



**KD Properties Short Plat
File Number SP-23-00012
FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL**

I. General Information

Requested Action: The applicants are proposing a 2-lot short plat resulting in one (1) 22.41-acre lot and one (1) 20.06-acre lot, utilizing the "Short Plat Requirements" section of Kittitas County Code 16.32.

Location: Two tax parcels (#955862 & #960889), located approximately 1.8 miles North of Interstate 90, approximately 0.9 miles North of Cle Elum, in Section 23, T. 20 N., Range 15 E., W.M.; Kittitas County parcel map number 20-15-23055-0003, with a land use designation of Rural Working and zoning designation of Forest and Range.

Site Information:

Total Property Size:	42.47 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Existing individual well
Existing sewage Disposal:	Individual on-site septic
Fire District:	Cle Elum (Fire District 7)
Irrigation District:	None

Site Characteristics: The site consists of one (1) existing residence, and one individual septic system and well.

Surrounding Property:

North: Privately owned land used for residential purposes within Forest and Range zoning, beyond which lies undeveloped commercial forest land.

South: Privately owned land used for residential purposes within Forest and Range zoning.

East: Privately owned land used for residential purposes within Forest and Range zoning.

West: Privately owned land used for residential purposes within Forest and Range zoning.

Access: The project has existing access from Montgomery Ave. and/or Columbia Ave. via private access easements.

II. Administrative Review

Notice of Application: A Short Plat permit application was submitted to Kittitas County Community Development Services on November 16, 2023. The application was deemed complete on November 28, 2023. A Notice of Application for the KD Properties Short Plat (SP-23-00012) was mailed to all federal, state, and local agencies/departments with potential interest in the proposal as well as to all adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel on November 29, 2023. Notice was published in the Daily Record, the official newspaper of record for Kittitas County, and posted to the Kittitas County Website, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

Designated Permit Coordinator (staff contact): Zach Torrance-Smith, Staff Planner. Phone: (509) 962-7079, Email: zach.torrancesmith@co.kittitas.wa.us.

III. Zoning and Development Standards

The subject property is located approximately 1.8 Miles North of Interstate 90, approximately 0.9 miles North of Cle Elum, WA, and has a zoning designation of Forest and Range with a Land Use designation of Rural Working. The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged, (Ord. 92-6 (part), 1992). The Forest and Range zone has a minimum lot size of 20 acres. The KD Properties Short Plat is being proposed under KCC 16.32 Short Plat Requirements.

Staff Conclusions

The proposal, as conditioned, meets the requirements of KCC 16.32.

KCC 16.32.050 Short plat review: The planning official shall be vested with the responsibility of processing short plat applications. The county shall review and consider the proposed short subdivision regarding:

1. Its conformance with all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington.
2. Its conformance to all standards and improvements required under this title.
3. Potential hazards created by flood potential, landslides, etc.
4. Provisions for all improvements and easements (roads, ditches, etc.) required by this title.
5. Access for all proposed lots or parcels by way of a dedicated road right-of-way or easement.
6. All other relevant facts which may determine whether the public interest will be served by approval of the proposed subdivision.
7. Lots or parcels created by the final platting of a subdivision or short subdivision may not be further divided within a five-year period without filing of a final plat; except as provided for in [RCW 58.17.060](#)
8. Its compliance with [Kittitas County Code Chapter 13.35](#), Adequate Water Supply Determination or work voluntarily with Kittitas County to develop an authorized conservation easement, see section 16.08.061.

Staff Conclusions

The proposal; 1) conforms to all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington, 2) conforms to all standards and improvements required under this title, 3) has no hazards created by flood potential, landslides, etc., 4) makes provisions for all improvements and easements, 5) outlines access for all proposed lots, 6) indicates no hindrance to the public interest, 7) is not being further divided from an incomplete plat, and 8) complies with KCC 13.35 to determine adequate water supply. Staff finds that the proposed short plat, as conditioned, is consistent with all applicable Washington State and Kittitas County codes.

IV. Comprehensive Plan

The Kittitas County Comprehensive Plan designates the proposal as a short plat in a Rural Working land use designation. Kittitas County has established the following goals and policies to guide activities in these areas. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

RR-P109: Kittitas County will continue to research innovative incentive-based ordinances that encourage and preserve resource land activity.

Consistency Statement

The proposed short plat maintains the viability of continued use of the new parcels for resource land purposes, as both parcels remain larger than twenty (20) acres and there will be no “small lots” created by this short plat, which would likely lead to more dense development of the area.

