



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT Nelson View Long Plat (LP-24-00002)

I. GENERAL INFORMATION

Requested Action: Nelson View LLC submitted an application for a 5-lot plat (subdivision) of 1 parcel totaling 25.03 acres of land. The proposal includes 5 residential lots ranging in size from 5.0 acres to 5.02 acres. The subject property is currently zoned Agriculture 5 with a Rural Residential land use designation.

Location: One tax parcel (963647) located approximately .25 miles northwest of the intersection of Nelson Siding Rd. and Talmadge Rd, in Section 20, Township 20, Range 14, W.M.; Kittitas County. The property holds Kittitas County Map number 20-14-20058-0004.

II. SITE INFORMATION

Total Project Size:	25.03 acres
Number of Proposed Lots:	5 (1 currently existing)
Domestic Water:	Shared/Individual Wells
Sewage Disposal:	Individual On-site Septic
Fire Protection:	Fire District 7 (Cle Elum)

Site Characteristics:

North: Residential properties, BNSF Railway, Interstate 90

South: Privately owned land primarily used for agricultural and/or residential purposes.

East: Privately owned land primarily used for agricultural and/or residential purposes.

West: Privately owned land primarily used for agricultural and/or residential purposes.

Access: Access to the site will be via private access easements to Nelson Siding Road.

III. ADMINISTRATIVE REVIEW

Deemed Complete: A Long Plat application and was submitted to Kittitas County Community Development Services on March 13, 2024 (Index #1-6). The application was deemed complete on March 28, 2024 (Index #8).

Notice of Application: The site was posted pursuant to KCC 15A.03.110 on April 1, 2024 (Index #9). One posting site was established. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's contiguous tax parcels on April 9, 2024, and noticed in the local county paper of record on April 9, 2024 (Index #11). The comment period for this notice ended on April 24, 2024. All comments were transmitted on April 25, 2024, to the applicant (Index #24).

IV. ZONING & DEVELOPMENT STANDARDS

The subject property is located approximately .25 miles northwest of the intersection of Nelson Siding Rd. and Talmadge Rd. The subject property is currently zoned Agriculture 5 with a Rural Residential land use designation. The purpose and intent of the Agriculture 5 zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly.

The minimum lot size in Agriculture 5 zoning designations is 5 acres. As proposed, the Nelson View plat meets the 5-acre minimum lot size criteria. There is sufficient room on all parcels to meet all property line setbacks (Front: 25 ft. Side: 5 ft. Rear: 25 ft.) seen in KCC 17.28A.040, KCC 17.28A.050, and KCC 17.28A.060.

Preliminary Plats: The plat map submitted with the current application was reviewed under the existing KCC 16.12 Preliminary Plats and, as conditioned, meets all requirements.

V. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the proposal site as “LAMIRD Land Use”. Kittitas County has established the following goals and policies to guide activities that are designated in these lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

RR-G7: The County should consistently work to preserve and maintain the rural character of Kittitas County for the benefit of its residents.

Consistency Statement

The Nelson View Plat application proposes five lots meeting the Agriculture 5 zoning density of 5 acres or more per lot, maintaining the rural character of the land.

RR- P9: Encourage development activities and establish development standards which enhance or result in the preservation of rural lands.

Consistency Statement

The proposed long plat preserves rural lands through adherence to the Agriculture 5 density of 1 unit per 5 acres.

RR-P10: Allow for a variety of rural densities which maintain and recognize rural character, agricultural activities, rural community and development patterns, open spaces, and recreational opportunities.

Consistency Statement

The proposal is consistent with the density requirements of the Agriculture 5 zone and is consistent with the development pattern of the area.

RR-P17: Limit development in rural areas through density requirements that protect and maintain existing rural character, natural open space, critical areas, and recreation areas. Direct rural development to lands that have adequate public services.

Consistency Statement

The application is consistent with the density requirements of the zone. There will be no change to public service demands and water/septic systems will remain private.

CDS staff reviewed the project for consistency with the Kittitas County Comprehensive Plan as described above. CDS finds the proposed development consistent with the Goals and Policies of the Kittitas County Comprehensive Plan.

VI. ENVIRONMENTAL REVIEW

SEPA review was completed for the project through SEPA application SE-23-00009 Nelson View. An MDNS was issued on June 29, 2023 (Index #7). No appeals were received. As part of the SEPA review of the project, the applicants submitted a Non-Wetland and Fish and Wildlife Habitat Assessment Technical Memorandum from Soundview Consultants. The study concluded there were no regulatory streams or wetlands on the project sites.

