, north of Manastash Road, east of Cove Road, Ellensburg, WA 98926, and is located in a portion of

Section 07, T17N, R18E, WM in Kittitas County. Map number 17-18-07030-0018.
(Staff report, Application materials and Assessor's records).

5. Site Information:

Total Project Size:	21.57 acres
Number of Lots:	7
Zoning district	Ag-3
Domestic Water:	Shared wells (one exemption)
Sewage Disposal:	Individual septic and drainfields
Power/Electricity:	PUD
Fire Protection:	Kittitas Valley Fire & Rescue (District #2)
Irrigation District:	Kittitas Reclamation District

(All found within Application materials and Staff report).

6. Site Characteristics: The site is flat with only about 20 feet of elevation gain from east to west. The Shoreline jurisdiction of Manastash Creek, a Shoreline of the State, forms the north boundary of the property. A small portion of Lots B3, B4 and B5 are located within the 100-year floodplain of Manastash Creek. (All found within Staff report and Application materials).

7. Surrounding Property:

North: Residential
South: Residential
East: Residential
West: Residential

(Found in Staff report)

8. The Comprehensive Plan designation is Rural. (Found in Staff report)
9. The subject property is zoned Ag-3, which allows for a 3 acre minimum lot size. (Found in Staff Report).
10. A long plat application was submitted to Community Development Services on May 6, 2008 and was determined complete upon receipt of the required SEPA Checklist on June 3, 2008. (Found in Application materials).
11. In accordance with Kittitas County code 15A.030.110, this project was accurately posted with the "Land Use Action" sign as provided by Community Development

Services. The Affidavit of Posting was signed by the applicant and returned to the planner on June 3, 2008. (Found in Staff report and Affidavit of Posting).

12. The Notice of Application was issued on June 6, 2008. Said notice was published in the official county newspaper of record and was also mailed to jurisdictional government agencies, adjacent property owners as required and other interested parties. The last day to submit written comments was June 23, 2008. (Found in Staff Report and Affidavit of Publication).
13. Kittitas County issued a Mitigated Determination of Nonsignificance (MDNS) on October 14, 2008 in accordance with WAC 197-11-355 (Optional DNS process). There were no appeals filed. (Found in Staff report).
14. As conditioned, the proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by shared wells all of which will share a single groundwater exemption of 5,000 gallons per day, allowing 714 gallons per day per connection. Staff has conducted and an administrative critical area review in accordance with KCC 17A and found that the northern boundary of the subject property includes the Shoreline jurisdiction of Manastash Creek, a Shoreline of the State, and its associated floodplain and riparian areas. There are no other identified critical areas located on the subject property. (Found in Staff Report and Hearing Examiner Finding).
15. This proposal is consistent with the Kittitas County Subdivision Code Chapter 16.12 for Preliminary Plats. (Found in Hearing Examiner Finding).
16. The Kittitas County Department of Public Works has identified that the project shall be served by a single private road, having a 40' wide easement and 20' wide road surface, beginning at Cove Road and ending in a cul-de-sac. The applicant obtained a variance for access spacing from the Department of Public Works on September 17, 2008 (RV-08-27) and a copy of said variance approval is included in the packet. The private road is required to meet all Kittitas County Road Standards as outlined in the memorandum issued by the Department of Public Works prior to issuance of a building permit. There shall be no direct access from Cove Road to any individual lot. As conditioned, the proposal is consistent with the provisions of KCC Title 12. (Found in Application materials and Department of Public Works comments)
17. The following agencies provided comments during the comment period: Kittitas Reclamation District, Kittitas County Environmental Health, Washington State Department of Ecology, Kittitas County Department of Public Works and Kittitas Valley Fire & Rescue (District #2). Where appropriate, these comments have been

included as recommended conditions of approval to address the agency concerns. (Found in Staff Report).

