

Jerke Short Plat
File Number SP-18-00001
FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. General Information

Requested Action: Terrance and Patricia Jerke, landowners, are proposing to divide parcel #816534 into a 2 parcel short plat, dividing the 11.96 acre parcel into one 5 acre and one 6.96 acre lot.

Location: One parcel, located approximately 4 miles east of South Cle Elum, in a portion of Section 5, T19N, R16E, WM in Kittitas County, bearing Assessor's map number 19-16-05040-0005, parcel #816534.

Site Information

Total Property Size:	11.96 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Well
Existing sewage Disposal:	On Site Septic
Power/Electricity:	Kittitas County PUD
Fire District:	Fire District 7
Irrigation District:	KRD

Site Characteristics: The site is relatively flat with one existing residence.

Surrounding Property:

North: Privately owned land primarily used residential purposes.
South: Small strip of privately owned land bordering Interstate 90 to the south.
East: Privately owned land primarily used for agriculture and residential purposes.
West: Vacant land in agriculture use.

Access: The proposed project will have access from Lower Peoh Point RD.

II. Administrative Review

Notice of Application: A Short Plat permit application was submitted to Kittitas County Community Development Services on February 27, 2018. The application was deemed complete on March 20, 2018. A Notice of application for the Jerke Short Plat (SP-18-00001) 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 April 2, 2018. Notice was published in the NKC Tribune and the Daily Record, the official newspaper of record for Kittitas County,



and posted to the Kittitas County Website on April 2, 2018, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

Designated Permit Coordinator (staff contact): Jeremy Johnston, Staff Planner. P: (509) 962-7065, E: jeremy.johnston@co.kittitas.wa.us.

III. Zoning and Development Standards

The subject property is located approximately 4 miles east of South Cle Elum at 7432 Lower Peoh Point Road and has a zoning designation of Agriculture-5. The purpose and intent of this zone is to provide for an area where agricultural activities and low density residential developments co-exist compatibly. Agriculture-5 zones are predominantly agricultural-oriented lands and it is not the intent of this zone to impose further restrictions on continued agricultural activities. This project is being proposed under KCC 16.32.050 Short Plat Requirements.

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 with regard to:

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

Staff finds that the proposed short plat is consistent with all applicable Washington State and Kittitas County code sections. A critical area review was performed with no hazards or areas of concern found.

IV. Comprehensive Plan

The Kittitas County Comprehensive Plan designates the proposal as a short plat in a Rural Residential Land Use. Kittitas County has established the following goals and policies to guide activities in Rural



Residential zones. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

GPO 8.1: Rural lands are characterized by a lower level of service; mixed residential, agriculture and open space uses; broad visual landscapes and parcels of varying sizes, a variety of housing types and small unincorporated communities.

Consistency Statement

The proposed short plat provides a variation of parcel size consistent with the zoning district.

GPO 8.13: 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 zoning density.

GPO 8.16: Give preferences to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.

Consistency Statement

The proposed short plat encourages rural residential development.

GPO 8.18: Limited development in rural areas through density requirements that protect and maintain existing rural character, natural open space, critical areas, and recreational areas. Direct rural development to lands that have adequate public services.

Consistency Statement

The proposed short plat maintains adequate access to public services and complies with density requirements of the zoning district.

GPO 8.21: Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character.

Consistency Statement

The proposed short plat is consistent with the Kittitas County zoning code.

GPO 8.31 Residential uses, where permitted, shall be located where farming and forestry activities and opportunities are not negatively impacted.

Consistency Statement

The proposed short plat does not negatively impact any farming or forestry activities.



Staff Comments

The Jerke short plat as proposed is consistent with the Kittitas County Comprehensive Plan GPO's listed above. The proposal, as conditioned, preserves the rural character and is not a detriment to neighboring agricultural activities. The property involved is adequately served by local service and meets density requirements for the zoning designation.