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

Consistency Statement

The proposed short plat preserves rural lands through adherence to the Forest and Range density of 1 unit per 20 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 Forest and Range zone and is consistent with the development pattern of the area.

Staff Comments

The KD Properties short plat as conditioned is consistent with the Kittitas County Comprehensive Plan Goals and Policies listed above. The proposal preserves resource lands and allows for continued rural working land use.

V. Environmental Review

CDS determined the KD Properties Short Plat was exempt from SEPA review per WAC 197-11-800 (6)(d). A desktop critical area review was performed by staff and GIS data indicates no wetlands exist

on proposed lots. Any future development will be required to meet the standards of KCC 17A Critical Areas.

VI. Agency and Public Comments

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review.

Agency Comments:

The following agencies provided comments during the comment period: The Confederated Tribes of the Colville Reservation, Kittitas County Public Works, Kittitas County Public Health, Washington State Department of Natural Resources, Washington State Department of Fish and Wildlife.

The Confederated Tribes of the Colville Reservation

The Confederated Tribes of the Colville Reservation stated they request that should any ground disturbing activities occur, there be an Inadvertent Discovery Plan in place to accommodate any cultural artifacts that may be unearthed.

Applicant Response: The applicant stated that they are not planning any significant ground disturbing activities and they will notify future owners of the parcels that such a request was presented by the Colville Tribe and should be taken into account regarding future development.

Staff Response: As the applicant has stated they will take adequate consideration of this request into account. If ground disturbing activities take place, an inadvertent discovery plan will be required to be in place prior to such activities.

Kittitas County Public Works

The Kittitas County Public Works department stated the following requirements for this application: The existing access easement shall be a minimum of 30' wide. New access easements shall be a minimum of 30' wide. The roadway width shall have a minimum width of 12' if the length of the driveway is less than 150', or 16' if the length of the driveway is more than 150'. Driveways longer than 150' in length are required to provide a Fire Apparatus Road Turnaround meeting the requirements of Appendix D in the International Fire Code.

The County Surveyor had the following comments:

The preliminary short plat does not reference the basis of bearing, and it does not meet the requirements of WAC 332-130-145. While not required for the preliminary review, the following elements will need to be addressed for final review: A title report will need to be provided. The distance to the N1/4 corner of section will need to be shown. The hatched area should be clearly shown as being a portion of Lot 2. The corners for the new division line shall be shown on the face of the map, and set in the field. Surrounding plats and surveys should be noted (Sur: 16-57 to the North, Plat 14-71 to the East, Survey 36-227 to the South, Survey 31-46 to the West).

The Water Mitigation/Metering officials had the following comments:

The following comments outline the requirements for legal availability of water and metering for the proposed short plat – The applicant must provide legal water availability for all new uses on the proposed lots of this project, which can be provided through mitigation certificates. Prior to final plat approval and recording, the following conditions shall be met:

In accordance with KCC Chapter 13.35.027, the applicant shall provide one of the following documents before final plat approval: A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use, an adequate water right for the proposed new use, or a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.

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. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.

The following notes shall be placed on the face of the plat:

C-1 “Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with KCC Chapter 13.35.027 and Ecology regulations.”

C-2 “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.”

Applicant Response: “Applicant and Encompass Engineering and Surveying will comply with these requirements.”

Staff Response: The approval of this project is contingent upon the applicants remaining in compliance with the stated Kittitas County Public Works’ outlined requirements.

Kittitas County Public Health

Kittitas County Public Health stated the following requirements:

Any on-site septic systems that are to be utilized for wastewater management must adhere to the standards set by both the Washington Administrative Code, and Kittitas County Code. In accordance with KCC 13.04.090, a minimum of one soil log for each proposed lot where individual sewage disposal systems are contemplated must be completed. The proposed short plat drawing indicates there is an existing well on proposed lot 1. The applicant indicates there will be an individual or shared well on each lot. The applicant must prove legal and physical availability of water for all new uses of water on proposed lots. For on-site sewage, a soil log for the proposed lot 2 is required. For on-site water, a well log for the existing well on lot 1 (BNJ917) was downloaded from the DOE website and indicates a flow of $\frac{3}{4}$ of a gallon per minute. A new well is required to be drilled with a well log submitted for the proposed lot 2 unless the applicant intends to share the well. If this is the case, a signed, notarized and filed shared water user’s agreement must be submitted for review. Additionally, a storage tank will be required for the proposed, shared water system as the flow is inadequate for 2 residences.

