



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

## STAFF REPORT BIG BUCK RIDGE PRELIMINARY PLAT LP-07-00040

TO: Kittitas County Hearing Examiner  
FROM: Kittitas County Community Development Services Staff  
RE: Big Buck Ridge Preliminary Performance Based Cluster Plat (LP-07-00040)  
DATE: April 23, 2013

### I. GENERAL INFORMATION

Requested Action: Wayne Nelson authorized agent for Becky Andrus, landowner, has submitted a performance based cluster plat application to create 14 one acre single family parcels and approximately eleven acres of open space. The plat proposes a group B water system and onsite individual septic systems. The subject property's zoning is vested as Residential 3.

Location: The subject property is 2 parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road (outside city limits), Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.

### II. SITE INFORMATION

Total Project Size: 25 acres  
Number of Lots: 14  
Domestic Water: Group B Community Water System  
Sewage Disposal: Individual on-site septic systems  
Power/Electricity: Puget Sound Energy  
Fire Protection: Fire District 7  
Irrigation District: None

#### Site Characteristics:

North: Light Development/Vacant

South: Power Lines; Undeveloped/Vacant

East: Undeveloped/Vacant

West: Subdivided Single Family under construction

The area is primarily covered in sparse forest; topography starts relatively flat on the north end of the parcels then steadily gains in slope (up to 33%) as it progresses to the south.

Access: The proposed project will have access from Bigbuck Ridge Road, a 60-foot private access easement. A second access route is required as conditioned by Kittitas County Public Works exhibit, number 5 (index document 65).

Zoning and Development Standards: The subject property is vested within the Rural-3 zoning district. The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands. Applicable development standards set forth in KCC Chapter 17.30 include, but

are not limited to the following:

**Lot Size:** The minimum residential lot size shall be three acres in the Rural-3 zone. The overall density of any residential development shall not exceed one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.

**Setbacks:** There shall be a minimum front yard setback of twenty-five feet. Side yard and rear yard setbacks shall be 15 feet.

**Preliminary Plats:** The requirements of KCC Chapter 16.08.200, "Subdivision" means the division or re-division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership any one of which is less than 20 acres.

**Performance Based Cluster Plats (PBCPs; KCC 16.09):** These types of subdivisions were originally integrated into County development regulations as an "innovative" planning technique to "protect critical areas, water resources, and resource lands" as well as "... foster appropriate densities while protecting the environment and maintaining the high quality of life in Kittitas County". Chapter 16.09 also mandated an annual review to "... check the effectiveness of the code in meeting the purpose and intent." PBCPs were integrated into County Code on November 1, 2005 (Ord. 2005-35); revised on August 16, 2006 (Ord. 2006-36) and again on July 19, 2007 (2007-22; the version applicable to this proposal). The chapter was modified again in 2010 (Ord. 2010-014) and the PBCPs were eliminated from code in 2013 (Ord. 2013-001) and replaced by "Cluster Plat" language which was accepted by the Growth Management Hearings Board as being compliant with the Growth Management Act (GMA).

### III. ADMINISTRATIVE REVIEW

**Deem Incomplete, Request for Additional Information, and Notice of Application:** The application for the Big Buck Ridge Plat was submitted to Community Development Services (CDS) on June 20, 2007. On July 18, 2007, staff issued a letter of incomplete application, requiring an address list for all landowners within 300 feet of the proposal. The file indicates that the requested address list was submitted to CDS on July 23, 2007 (see index document 10, page 1 of the record) On August 16, 2007 staff sent a letter to the applicant indicating that a prior land use action (the Andrus rezone RZ-06-00023) mandated through a SEPA Mitigated Determination of Non-Significance that a Traffic Impact Analysis (TIA) be completed (as well as a road variance) before review of the application could continue. The letter did not indicate a precise determination as to the status of the application at that time. Current Staff has taken the position that the application was complete at that time based on the following:

**KCC Chapter 15A.03.040(3):** *"A project permit application is complete for the purposes of this title when it meets the procedural submission requirements of Kittitas County and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude Kittitas County from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur."*

The Plat Application Form (see index document 5, page 1) stipulates that a "Required Attachment" for a preliminary plat is an "Address list of all landowners within 300 feet of the site's tax parcel..." This "procedural submission requirement" as described above, was met by the applicant July 23<sup>rd</sup>, 2007 following Staff's Deem Incomplete and Request for Additional Information on July 18<sup>th</sup>, 2007.