18. Several adjacent landowners submitted comments during the comment period and these comments have been included as exhibits in the Hearing Examiner packet and were considered by staff in making the SEPA threshold determination, and were considered by the Hearing Examiner in making this decision. (Found Staff Report and Hearing Examiner Finding).
19. Public and agency comments that were received were considered by the Hearing Examiner in rendering this recommended Decision and forming recommended Conditions of Approval. (Found in Hearing Examiner Finding).
20. The entire Planning Staff file was admitted into the record at the public hearing. Also, staff offered Exhibit 1 into the record. Exhibit 1 was admitted into the record. Exhibit 1 is a copy of an e-mail from Keli Bender, Kittitas Reclamation District Lands Clerk, to Mackenzie Moynihan, Kittitas County Staff Planner, related to the water distribution plan. (Found in Hearing Examiner Finding).
21. The Kittitas County Department of Land Services recommended approval of this preliminary plat, subject to the recommended conditions of approval. (Found in Staff Report and Staff presentation at open record public hearing).
22. Public hearing after due legal notice was held on November 13, 2008. Appearing and testifying on behalf of the applicant was Rick Cole, attorney for the applicant. Mr. Cole offered the following exhibits into the record:
 - 22.1 Exhibit 2: 2008 Water Distribution Plan
 - 22.2 Exhibit 3: Water Well Report
 - 22.3 Exhibit 4: May 29, 2007, letter from Darrell Monroe to Craig Duncan and May 25, 2000, letter from Darrell Monroe to Craig Duncan
 - 22.4 Exhibit 5: Road Standards Variance(Found in open record public hearing).
23. Regarding proposed conditions of approval, Mr. Cole requested that each lot be allowed to have individual wells should they so desire and that each well would be able to have a 5,000 gallon per day withdrawal limit. It was Mr. Cole's legal opinion that the Department of Ecology cannot limit an entire project to the 5,000 gallon per day limit. (Found Open record public hearing)
24. The following public testimony was received:

- 24.1 Allan Sullivan: Mr. Sullivan testified that while he was initially in favor of the project, he feels that there must be a 5,000 gallon per day withdrawal limit for the entire development in order to preserve his well. Mr. Sullivan also testified about the rehabilitation that Manastash Creek is undergoing. That there is a riparian corridor and his request that there be no construction within 100 feet of Manastash Creek including no non-native vegetation. (Found in open record public hearing testimony).
- 24.2 James Repsher. Mr. Repsher testified that it was his opinion that the 3-acre developments was out of compliance with the Growth Management Act of Washington. He testified that the subject property, although it may have an initial appearance of being bare ground, actually provides habitat for multiple plants and animals. He had concerns if there were to be multiple wells on this site which would allow greater than accumulative 5,000 gallons per day withdrawal. He testified that there was a second water course, a spring from the property across Cove Road. (Found in open record public hearing testimony).
- 24.3 Barb Mossberg. Ms. Mossberg testified that her property is adjacent to the applicant's property. Her concerns related to her impression from the Kittitas Reclamation District that there has been no firm distribution plan as to how to get KRD water to the subject property. Currently there is no KRD connection to the subject property. Any water coming onto the property is coming from the spring and not the KRD ditch. She requested that specifics were needed on the KRD water distribution plan.

She also had concerns over dust suppression, whether or not the dust suppression plan would control dust only during the construction phase, or in perpetuity. (Found in open record public hearing testimony).

25. In response to public testimony, Mr. Valoff stated that Manastash Creek is a Class 2 waterway. There is a 200-foot riparian buffer with a 100-foot construction setback. The law is that there is to be no development within this 100-foot setback. However, development on the subject property including vegetation plans would be reviewed at the building permit stage and would include reviews by Washington State Fish & Wildlife and the Department of Ecology. In addition, relating to the applicant's request for multiple wells each allowed to withdraw up to 5,000 gallons per day, Mr. Valoff indicated that the Mitigated Determination of Nonsignificance included a provision that the entire project was limited to 5,000 gallons per day, no matter how many wells there were and that this SEPA determination has not been appealed. (Found in Staff presentation at open record public hearing).

26. The applicant's representative, Mr. Cole, indicated that regarding the 100-foot riparian buffer, that the applicant was caught between a rock and a hard place. There are noxious weeds on the property that will be required to be removed. However, the applicant understands that they will have to comply with all rules and regulations of the Washington State Department of Fish & Wildlife and the Washington State Department of Ecology regarding development of individual lots. Mr. Cole further testified that there would be no need for a variance of any of the proposed lots in order to construct a single-family residence and any accessory structures on the property. (Found in Applicant's rebuttal comments at open record public hearing).
27. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located. (Found in Hearing Examiner Finding).
28. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval. (Found in Hearing Examiner Finding).
29. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities. (Found in Hearing Examiner Finding).
30. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference. (Found in Hearing Examiner Finding).

II. RECOMMENDED 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. The decision maker in a Long Plat may limit withdrawal of ground water from an exempt well to a maximum of 5000 gallons per day for the entire project area, regardless of how many wells are proposed for the project.
4. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
5. Public use and interest will be served by approval of this proposal.

6. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, and Title 12 Roads and Bridges.
7. As conditioned, the proposed use is consistent with the intent, purposes and regulations of the Kittitas County Code and Comprehensive Plan.
8. As conditioned, the proposal does conform to the standards specified in Kittitas County Code.
9. As conditioned, the use will comply with all required performance standards as specified in Kittitas County Code.
10. As conditioned, the proposed use will not be contrary to the intent or purposes and regulations of the Kittitas County Code or the Comprehensive Plan.
11. As conditioned, this proposal does comply with Comprehensive Plan, the Shoreline Master Program, the zoning code and other land use regulations, and SEPA.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. RECOMMENDED DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner hereby recommends that Application LP-08-00021, Craig & Reesa Duncan, be **APPROVED** subject to the following Recommended Conditions of Approval.

IV. RECOMMENDED CONDITIONS OF APPROVAL

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

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials which were deemed complete on June 3, 2008 except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

4. All current and future landowners must comply with the International Fire Code and its Appendices.
5. It is the responsibility of the applicant to contact the Kittitas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.
6. The following are the mitigations contained within the October 14, 2008, MDNS and shall be conditions of approval:

I. Transportation

- A. The applicant shall be responsible for meeting or exceeding all conditions and requirements set forth by the department of Public Works.
- B. The applicant shall utilize only the existing access, as outlined in the Road Variance (RV-08-27) approved on September 17, 2008. There shall be no additional access directly off of Cove Road created to serve this project.

II. 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. Stormwater and surface runoff generated by this project shall be retained and treated on-site in accordance with regulating agencies standards, and shall not be allowed to flow onto the County Road right-of-way or into Manastash Creek, a Shoreline of the State.
- C. Erosion control measures shall be in place prior to any clearing, grading or construction. These control measures must prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. The applicant shall contact the Washington State Department of Ecology regarding requirements if there is a potential for discharge from a construction site larger than one acre.
- D. Withdrawals of groundwater on the subject property are subject to the rules and regulations adopted and administered by the Washington State Department of Ecology; this includes the use of water for irrigation. Legally obtained water must be used on-site.

- E. The applicant shall require that shared wells be used to serve this project. Lot B1 and B2 shall share a well, lot B3 and B4 shall share a well, lot B5 and B6 shall share a well, and lot B7 shall have an individual well. Lots B1 through B7 are part of a single project, the B&J Preliminary Plat (LP-08-21), and the entire project is limited to a single daily groundwater exemption. Each connection shall be allowed 714 gallons per day.
- F. The total daily groundwater withdrawal of all wells located within the B&J Preliminary Plat (LP-08-21) shall not exceed 5,000 gallons per day cumulatively per requirement of the Department of Ecology.
- G. All wells located on the subject property shall be metered and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements (WAC 173-539A-070).
- H. Not more than ½ acre of lawn and garden shall be irrigated of the entire 21.57 acres using the 5,000 gallon daily exemption. All irrigation water exceeding ½ acre shall be from the Kittitas Reclamation District.
- I. 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.
- J. 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.

III. Irrigation

- A. The subject property is located within the boundaries of the Kittitas Reclamation District (KRD). Irrigation delivery and distribution plans shall be developed, submitted and approved by KRD prior to final approval of the B&J Preliminary Plat.
- B. There shall be no interruption or diversion of KRD irrigation water delivery to surrounding properties.

IV. Land and Shoreline Use

- A. A portion of the subject property is located within the shoreline jurisdiction of Manastash Creek, a Shoreline of the State. No work shall be done (including clearing and grading) and no structures shall be placed within 100 feet of the Ordinary High Water Mark (OHWM) of the creek. The 100 foot buffer shall be delineated and shown on the face of the final mylars.
- B. Any work done within 200 feet of the OHWM of Manastash Creek, other than the following exempt activities, shall require further review and a Shoreline Substantial Development Permit from Community Development Services. Those exempt activities are as follows:
 - a. A permit will not be required for any development costing \$5,718 or less fair market value.
 - b. Normal maintenance and repair of existing structures including replacement provided the structure is approximately the same size, serves the same general function and is placed in the same general location. The type of material used for replacement of the structure is not of importance.
 - c. Emergency construction necessary to protect property from damage by the elements.
 - d. Construction of barns or similar agricultural buildings.
 - e. Single-family dwellings for use by the owner or his family and not to exceed a height of 35 feet above the average grade of the property.
- C. The 200 foot shoreline jurisdiction, 100 foot buffer area, and associated floodplain of Manastash Creek shall be delineated and depicted on the face of the final mylars.
- D. All development shall comply with the Kittitas County Shoreline Master Program.
- E. All waterways/waters/ditches located on the subject property, regardless of their designation of intermittent, perennial, or ephemeral shall be delineated and depicted on the final mylars. Improvements to such water features shall not impact on-site and off-site use. No diversions (i.e. culverts) or interruptions to any course of water on the subject property shall be incorporated without the approval of the Department of Fish & Wildlife, Community Development Services and the Department of Ecology.