Applicant Response: “Applicant will work with KCDOH to procure adequate water rights for Lot 2 and adequate water supply to meet minimum DOH requirements in Kittitas County Code 13.35. Storage will most likely be needed for the low producing well and will be done in accordance to KCC 13.35.050(3).”

Staff Response: The approval of this project is contingent upon the applicants remaining in compliance with the stated Kittitas County Public Health outlined requirements.

Washington State Department of Natural Resources

Washington State Department of Natural Resources stated that based on remote review of this parcel(s) it appears that portions are forested, and it will require a Forest Practices Application (FPA) from the DNR if merchantable timber is removed/harvested as part of the proposal and/or is being converted out of forest land (RCW 76.09 and WAC 222).

The FPA would need to meet the requirements of the Forest Practices Act and its rules.

Applicants Response: “Note taken, applicant does not anticipate any timber sales.”

Staff Response: Obtaining a Forest Practices Application is required if merchantable timber will be removed from the parcel.

Washington State Department of Fish and Wildlife

Washington State Department of Fish and Wildlife requests that a critical areas report be conducted prior to approval to ensure that all streams and wetlands are identified, and their appropriate buffers factored in to ensure that both new parcels have buildable area after factoring in the CAO setbacks. WDFW would also request the opportunity to review and provide comments to the county on the report.

Applicant Response: “Please see attached map for stream locations and buffers for a Type 4 Stream. With the site being 40+ acres, development already completed on Lot 1, and future development on Lot 2 will need to go through a building permit process, we ask not to require preparing a critical area report at this time. This report, if needed, could be done in the future if and when a building permit is applied for.”

Staff Response: A critical areas report is not required at this time, the stream buffers are identified on the survey, if future development is proposed in or near these buffers a critical area report will be required at that time.

VII. Project Analysis & Consistency Review

In review of this proposal, it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is the planning staff’s analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan policies apply to this proposal: RR-P109, RR-P9, RR-P10.

Consistency with the provisions of KCC 17A, Critical Areas:

A desktop critical area review was performed by staff and GIS data indicates there are no wetlands present on the property. There are identified streams present on the property.

Consistency with the provisions of KCC 17.56, F-R – Forest and Range Zone:

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for the Forest and Range zoning designation.

Consistency with the provisions of KCC 16.32.050, Short Plat Review:

This proposal, as conditioned, is consistent with the Kittitas County Short Plat Review requirements. The proposal; 1) conforms to all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington, 2) conforms to all standards and improvements required under this title, 3) has no hazards created by flood potential, landslides, etc., 4) makes provisions for all improvements and easements, 5) outlines access for both proposed lots, 6) indicates no hindrance to the public interest, 7) is not being further divided from an incomplete plat, and 8) complies with KCC 13.35 to determine adequate water supply.

Consistency with the provisions of the KCC Title 14.04, Building Code:

All buildings must be in accordance with International Building Codes.

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

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

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

As conditioned, the proposal must be consistent with the provisions of KCC Title 20.

VIII. Findings of Fact

1. Requested Action: The applicants are proposing a 2-lot short plat resulting in one (1) 22.41-acre lot and one (1) 20.06-acre lot, utilizing the “Short Plat Requirements” section of Kittitas County Code 16.32.
2. Site Location: Two tax parcels (#955862 & #960889) located approximately 1.8 miles North of Interstate 90, approximately 0.9 miles North of Cle Elum, WA, in Section 23, T. 20 N., Range 15 E., W.M.; Kittitas County parcel map number 20-15-23055-0003, with a land use designation of Rural Working and a zoning designation of Forest and Range.

3. Site Information:

Total Property Size:	42.47 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Individual Well
Existing sewage Disposal:	Individual On- Site Septic Tank and Drainfield
Fire District:	Cle Elum (Fire District 7)
Irrigation District:	None

Site Characteristics: The site consists of one existing residence and one individual septic system and well.

Surrounding Property:

- North: Privately owned land used for residential purposes within Forest and Range zoning, beyond which lies Commercial Forest zoned land.
- South: Privately owned land used for residential purposes within Forest and Range zoning.
- East: Privately owned land used for residential purposes within Forest and Range zoning.
- West: Privately owned land used for residential purposes within Forest and Range zoning.

Access: The project has existing access from Montgomery Ave. and/or Columbia Ave, via private access easements.