**KCC Chapter 15A.03.040(4):** *"Within 14 days after an applicant has submitted to the permitting agency additional information identified by the permitting agency as being necessary for a complete application, the permitting agency shall notify the applicant whether the application is complete or what additional*

*information is necessary...*”

The letter from Staff requesting the TIA was written and sent on August 16<sup>th</sup>, 2007; 24 days after the submission of the address list requested in the original Deem Incomplete letter. Convention dictates that a failure to respond or clarify the completeness of an application within the timeframes provisioned in chapter 15A amounts to a de facto declaration of a complete application. The request for the TIA was not a “*procedural submission requirement*”.

**KCC Chapter 15A.03.045(1):** “*Once an application has been deemed complete, the Director may request the applicant to submit additional corrections, studies or other information on the proposed project. The Director shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification of such requests to the applicant.*”

The requirement for the TIA was determined by Current Staff to be an “*additional correction, study or other information.*” as described above. No parameters for a delivery date of the study were provisioned in the letter.

In the wake of sweeping changes to the structure and make up of CDS through 2009 an inventory was done in early 2010 to determine the status of, and make appropriate notifications to, the large cache of outstanding and pending land use applications on file. On February 9<sup>th</sup>, 2010 the Interim Planning Manager notified Mrs. Andrus that a request to withdraw application or the TIA would need to be submitted within 60 days (April 10<sup>th</sup>, 2010) for the application to remain active. On February 16<sup>th</sup>, 2010, Mr. Andrus requested an extension of the timeline because of uncertainty related to water withdrawal requirements in the Upper County; an extension was granted on June 25<sup>th</sup>, 2010. The record contains a series of extension over the course of the next several years; additional 120 day extensions were granted by CDS on:

October 17, 2010  
June 27, 2011  
September 30, 2011  
January 11, 2012  
June 26, 2012  
October 23, 2012

On February 20<sup>th</sup>, 2013, the Transportation Impact Analysis was submitted to Kittitas County Public works and was declared to meet concurrency requirements.

The Notice of Application for the preliminary plat application was issued on February 9<sup>th</sup>, 2015. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on February 24<sup>th</sup>, 2015.

#### **IV. COMPREHENSIVE PLAN**

The Kittitas County Comprehensive Plan designates the subject property as Rural. Kittitas County has established the following goals and policies to guide future housing developments. These goals and policies were developed in response to existing housing conditions and identified needs within the county, and support the County Wide Planning Policies:

GPO 3.1 Provide a sufficient number of housing units for future populations in rural areas of Kittitas County.

GPO 3.6 Provide for future populations while protecting individual property rights.

GPO 3.17 Provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County.

GPO 3.18 Provide sufficient housing units while maintaining environmental quality.

GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.

GPO 8.46 Residential development in rural lands must be in areas that can support adequate private water and sewer systems.

## V. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on March 25<sup>th</sup>, 2015. The appeal period ended on April 9, 2015 at 5:00 p.m. No appeals were filed.

## VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments have been included as Exhibits in the Hearing Examiner packet.

## VII. PROJECT ANALYSIS

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 planning staff's analysis and consistency review for the subject application.

### Comprehensive Plan Consistency:

As conditioned the proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan at the time of submission. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by a community water system and individual septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas which include possible steep slopes. Also of note for consideration is the existence of Bonneville Power Administration right of way on the south end of the parcel. No wetlands, classified streams or floodplain designations were identified in the proposal area. The proposal was identified as being within the designated coal mine area, but no mitigation measures are required by code.