Two wetlands were observed to exist off the subject property, but the project was found to be outside of the wetland's respective buffers. No impact on the two offsite wetlands was expected from this project.

VII. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. Timely comments were received from the following agencies: Washington State Department of Natural Resources, Washington State Department of Health – Office of Drinking Water, Snoqualmie Tribe, Washington State Department of Transportation, Kittitas County Fire Marshal, Washington State Department of Transportation – Aviation, Confederated Tribes of the Colville Reservation, Department of Archaeology & Historic Preservation, Kittitas County Public Works, Washington State Department of Ecology, Kittitas County Public Health.

Below are summaries of the substantive agency and public comments submitted as well as the response from the applicant regarding the comments. For full context and details please see Index #s 13-23. Applicant responses can be seen in Index #25.

Washington State Department of Natural Resources: DNR commented on the requirements for a Forest Practices Application.

Applicant response: *“An FPA has already been acquired for other portions of this project this long plat will not require any further disturbance.”*

Staff response: A Forest Practices Application was made a condition of the development's associated SEPA (SE-23-00009 Nelson View) and obtained by the applicant.

Washington State Department of Health – Office of Drinking Water: Washington State Department of Health - Office of Drinking Water provided comments concerning requirements to contact Department of Ecology about water extraction.

Applicant response: *“We understand these requirements.”*

Staff response: Staff has recommended a condition to meet local, state, and federal codes and regulations.

Snoqualmie Tribe: Snoqualmie Tribe stated they have not substantive comments to offer.

Applicant response: *“We thank them for taking the time to comment.”*

Staff response: CDS staff has no response.

Washington State Department of Transportation: WSDOT provided comments on the projects proximity to Interstate 90 and potential impact to the development from noise of the essential public facility.

Applicant response: *“We understand and we thank them for taking the time to comment.”*

Staff response: Staff provided these comments to the applicant.

Kittitas County Fire Marshal: The Kittitas County Fire Marshal stated all roads must meet the International Fire Codes including Appendix D and stated a permit must be obtained if a gate is to be installed.

Applicant response: *“The roads have been installed in a manner that meets all applicable codes.”*

Staff response: Staff has recommended a condition to meet local, state, and federal codes.

Washington State Department of Transportation - Aviation: WSDOT – Aviation stated they have no comments.

Applicant response: *“We thank them for taking the time to respond.”*

Staff response: Staff has no response.

Confederated Tribes of the Colville Reservation: Confederated Tribes of the Colville Reservation provided comment requesting a cultural resource survey be conducted.

Applicant response: *“Please refer to the SEPA MDNS (SE-23-00009). No further ground disturbing activities to take place.”*

Staff response: The associated SEPA conditioned the development to prepare for the inadvertent discovery of cultural resources. The subject property has a history of heavy disturbance from agricultural activities. No further ground disturbing activities are anticipated.

Washington State Department of Archaeology & Historic Preservation: DAHP commented on the high probability of encountering cultural resources and recommended a professional archaeological survey of the project area.

Applicant response: *“Please refer to the SEPA MDNS (SE-23-00009). No further ground disturbing activities to take place.”*

Staff response: The associated SEPA conditioned the development to prepare for the inadvertent discovery of cultural resources. The subject property has a history of heavy disturbance from agricultural activities. No further ground disturbing activities are anticipated.

Kittitas County Public Works: KCPW provided comments on access requirements, grading, survey, transportation concurrency, flood, and water mitigation/metering.

Applicant response: *“We understand these requirements.”*

Staff response: CDS Staff has provided this comment to the applicant and proposed conditions regarding various road standards, grading, survey updates, and required plat notes.

Washington State Department of Ecology: Washington State Department of Ecology provided comments on water resources and shorelands requirements.

Applicant response: *“Requirements have been met prior to the installation process.”*

Staff response: During SEPA review of the Nelson View development it was determined that buffers of the offsite wetlands and streams do not extend onto the site. No other potential wetlands or streams were identified on site. Staff has recommended a condition to meet local, state, and federal codes and regulations.

Kittitas County Public Health: KCPW provided comments on the requirements for well logs.