- F. The riparian area of Manastash Creek shall be protected within the 100 foot buffer from the OHWM and no non-native or potentially invasive species shall be introduced. There shall be no disturbance within the buffer area.
 - G. Site grading shall comply with Kittitas County Code 14.08.
 - H. The subject property was rezoned in 2006 (Duncan Rezone, Z-06-55). All conditions identified in the rezone shall continue to apply to the subject property and subsequent parcels created therein.
 - I. Pursuant to Kittitas County Code 17.74.060A, a Plat Note regarding the Right to Farm Ordinance is required. The note shall read as follows: The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A.060(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances (RCW 7.48.305).
 - J. Pursuant to Kittitas County Code 16.18.080, a plat note regarding the irrigation systems is required for lots 3 acres or less in size. The note shall read as follows: Lots shall be required to irrigate their individual lot or lots by the use of either a sprinkler irrigation system or a drip irrigation system (Ord. 84-6 (part), 1984).
- 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.

- C. The fire department access road shall be capable of supporting 75,000 lbs in all weather, be 20' wide, provide 13'6" vertical clearance and provide for adequate turn-around for fire department apparatus in accordance with IFC 2006-Appendix D.

VIII. Air

- A. A Fugitive Dust Control Plan (FDCP) shall be developed and implemented during construction of the project and duration of activity on the property in order to control blowing dust and dirt. The applicant shall consult with the Department of Ecology for information on implementing the FDCP.
7. 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.
 8. Proof of potable water must be shown prior to final plat approval.
 9. 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.
 10. 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."
 11. 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. (K.C.C.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. (K.C.C.16.20.040, 11, Plat drawing, Surrounding Area).

12. 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.
13. Road Variance: RV-08-27 was approved on September 17, 2008 allowing an access that does not meet the spacing requirements of Kittitas County Road Standards.
14. Private Road Improvements: Access from Cove Road to the cul-de-sac shall be constructed to meet or exceed the requirements of a High-Density Private Road that serves 3-14 tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
 - a. Access easements shall be a minimum of 40' 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 8% flat, 12% rolling or mountainous.
 - 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 county road.
 - k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right of way.
15. Cul-de-Sac: A cul-de-sac turn around having an outside right-of-way easement diameter of at least 110 feet shall be constructed at the closed end of all dead-end roads serving 3 or more lots. The driving surface shall be at least 96 feet in diameter. Cul-de-sacs must also conform to the requirements specified by the 2006

International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.

16. Joint-Use Driveway: A joint-use access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 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.
17. Plat notes: Plat notes shall reflect the following:
- a. Entire private road shall achieve 95% compaction and shall be inspected and certified by a licensed engineer in the State of Washington specifying that the road meets current Kittitas County Road Standards prior to the issuance of a building permit for this plat.
 - b. 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. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.
 - c. Maintenance of the access is the responsibility of the property owners who benefit from its use.
 - d. 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.
 - e. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
 - f. A public utility easement 10 feet in width is reserved along all lot lines. The 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation.
18. Plat Approvals: All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

EXAMINED AND APPROVED

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

Kittitas County Engineer

19. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
20. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
21. 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.
22. 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.
23. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for emergency response.
24. Mailbox Placement: 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 additional design requirements before beginning construction.
25. 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,

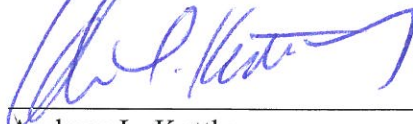
- under the provisions of an acceptable and recorded "Private Road Maintenance Agreement", and
- g. Clearly described on the face of the plat, short plat, or other development authorization and clearly signed at street location as a private street or road, for the maintenance of which Kittitas County 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 conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.

- 26. A plat note discussing the spread of noxious weeds shall be shown on the plat and shall read: "Per RCW 17.10.140 Landowners are responsible for controlling and preventing the spread of noxious weeds, accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeded of areas disturbed by development to preclude the proliferation of noxious weeds."
- 27. Final mylar shall be submitted in accordance to KCC 16.20: Final Plats. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
- 28. Both sheets shall reflect the Plat number LP-08-21.

Dated this 24th day of November, 2008.

KITTITAS COUNTY HEARING EXAMINER



Andrew L. Kottkamp