### Consistency with the provision of KCC 17.30, Rural 3 zoning (index document 78):

This proposal is consistent with the Kittitas County Zoning Code 17.30 at the time of submission. The purpose and intent of the R-3 zone at that time was to:

*"... provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands."*

The subject property is not at this time, nor was it at the time of application, near or adjacent to a resource land of any kind. Single family residences are permitted in both the current and the vested zones of these parcels. Cluster subdivisions were permitted outright in the R-3 zone at the time of application. Lot sizes of less than 3 acres were provisioned for under KCC 16.09 at the time of application.

### Consistency with the provisions of KCC 16: Preliminary Plats and Performance Based Cluster Plats:

As conditioned, this proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats and Performance Based Cluster Plats. KCC Chapter 16.09 at the time of application (see index item 77) provided a means to increase densities beyond the maximum of what would normally be permitted for the R-3 zone based on public benefit rating system. The applicant in this case is using three public benefit categories to decrease the minimum lot size from three acres to one acre:

**Designation of 11 acres of the 25 total acres as open space in perpetuity** – In order to qualify for this provision found in the Public Benefit Rating System Chart (16.09.090) the applicant must dedicate a minimum of 40% of the base lot to perpetual open space. Open space, for the purposes of the chapter is defined as:

*“...land used for outdoor active, passive and formal recreational purposes, land used for resource protection (including related structures such as barns on agriculturally productive land), land which is a common area for use by the public and/or residents of a cluster development, which is reserved for parks, walking paths or other natural uses, but not to include critical areas where development would otherwise be restricted, or dwellings or roadways surfaces, or building setbacks required by current codes, or areas otherwise encumbered by other federal, state, or local jurisdictions. In all cases, for purposes of this chapter, open space shall be of a functional nature and incorporate logical boundaries.*

Germane to the utilization of this criteria will be the amount of designated open space outside of areas restricted from development by other provisions of federal, state, and local codes, regulations, and ordinances; as conditioned the proposal will be consistent with public benefits associated with this criteria.

**Use of a Group B water system** – Utilization of a group B water system provides a density bonus because it minimizes the need for individual wells. For the purposes of this chapter the system will need to be a:

*“.. DOH approved water system that meets the requirements of WAC 246-290 or 246-291, or any water system that meets the definition of “Municipal water supplier” under RCW 90.03.015.*

This water system will fall under the close scrutiny of the Washington State Department of Health and Kittitas County Public Health. As conditioned the proposal will be consistent with the public benefits associated with this criteria.

**Development of active recreational facilities** – The applicant has indicated in the proposal and the SEPA checklist that there will be private trails developed in conjunction with the plat connecting two of the three detached open space tracts to the internal private road. The south open space tract will also include a 20 foot trail easement; it is unclear where or how this trail will connect to adjacent properties or tracts either inside or outside the plat. For the purposes of this chapter active recreation is defined as including but not limited to:

*“... ball fields, tennis courts, wheeled vehicle trails, outdoor riding arenas, etc.”*

Consideration was given to the wide variety of “wheeled vehicles” which people must or choose to utilize in “active recreation.” As conditioned the trails proposed will provide increased opportunity for recreation to the eventual residents and guests of the plat and be consistent with public benefits associated with this criteria

Consistency with the provisions of KCC Title 12: Roads and Bridges:

As conditioned, the proposal is consistent with the provisions of KCC Title 12.

Agency Comments:

The following agencies provided comments during the comment period:

City of Cle Elum  
Washington State Department of Health  
Washington State Department of Ecology  
Kittitas County Public Health Department.

These comments have been included in the record and conditions of approval have been crafted to address these agency concerns.

