



## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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Office (509) 962-7506

"Building Partnerships – Building Communities"

### **Santa Short Plat File Number SP-19-00003 FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL**

#### **I. General Information**

**Requested Action:** Mick C. Santa, landowner, has submitted a preliminary short plat application to subdivide approximately 10.128 acres into two (2) parcels, one (1) 5.0 acres parcel and one (1) 5.128 acres parcel. The subject property is zoned Agriculture 5.

**Location:** One parcel, located approximately 1.9 miles southeast of the I-90 exit 74 overpass, in a portion of the SW 1/4 of Section 21, TWN 20N, RGE 14E, WM in Kittitas County, bearing Assessor's map number 20-14-21033-0006, parcel #540536.

#### **Site Information**

Total Property Size:	10.13 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Shared Well
Existing sewage Disposal:	On Site Septic
Power/Electricity:	PSE
Fire District:	Fire District 7 (Cle Elum)
Irrigation District:	Kittitas Reclamation District

**Site Characteristics:** The site consists of mainly flat terrain with an existing Single-Family Dwelling, Accessory Dwelling Unit and associated accessory structures.

#### **Surrounding Property:**

North: Bordered by Big Creek and privately-owned land primarily used for residential purposes.  
South: Privately owned land primarily used for residential and agricultural purposes.  
East: Privately owned land primarily used for residential purposes.  
West: Bordered by Big Creek and privately-owned land primarily used for residential purposes.

**Access:** The proposed project will have access from Big Creek Road, a private road.

#### **II. Administrative Review**

**Notice of Application:** A Short Plat permit application was submitted to Kittitas County Community Development Services on November 14, 2019. The application was determined to be complete on November 19, 2019. A Notice of Application for the Santa Short Plat (SP-19-00003) 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 27, 2019. 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):** Kelly Bacon, Staff Planner. P: (509) 962-7539, E: [kelly.bacon.cd@co.kittitas.wa.us](mailto:kelly.bacon.cd@co.kittitas.wa.us).

### **III. Zoning and Development Standards**

The subject property is located approximately 1.9 miles southeast of the I-90 exit 74 overpass and has a zoning designation of Agricultural 5. The purpose and intent of the agriculture (A-5) zone (KCC 17.28A) is to provide for an area where various agricultural activities and low-density residential developments co-exist compatibly. A single family residential structure is a permitted use in KCC Title 17 zoning. This project is being proposed under KCC 16.32 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 regards 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 as conditioned is consistent with all applicable Washington State Codes and Kittitas County Code section 16.32.050.

### **IV. Environmental Review**

Based upon an initial Critical Area review, CDS determined that the Santa Short Plat was exempt from SEPA review via WAC 197-11-800 (6)(d). A critical area review was performed; staff mapped Big Creek along the northwest property line which contains Rural Conservancy Shoreline Jurisdiction. The property has sections of the northern border and southwest corner which lie within the 100 year floodplain.

### **V. 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: Washington State Department of Health, Kittitas Reclamation District, Washington State Department of Fish and Wildlife, Kittitas County Fire Marshall, Kittitas County Public Health and Kittitas County Public Works.

WA State Department of Fish and Wildlife (WDFW) commented regarding the investment of substantial amounts of habitat enhancement in Big Creek and the need to continue protection of the important shoreline stream in support of these investments and to protect the ecological integrity of the shoreline processes and functions. WDFW also commented that there are known discrepancies between streams and wetlands present on the ground vs. what appears on maps or in databases. Either the locations are inaccurate, or not mapped. WDFW recommends prior to approval of the Santa Short Plat, that the flood map be updated to better reflect likely flood

conditions on the parcel and georeferenced to include low areas shown in the lidar. WDFW commented on the Shoreline designation of Rural Conservancy adjacent to the Santa Short Plat and that without more accurate mapping of critical areas and shoreline buffers, that it is difficult to determine if there will be suitable building location on proposed lot 1 outside of the required shoreline, wetlands, frequently flooded areas and channel migration zone suitable for a building site. WDFW commented that in 2017 a site visit was performed under the request of Mr. Santa for minor concerns of bank erosion and channel migration. WDFW is willing to continue technical assistance for Mr. Santa in addressing bank stability concerns and all fish and wildlife habitat concerns. WDFW commented that as a minimum measure, they recommend planting native woody riparian vegetation along the shoreline.