V. Environmental Review

Based upon an initial Critical Area review, CDS determined that the Jerke short plat was exempt from SEPA review via WAC 197-11-800 (6)(d). CDS critical areas review identified no critical areas on the subject parcel.

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.

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.

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 V of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 8.1, 8.13, 8.16, 8.18, 8.21, and 8.3.

Provided the applicant follows and maintains the GPOs, they shall be in compliance with the Kittitas County Comprehensive Plan. The applicant is proposing a short plat parcel division consistent with the goals, policies, and objectives of the land use designation. Therefore the County and applicant are in compliance with the Comprehensive plan.

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

Staff conducted an administrative critical area review in accordance with KCC 17A. GIS information indicates no critical areas located on the subject parcel.

Consistency with the provisions of KCC 17.28A, Agriculture 5 zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.28A as conditioned.

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) addresses 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, 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 consistent 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.

Agency Comments:

The following agencies provided comments during the comment period: Kittitas County Public Works, Kittitas County Public Health, Kittitas Valley Fire & Rescue, Washington State Department of Transportation, Washington State Department of Ecology, and Washington State Department of Fish and Wildlife. All comments are on file and available for public review.

Kittitas County Public Health submitted comments outlining the requirement of soil characteristic testing prior to any preliminary approval determination pursuant to KCC 13.04.090. In addition, Kittitas County Public Health outlined requirements that the applicant provide an Adequate Water Supply Determination prior to final approval pursuant to KCC 13.35.027 and 13.35.020.

Kittitas County Public Works provided comments related to access, addressing, plat notes, and required survey changes.

Kittitas Valley Fire and Rescue provided comments outlining addressing, access, and general fire code requirements.

Washington State Department of Ecology provided comment stating that any changes to water rights shall be subject to approval by their department pursuant to RCW 90.03.380 and 90.44.050.

Washington State Department of Transportation provided comments stating that noise mitigation due proximity to Interstate 90 will be the responsibility of the property owners and that any access to Interstate 90 is strictly and exclusively controlled by WSDOT.

Washington State Fish and Wildlife had no objections to the proposal.

Public Comments:

There were no public comments submitted during the comment period.



VIII. Findings of Fact

1. **Requested Action:** Terrance and Patricia Jerke, landowners, are proposing to divide parcel #816534 into a 2 parcel short plat, dividing the 11.96 acre parcel into one 5 acre and one 6.96 acre lot.
2. **Location:** One parcel, located approximately 4 miles east of South Cle Elum, in a portion of Section 5, T19N, R16E, WM in Kittitas County, bearing Assessor's map number 19-16-05040-0005, parcel #816534.

3. **Site Information**

Total Property Size:	11.96 acres
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- South: Small strip of privately owned land bordering Interstate 90 to the south.
- East: Privately owned land primarily used for agriculture and residential purposes.
- West: Vacant land in agriculture use.

4. The Comprehensive Plan land use designation is "Rural Residential."
5. The subject property is zoned "Agriculture-5."
6. A short plat application was submitted to Kittitas County Community Development Services department on February 27, 2018. This application was deemed complete on March 20, 2018. The notice of application for the short plat was issued on April 2, 2018. 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 April 17, 2018.
7. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section V of this CPA determination, the following Comprehensive Plan GPO's apply to this proposal: GPO 8.1, 8.13, 8.16, 8.18, 8.21, and 8.31.