Public Comments:

Comments were received from the following members of the public representing themselves:

Kay Mulbeier  
Gary Kasowski  
Allen & Lan Jones  
Liz Remeto  
Christine Johnson  
Adam Burnett  
Roiann Daly  
Jan Thompson  
Maren L. McDonald  
Matt Clark  
Kim Person  
Joe Skvarla  
Brian Rogers  
Margaret Suman  
Ken McKim  
David McDuff  
James Carmody  
Bruce Higgs  
Don Owens

Mr. James Carmody was retained by the Cle Elum Ridge Community and provided comments on their behalf.

These comments have been included in the record and consideration was integrated into the conditions of approval.

Post Comment Period Exhibits

The following individuals and agencies provided additional correspondence following the close of the comment period on February 24<sup>th</sup>, 2015 at 5:00 p.m.

Kittitas County Public Works Department  
Washington State Department of Ecology  
Karma Chapman

These correspondences have been included in the record and consideration was integrated into the conditions of approval.

## VIII. RECOMMENDATION

As conditioned below, the application is not detrimental to the general public health, safety or welfare and meets intent and criteria associated with Title 12, Chapter 16.08, Chapter 16.09, Chapter 16.12 and Chapter 17.30 of the Kittitas County Code as well as the Kittitas County Comprehensive Plan. Staff recommends approval of the Big Buck Ridge Preliminary Plat LP-07-00040, subject to the following findings of fact and conditions outlined below.

Staff also feels compelled to recognize before the Hearings Examiner that the conditions outlined below may result in substantive changes to the plat as proposed. It is possible that the applicant may, after review of the comments, conditions, and initial testimony at the Public Hearing, wish to alter the plat to a degree which would require additional review by both staff and the public at large. At the discretion of the Hearings Examiner, a remand may be the preferred or appropriate action to take at this time.

### Suggested Findings of Fact

1. Wayne Nelson authorized agent for Becky Andrus, landowner, has submitted a performance based cluster plat application to create 14 one acre single family parcels and approximately eleven acres of open space. The plat proposes a group B water system and onsite individual septic systems. The subject property's zoning is vested as Residential 3.
2. The subject property is 2 parcels, located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road (outside city limits), Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.
3. Site Information

Total Project Size:	25 acres
Number of Lots:	14
Domestic Water:	Group B Community Water System
Sewage Disposal:	Individual on-site septic systems
Power/Electricity:	Puget Sound Energy
Fire Protection:	Fire District 7
Irrigation District:	None
4. Site Characteristics:  
North: Light Development\Vacant  
South: Power Lines; Undeveloped\Vacant  
East: Undeveloped \Vacant  
West: Subdivided Single Family under construction
5. The area is primarily covered in sparse forest; topography starts relatively flat on the north end of the parcels then steadily gains in slope (up to 33%) as it progresses to the south.
6. The proposed project will have access from Bigbuck Ridge Road, a 60-foot private access easement. A second access route is required as conditioned by Kittitas County Public Works exhibit, number 5.
7. The Comprehensive Plan designation is Rural.
8. The subject property is vested within the Rural-3 zoning district. The minimum lot size is one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.

9. The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands.
10. The application for the Big Buck Ridge Plat was submitted to Community Development Services (CDS) on June 20, 2007. On July 18, 2007, staff issued a letter of incomplete application, requiring an address list for all landowners within 300 feet of the proposal. The list was provided on July 23, 2007; the application was de facto deemed complete on August 16, 2007 with the request for a traffic impact analysis. The notice of application was on February 9, 2015. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on February 24, 2015.
11. An application was submitted to Community Development Services on August 17, 2011. The Notice of Application for the preliminary plat application was issued on November 17, 2011. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was on December 2, 2011.
12. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on March 25, 2015. The appeal period ended on April 9, 2015 at 5:00 p.m. No appeals were filed.
13. 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 a community water system and individual septic systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas which include steep slopes.
14. As conditioned the proposal is consistent with the Kittitas County Zoning Code Title 17
15. As conditioned the proposal is consistent with the Kittitas County Subdivision Code for Preliminary Plats.
16. As conditioned the proposal is consistent with the Kittitas County Subdivision Code for Performance Based Cluster Plats.
17. This application is subject to the Kittitas County Road Standards, dated 9/6/05. As conditioned, the proposal is consistent with the provisions of KCC Title 12.
18. The following agencies provided comments during the comment period: Washington State Department of Health, Washington State Department of Ecology, and Kittitas County Public Health. Kittitas County Public Works submitted correspondence on March 16, 2015. These comments and correspondence have been considered as conditions of approval to address these agency concerns.