Applicant response: *“Well logs and water samples will be delivered as soon as possible.”*

Staff response: Staff has recommended a condition to meet local, state, and federal codes and regulations.

Public Comments: No comments from members of the public were received.

CDS has reviewed all the comments submitted and proposed conditions in this Staff Report to address many of the concerns noted.

VIII. 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:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan as seen in Section V of this staff report.

Consistency with the provision of KCC 17 Zoning:

The proposal is consistent with the provisions of KCC 17.28A.

Consistency with the provisions of KCC 17A Critical Areas:

This proposal is consistent with the Kittitas County Critical Areas Code.

Consistency with the provisions of KCC 16.12: Preliminary Plat Subdivision Code:

This proposal is consistent with the Kittitas County Subdivision Code (Title 16) for Preliminary Plats with the recommended conditions.

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

This proposal is consistent with the Kittitas County Title 12 Roads and Bridges with the recommended conditions.

Consistency with the provisions of KCC Title 20: Fire & Life Safety:

This proposal is consistent with the Kittitas County Title 20 Fire & Life Safety with the recommended conditions.

IX. RECOMMENDATION

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Title 12, Title 13, Title 16.12, Title 17A, Title 17, Title 17.28A, and Title 20 of the Kittitas County Code as well as the Kittitas County Comprehensive Plan. Staff recommends approval of the Nelson View Preliminary Plat, subject to the following findings of fact, conclusions, and conditions:

Suggested Findings of Fact

1. Nelson View submitted an application for a 5-lot plat (subdivision) on one (1) parcel totaling 25.03 acres of land. The proposal includes 5 residential lots ranging in size from 5.0 acres to 5.02 acres. The subject property is currently zoned Agriculture 5 with a Rural Residential land use designation.
2. Site Information:

Total Project Size:	25.03 acres
Number of Proposed Lots:	5 (1 currently existing)
Domestic Water:	Shared/Individual Wells
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Fire Protection: Fire District 7 (Cle Elum)

Site Characteristics:

North: Residential properties, BNSF Railway, Interstate 90
South: Privately owned land primarily used for agricultural and/or residential purposes
East: Privately owned land primarily used for agricultural and/or residential purposes
West: Privately owned land primarily used for agricultural and/or residential purposes

Access: Access to the site will be via private access easements to Nelson Siding Road.

3. The Comprehensive Plan land use designation is Rural Residential for the subject property.
4. The subject property is zoned Agriculture 5.
5. A Long Plat application was submitted to Kittitas County Community Development Services on March 13, 2024. The application was deemed complete on March 28, 2024. The site was posted pursuant to KCC 15A.03.110 on April 1, 2024. One posting site was established. A Notice of Application was mailed to all state and local agencies/departments with potential interest in the project as required by KCC 15A.03.060, as well as to adjacent landowners located within five hundred (500) feet of any portion of the boundary of the proposal's contiguous tax parcels on April 9, 2024, and noticed in the local county paper of record on April 9, 2024. The comment period for this notice ended on April 24, 2024. All comments were transmitted to the applicant on April 25, 2024.
6. SEPA review was previously conducted and an MDNS was issued for SE-23-00009 Nelson View on June 29, 2023.
7. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by County services. Staff has conducted an administrative critical area review in accordance with KCC 17A. As part of the SEPA review of the project, the applicants submitted a Non-Wetland and Fish and Wildlife Habitat Assessment Technical Memorandum from Soundview Consultants. The study concluded there were no regulatory streams or wetlands on the project sites. Two wetlands were observed to exist off the subject property, but the project was found to be outside of the wetland's respective buffers. No impact on the two offsite wetlands was expected from this project.
8. This proposal, as conditioned, is consistent with the Kittitas County Zoning Codes 17.28A.
9. This proposal, as conditioned, is consistent with the Kittitas County 16.12 Subdivision Code for Preliminary Plats.
10. This proposal, as conditioned, is consistent with the provisions of KCC Title 12: Roads and Bridges.
11. This proposal is consistent with the provisions of KCC 15 Environmental Policy.
12. This proposal, as conditioned, is consistent with KCC 17A Critical Areas.
13. This proposal, as conditioned, is consistent with KCC Title 20, Fire & Life Safety.
14. This proposal, as conditioned, will meet Kittitas County Road Standards.

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.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 16 Subdivision, Title 17 Zoning, Title 17A Critical Areas, Title 15 Environmental, Title 12 Roads and Bridges, and Title 20 Fire & Life Safety.