8. 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. A critical area review was performed and appropriate conditions applied to mitigate flood concerns.
9. The following agencies provided comments during the comment period: Kittitas County Public Works, Kittitas County Public Health, Kittitas Valley Fire & Rescue, Washington State Department of Transportation, Washington State Department of Fish and Wildlife, and Washington State Department of Ecology. All comments are on file and available for public review.
10. No comments from the public were received as of the time of staff review.
11. SEPA review was not required under WAC 197-11-800 (6)(d), "Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, and short plats or short subdivisions within the original short subdivision boundaries provided the cumulative divisions do not exceed the total lots allowed to be created under RCW 58.17.020. This exemption includes binding site plans authorized by RCW 58.17.035 up to the same number of lots allowed by the jurisdiction as a short subdivision."
12. The proposed short plat is consistent with KCC 17A as conditioned.
13. The proposed short plat is consistent with KCC 17.28A.
14. Access and driveways must be consistent with KCC 12.05.
15. Kittitas County Public Health requires water mitigation under KCC 13.35.027 and KCC 13.35.020 prior to final approval of a short plat.
16. Kittitas County Fire Marshal requires consistency with KCC Title 20 upon issuance of any building permits.

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 Requirements.



4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, 17B Shorelines, Title 14.04 Building Code, 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 Jerke Short Plat SP-18-00001 based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

Conditions of Approval:

1. Water/Sewer

- A. A well shall be drilled on lot #1 to prove water is available and water rights obtained for that lot.

2. Building

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

3. Roads and Transportation

- A. Driveways are subject to the 12/15/15 Road Standards.
- B. 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.
- C. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

4. State and Federal

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

5. Fire & Life Safety

- A. Access shall be fully compliant with current IFC-Appendix D.
- B. Addressing to buildings shall be clearly visible from both directions of travel.
- C. Construction shall meet WUI standards.

6. Historic and Cultural Preservation



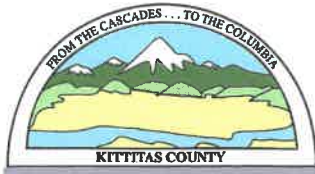
- A. Should ground disturbing or other activities related to the proposed conditional use permit result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). 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.

7. Survey

- A. Lower Peoh Pt. Rd should include ownership and surfacing (EX (County R/W – Paved)).
- B. The distance tie to NE section corner should be shown.
- C. The boundaries of the exception East of the subject parcel should be delineated (distance of 10.59, 20.24 and 32.47).
- D. The boundary line between Lot 1 and 2 should show corners as set.
- E. Surveyors certificate shall be shown on the final submittal.

8. 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.
 - Both sheets of the final mylars shall reflect short plat number SP-18-00001 and an accurate legal description shall be shown on the face of the final plat. Engineers and Surveyors need to be cognizant of all 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.**
 - All development must comply with International Fire Code.
 - Metering shall be required on all new residential well connections and metering



results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements.

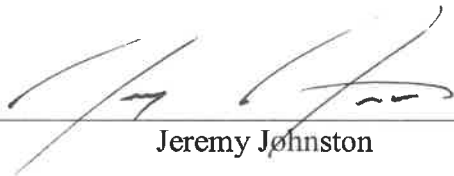
- All water proposed to be used must be obtained from a water budget neutral source and meet conditions of Kittitas County Code 13.35.
 - Maintenance of the access is the responsibility of the property owners who benefit from its use.
 - An approved access permit will be required from the Department 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.
 - 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.
 - Signature blocks shall be constructed and worded in conformance with KCC Chapter 16.24.
 - This short plat exists in an area with traffic noise. Due to its proximity to I-90 it should be expected that traffic noise may continue to grow into the future, and I-90 may need to be expanded to accommodate future growth. If the property owner is concerned with traffic noise affecting this property, it is their responsibility to dampen or deflect any traffic noise for it.
 - The subject property is adjacent to Interstate 90 (I-90), is a fully-controlled limited access facility with a posted speed limit of 70 miles per hour. WSDOT has acquired all access rights to I-90; direct access is prohibited.
9. Taxes must 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.
10. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
11. 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.



12. 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.

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 \$1,400 to the Kittitas County Board of Commissioners at 205 West 5th, Room 108 Ellensburg, WA 98926. The appeal deadline for this project is November 21, 2018 at 5:00p.m.

Responsible Official



Jeremy Johnston

Title: Staff Planner

Address: Kittitas County Community Development Services
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Date: November 6, 2018