**Suggested Conclusions:**

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal as conditioned.



4. 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.

**Suggested Conditions of Approval:**

1. The project shall proceed in substantial conformance with the plans and application materials on file dated June 20, 2007 except as amended by the conditions herein.
2. A certificate of title of the property proposed to be platted shall be submitted with the final plat.
3. A note shall be placed on the final plat stating that any construction within areas of 33% or greater slope will require geotechnical engineering per IRC R403.7.7 and/or IRC 1805.3.1 or current adopted code.
4. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
5. All current and future landowners must comply with the International Fire Code.
6. 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.
7. 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.
8. Individual onsite sewage systems will need to meet Kittitas County code requirements.
9. According to the Public Health Department, final plat approval will be conditioned upon:
  - a. written findings of adequacy of potable water supplies;
  - b. a well site inspection performed by KCPHD staff and the well drilled;
  - c. completion and submission of a Group B Public water system to the Washington State Department of Health (WSDOH);
  - d. a contract with an approved Kittitas County Satellite Management Agency;
  - e. the construction or bonding of all infrastructure including the well house and storage tanks;
  - f. issuance of a public water system ID number from WSDOH;
10. The Final Plat shall meet all requirements as listed in Chapter 16.20 of the Subdivision Code, as follows:

16.20.020 Final Plat General Information

- a. The final plat shall be drawn on polyester film in a neat and legible manner.
- b. The final plat shall be drawn to such a scale as to make a sheet eighteen inches by twenty-four inches. Should this size sheet unduly congest the drawing, the plat may be submitted on two or more sheets of the above dimensions. The perimeter of the subdivision shall be depicted with heavier lines than appear elsewhere on the plat. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch on the sides. The scale shall be one (1) inch equals two hundred (200) feet, or greater, unless otherwise approved by the director.
- c. All lettering shall be printed with permanent ink.
- d. Each sheet of the final plat shall contain the subdivisions name at the top of the sheet in large letters followed underneath with the section, township, range, county and state. The space for recording the receiving number is in the upper right hand corner, sheet numbers at the bottom of the sheets.
- e. It shall show all courses and distances necessary to re-stake any portion of said plat.

- f. Required monuments shall be shown together with a legend of monuments on the face of each plat sheet. (Ord. 2005-31, 2005)

#### 16.20.040 Plat Drawing

- a. Section Data. All section, township, municipal and county lines lying within or adjacent to the subdivision;
- b. Tie Monuments. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries;
- c. Plat Monuments. The location of all permanent control monuments found or established within the subdivision;
- d. Boundaries. The boundary of the subdivision, with complete bearings and lineal dimensions in heavier lines;
- e. Bearing and Distances. The length and bearings of all straight lines, the radii, arcs, and central angles of all curves;
- f. Lot Dimensions. The length of each lot line, together with bearings and other data necessary for the location of any lot line in the field;
- g. Road Names. The location, width, centerline, and name or names or number of all streets within and adjoining the subdivision;
- h. Easements. The location and width, shown with broken lines, and description of all easements. Easements may be described in the plat restrictions in lieu of being shown on the plat drawings;
- i. Lot Numbers. Numbers assigned to all lots and blocks within the subdivision;
- j. Adjacent Owners. Names of owners of land adjacent to the subdivision, and the names of any adjacent subdivisions;
- k. 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;
- l. Vicinity Maps. A vicinity map showing the boundary of the plat in relation to the surrounding area such as adjacent subdivisions, rivers, creeks, roads or highways, canals, etc. Minimum area shown would be the section or sections containing the platted area with a scale of approximately 4" = 1 mile;
- m. Contours. Contour lines are not shown on a final plat as required on the preliminary plat;
- n. Miscellaneous Items. North arrow, scale and legend of monuments to be shown on open area of sheets;
- o. Grid Coordinates. A tie shall be made and shown on the plat if plat is within one mile of any such monument.
- p. Well location. The drawings shall be marked with a "w" indicating location of the well and a broken line showing the one hundred foot radius around such.
- q. Ditches. Location of existing ditches apparent or of record. (Ord. 2005-31, 2005)