4. The Comprehensive Plan land use designation is “Rural Working”.
5. The subject property is zoned “Forest and Range”.
6. A Short Plat permit application was submitted to Kittitas County Community Development Services on November 16, 2023. The application was deemed complete on November 28, 2023. A Notice of Application for the KD Properties Short Plat (SP-23-00012) was mailed to all

federal, state, and local agencies/departments with potential interest in the proposal as well as to all adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel on November 29, 2023. Notice was published in the Daily Record, the official newspaper of record for Kittitas County, and posted to the Kittitas County Website, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

7. The proposal is consistent with Kittitas County Subdivision Code 16.32.050, Short Plat Review. Staff finds that the proposed short plat is consistent with all applicable Washington State and Kittitas County code sections, provided that aforementioned required provisions are met.
8. The following agencies provided comments during the comment period: Confederated Tribes of the Colville Reservation, Kittitas County Public Works, Kittitas County Public Health, Washington State Department of Natural Resources, Washington State Department of Fish and Wildlife.
9. SEPA review was not required. This project is exempt under WAC 197-11-800 (6)(d). The proposed short plat is consistent with KCC Title 15.
10. The proposed short plat is consistent with KCC Title 17A Critical Areas as conditioned.
11. The proposed short plat is consistent with KCC 17.56 F-R – Forest and Range Zone as conditioned.
12. The proposed short plat is consistent with KCC 16.32.050 as conditioned.
13. The proposed short plat is consistent with KCC Title 14 Building and Construction as conditioned.
14. The proposed short plat is consistent with KCC 12 Roads and Bridges as conditioned.
15. The proposed short plat is consistent with KCC 20 Fire and Life Safety as conditioned.

IX. Conclusions

1. As conditioned, the proposal 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. As conditioned the proposal is consistent with Kittitas County Code Title 16.32 Short Plat.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14 Building Code, Title 13 Water and Sewers, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

X. Decision and Conditions of Approval

Kittitas County Community Development Services grants *preliminary approval* of the

KD Properties Short Plat, SP-23-00012, based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

Conditions of Approval:

1. Building

- A. All new construction must meet the International Code requirements.
- 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.

2. Roads and Transportation

- A. This application is subject to the latest revision of the Kittitas County Road Standards. The following conditions apply and must be completed prior to final approval of this project. A performance guarantee may be used in lieu of the required improvements, per the conditions outlined. (KCC 12.01.150)
- B. A driveway shall serve no more than four tax parcels. See Kittitas County Road Standards.
- C. New access easements shall be a minimum of 30'. The roadway width shall have a minimum width of 12' if the length of the driveway is less than 150', or 16' if the length of the driveway is more than 150'.
- D. Driveways longer than 150' in length are required to provide a Fire Apparatus Road Turnaround meeting the requirements of the appendix D in the International Fire Code.
- E. Max grade shall be 10%.
- F. Crush surface depth per WSDOT Standards.
- G. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- H. 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.
- I. 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.
- J. Contact the Kittitas County Fire Marshal regarding any additional access requirements

for Emergency Response.

- K. Mailboxes must be approved by U.S. Postal Service. Mailbox locations are site specific. Contact your local Post Office for location and design standards before beginning construction.
- L. Except as exempted in Section 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 (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).

3. State and Federal

- A. Applicant shall meet all state and federal regulations.

4. Survey

- A. The new division line shall have corners set in the field and be shown on the face of the survey.
- B. The final plat shall show the basis of bearing.

5. Plat Notes

- A. The following plat notes shall be recorded on the final mylar drawings:
 - 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.
 - All development shall comply with International Fire Code.
 - Maintenance of the access is the responsibility of the property owners who benefit from its use.
 - 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.
 - 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.
 - Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

- 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.
- The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject to legal action as public nuisances.

6. Other

- A. Taxes shall be paid in full on all tax parcels involved in this land use action as required by Washington State Law (RCWs 84.40.042 & 84.56.345) prior to final plat recording.
- B. Should ground disturbing or other activities related to the proposed subdivision 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 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.
- C. Both sheets of the final mylars shall reflect short plat number SP-23-00012 and an accurate legal description shall be shown on the face of the final plat. Engineers and Surveyors need to be cognizant of all 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 file 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.
- D. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
- E. This preliminary approval will expire 5 years from the date of this determination if no extension is filed in accordance with KCC 16.32.090.

From these conclusions and findings, the proposed Short Plat is approved with the above conditions. Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this administrative land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$1670 to Kittitas County. The appeal deadline for this project is February 9, 2024, at 5:00p.m. Appeals submitted on or before February 9, 2024, shall be submitted

to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.

Responsible Official



Zach Torrance-Smith

Title: Planner I

Address: Kittitas County Community Development Services
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Ellensburg, WA. 98926
Phone: (509) 962-7079

Date: January 25, 2024