Suggested Conditions of Approval:

The project shall proceed in substantial conformance with the plans and application materials on file submitted on March 13, 2024.

1. Building

- A. The applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.
- B. Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible for compliance with all applicable local, state, and federal rules, requirements, codes, and regulations. It is incumbent upon said applicants and future owners to investigate for, and obtain from the appropriate agency or their representative, all required permits, licenses, and approvals for any development, construction, and/or improvements that occur within the boundaries of this subdivision.
- C. All structures shall comply with current Kittitas County adopted building codes at the time of construction.

2. Roads and Transportation

- A. Road Standards: This application is subject to the latest revision of the Kittitas County Road Standards. A performance guarantee may be used, in lieu of the required improvements, per the conditions outlined in KCC 12.01.150.
 - i. Roads & Driveways:
 - a. An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work in the county road right-of-way.
 - b. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The county will not maintain access.
 - c. Any further subdivisions or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
 - d. A Road Name Application is required for the road serving the joint-use driveway to lots 1-3.
 - e. Easement must show a fire apparatus turnaround at termination or within 150 feet on shared residential driveway.
 - f. All shared residential driveways shall have a maintenance agreement recorded with the final

plat approval that specifies consistent maintenance in accordance with the approved plat/plans.

ii. Other

- a. Except as exempted in KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee. An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan.
- b. 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

- c. All accesses and roads shall meet the requirements of the International Fire Codes including Appendix D.
- d. If a gate is to be installed, a permit from the Kittitas County Fire Marshal's Office shall be obtained.

3. Survey

- A. Engineer of Record, Sewage Note, Potable Water Note, Existing Locations of Fences and Structures, and Road Surfacing and Width shall be on final plat.
- B. A Title Report shall be submitted and the legal description on the Title Report shall match the legal description on the final plat.
- C. If topographic elements are used on the final plat, they shall meet the requirements of WAC 332-130-145.
- D. The final plat shall meet the requirements of KCC 16.20.

4. Water/Sewer

- A. In accordance with KCC 13.35.027, the applicant shall provide one of the following documents before final plat approval:
 1. A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use;
 2. An adequate water right for the proposed new use; or
 3. A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.
- B. All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended.

- C. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.
- D. Any ground water withdrawals over 5,000 gallons per day shall require authorization from the Department of Ecology.
- E. Well logs shall be provided prior to final plat.

5. Cultural Resources

- A. Should ground disturbing or other activities related to the proposed subdivision result in the inadvertent discovery of cultural resources or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP) and the Confederated Tribes of the Colville Reservation. Work shall remain suspended until the findings are assessed, and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.

6. Other

- A. Applicant must meet all state and federal regulations.
- B. All conditions of the SEPA MDNS (SE-23-00009 Nelson View) issued on June 29, 2023, shall be met.
- C. Taxes must be paid in full on all tax parcels involved in this land use action as required by Washington State Law (RCW 84.40.042 & 84.56.345) prior to final plat recording.
- D. All sheets of the final mylars shall reflect plat number LP-24-00002 and an accurate legal description shall be shown on the face of the final plat. Engineers and Surveyors need to be cognizant of the requirements related to Final Plats (KCC 16.20) and Survey Data and Dedications (KCC 16.24). The final plat must be submitted in full conformance with these chapters of Kittitas County Code; **non-compliant mylars will be rejected and returned to the applicant.** A final plat number will be assigned when CDS receives your final plat application. This file number will also be required on the face of the final plat.

7. Plat Notes

- A. The following plat notes shall be recorded on the final mylar drawings:
 - 1. Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible for compliance with all applicable local, state, and federal rules, requirements, codes, and regulations. It is incumbent upon said applicants and future owners to investigate for, and obtain from the appropriate agency or their representative, all required permits, licenses, and approvals for any development, construction, and/or improvements that occur within the boundaries of this subdivision.
 - 2. All development must comply with the International Fire Code.

3. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.
4. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.
5. Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations.
6. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
7. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards and formally adopted by the Kittitas County Board of County Commissioners.
8. Maintenance of the access is the responsibility of the property owners who benefit from its use.
9. A public utility easement 10 feet in width is reserved along all lot lines. The 10-foot easement shall abut the exterior plat boundary and shall be divided by 5 feet on each side of interior lot lines. Said easement may also be used for irrigation.