- 11. Timing of Improvements: This application is subject to the Kittitas County Road Standards, dated 9/6/05. The following conditions apply and must be completed prior to the issuance of a building permit for any of the structures 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.
- 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. Stormwater: On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater

system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented to Public Works and approved by the County Engineer prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit.

14. Grading Permit: A grading permit shall be required prior to beginning any site work. See KCC 14.05 for more information.
15. Second Access: A second access will be required as clarified by the Board of County Commissioners on April 2, 2007. The BOCC clarified KCRS 12.01.095(2) with the following requirements: 1) If the second access is restricted to emergency access only, it must meet or exceed the following requirements: 60' easement, 20' roadway width, BST/ACP surface, and a paved apron. Access restrictions such as gates or bollards must be approved by the Fire Marshal; 2) If the second access is to be used for ingress and egress, it must meet the same standards of the first access.

Documentation of a legal easement across the route of the second access will be required prior to final approval. The second access must be constructed and certified by an engineer licensed in the State of Washington prior to issuance of a building permit.

16. Private Road Improvements: Access shall be constructed to meet or exceed the conditions of a High-Density Private Road that serves 15-40 tax parcels. See current 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. 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 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.
16. Cul-de-Sac: A cul-de-sac turn-around having an outside right-of-way or 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 2009 International Fire Code. Contact the Fire Marshal regarding any additional cul-de-sac requirements.
17. Joint-Use Driveway: A joint-used 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.

18. Single-Use Driveway: A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.

- a. The roadway shall be a minimum of 8' wide with gravel surface.
- b. Maintenance or driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- c. Any further subdivision or lots to be served by proposed access may result in further access requirements.

19. 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 building permit for this plat.
- b. Entire private road shall be inspected and certified by a civil engineer licensed in the State of Washington specifying that the road meets Kittitas County Road Standards as adopted September 6, 2005, prior to the issuance of a building permit. Any future subdivision or land use action will be reviewed under the most current road standards.
- c. 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.
- d. Maintenance of the access is the responsibility of the property owners who benefit from its use.
- e. 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.
- f. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- g. 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.

20. 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

21. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

22. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.

23. 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.

24. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
25. 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.
26. A burn permit must be obtained from Ecology if the proponent plans to burn trees or debris from the property. Only natural, unprocessed vegetation may be burned in an outdoor fire.
27. Washington Administrative Code (WAC) 173-400-040 requires that reasonable precaution be taken to prevent dust from leaving the site. Also, dust is prohibited from interfering unreasonable with the use and enjoyment of property, causing health impacts, or damaging property or business.
28. 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."
29. All applicable survey data and dedications shall be reflected pursuant to KCC 16.24: Survey Data-Dedications.
30. Both sheets shall reflect the Plat number: LP-07-00040.
31. An NPDES Construction Stormwater General Permit from the Washington State Department of Ecology is required for this project. This permit requires that the SEPA checklist fully disclose anticipated activities including building, road construction and utility placements. Obtaining a permit is a minimum of a 38 day process and may take up to 60 days if the original SEPA does not disclose all proposed activities.
32. This NPDES Construction Stormwater General Permit requires that a Stormwater Pollution Prevention Plan (Erosion Sediment Control Plan) is prepared and implemented for all permitted construction sites. These control measures must be able to prevent soil from being carried into surface water (this includes storm drains) by stormwater runoff. Permit coverage and erosion control measures must be in place prior to any clearing, grading, or construction.
33. No water right records associated with this property were found in the Central Regional Office. In Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.  
  
On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development because in combination, the withdrawal will exceed the exemption criteria.
34. An internal looped trail shall be bonded for or constructed in conjunction with the plat infrastructure. It shall run parallel with, but in addition to, the entire length of the private road servicing the plat to the 10 foot easement depicted on the west lot line of lot 8; then north across the .41 acre open space tract where it will connect with the 10 foot trail easement along the north and west lot lines of lot 1 to the 1.50 acre open space tract; then north and east back to the private road easement. This active recreation trail shall be constructed of an approved hard surface to accommodate wheeled traffic and utilize standards in conformance with the ICC

A117.1-2009 manual for accessible and usable buildings and facilities.

35. Open space tracts shall be labeled with a unique identifier.
36. The face of the plat will depict accurate calculations for open space tracts which do not include areas covered by road easement or driveway, well head protection areas, utility right of way, critical area or region encumbered by other federal, state, or local jurisdiction (as per ordinance 2007-22).
37. The open space tracts shall be:
  - a. owned in a proportionate and un-severable manner as tenants in common by each lot owner; and
  - b. assessed, taxed, and foreclosed upon each building lot.
38. Based on comments received during the public comment period and other information submitted with this project permit application, A SEPA Mitigation Determination of Non-Significance (MDNS) was issued by Community Development Services on December 21, 2012. The following are the mitigation contained within the MDNS and shall be conditions of approval:

### **Water and Septic**

1. The proposed plat is located within the upper county as defined in WAC 173-539A-090; the proposed group B water system shall be developed in complete compliance with the regulations and requirements of WAC 173-539A. The development will need to:
  - a. Have well site inspections.
  - b. Complete and submit a Group B water system workbook.
  - c. Contract with a Satellite Management Agency.
  - d. Complete or bond for infrastructure.
  - e. Obtain WSDOH approval and identification number.
  - f. Construct well(s) in accordance with the provisions of WAC 173-160. Wells must be located 100 feet from any known, suspected, or potential source of contamination.
  - g. File a well report with the Department of Ecology within thirty (30) days after the completion of the well.
2. On-site sewage systems shall be constructed in accordance with requirements and regulations in Kittitas County Code (KCC) 13.04 at the time of application (6/20/2007).

### **Transportation**

3. KCC 12.12.010(6) requires private roads within the plat to be maintained by a legal entity made up of all benefitted property owners under the provisions of an acceptable and recorded Private Road Maintenance Agreement.
4. All parcels located within this project shall be required to join the existing Private Road Maintenance Agreement which is made up of all the benefitted property owners served by Deer Creek Road and other roadways within Section 23, Township 20 North, Range 15 East.

### **Stormwater**

5. 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.

6. On-site stormwater management that conforms to the specifications of the most current version of the Stormwater Management Manual for Eastern Washington is required of this development. Stormwater systems shall be designed to store stormwater generated by a 24-hour, 25-year storm event. Stormwater system designs shall be prepared and stamped by a civil engineer licensed in the State of Washington. The stormwater system design shall be presented for review to Public Works prior to final approval. The stormwater system construction shall be certified by a licensed engineer. The certification shall be included with the road certification and is required prior to the issuance of a building permit. Stormwater plans shall be submitted in accordance with KCC 12.06 and 12.08.

### **Cultural Resources and Historic Preservation**

7. Should ground disturbing or other activities related to the proposed plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

### **Light and Aesthetics**

8. A plat note shall be affixed which states: All outdoor lighting shall be shielded and directed downward to minimize the effect to nearby residential properties.

### **Noise**

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