*Applicant Response: Applicant did not submit a response.*

*Staff Response: Staff presented the comments submitted by Washington State Fish and Wildlife to Public Works. Arden Thomas's response dated January 16, 2020 addresses the concerns of the inaccuracy of some of the FEMA Flood Insurance Rate Maps. She stated that FEMA is in the process of updating maps throughout Kittitas County, Big Creek included. Once FEMA has adopted the new maps, Kittitas County will then be able to proceed with adopting the new flood maps.*

WA State Department of Health submitted a comment stating that the water system would be “private” as it is two residences connected to a single well.

*Applicant Response: Applicant did not submit a response.*

*Staff Response: The well will be a private shared well between lot 1 and 2 of the Santa Short Plat*

Kittitas County Fire Marshall commented that the existing driveway and access will need to meet Kittitas County Public Works and International Fire Code road standards.

*Applicant Response: Applicant did not submit a response.*

*Staff Response: Kittitas County Public Works will manage the access permits for the Santa Short Plat.*

Kittitas Reclamation District commented that both parcels contain irrigable ground and that the requirements set forth in the KRD General Guidelines will need to be met prior to approval.

*Applicant Response: Applicant did not submit a response.*

*Staff Response: Kittitas County Community Development Services will require approval from KRD prior to final approval of the Santa Short Plat.*

Kittitas County Public Health submitted comments regarding individual on-site sewage systems and the shared well for the short plat.

*Applicant Response: Applicant did not submit a response.*

*Staff Response: Kittitas County Community Health Department requirements will be addressed prior to final approval.*

Kittitas County Public Works submitted comments related to access, address, driveways, plat notes, timing of improvements, and required survey changes.

*Applicant Response: Applicant did not submit a response.*

*Staff Response: Kittitas County Public Works comments will be addressed prior to final approval.*

**Public Comments:**

There were no public comments submitted during the comment period

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

**Consistency with the provisions of KCC 17, Zoning:**

The proposed short plat is consistent with the Kittitas County Code 17, Zoning. More specifically the proposal meets density requirements of KCC 17.28A, A-5 Agriculture Zone and the proposed residential use meets the allowed uses in KCC Table 17.15.060

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

Based upon an initial Critical Area review, CDS determined that the Santa Short Plat was exempt from SEPA review via WAC 197-11-800 (6)(d). A critical area review was performed; staff mapped Big Creek along the northwest property line which contains Rural Conservancy Shoreline Jurisdiction. The property has sections of the northern border and southwest corner in which lie within the 100-year floodplain.

**Consistency with the provisions of KCC 17B, Shorelines:**

The proposal, as conditioned, must be consistent with the provisions of KCC 17B.

**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, 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 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.

**VII. Findings of Fact**

1. Requested Action: Mick C. Santa, landowner, has submitted a preliminary short plat application to subdivide approximately 10.128 acres into two (2) parcels, one (1) 5.0 acres parcel and one (1) 5.128 acres parcel. The subject property is zoned Agriculture 5.

2. Location: One parcel, located approximately 1.9 miles southeast of the I-90 exit 74 overpass, in a portion of the SW 1/4 of Section 21, TWN 20N, RGE 14E, WM in Kittitas County, bearing Assessor's map number 20-14-21033-0006, parcel #540536.

3. Site Information

Total Property Size:	10.13 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Shared Well
Existing sewage Disposal:	On Site Septic
Power/Electricity:	PSE
Fire District:	Fire District 7 (Cle Elum)
Irrigation District:	Kittitas Reclamation District

Site Characteristics: The site is primarily flat with Big Creek running from the most northeast portion of the tax parcel to the most southwest portion of the property. There is an existing barn with an apartment and a main residence being constructed on the parcel. The existing apartment located within in the barn is to have the kitchen decommissioned prior to the occupancy of the main residence.

Surrounding Property:

- North: Bordered by Big Creek and privately-owned land primarily used for residential purposes.
- South: Privately owned land primarily used for residential and agricultural purposes.
- East: Privately owned land primarily used for residential purposes.
- West: Bordered by Big Creek and privately-owned land primarily used for residential purposes.

4. The proposed project will have access from Big Creek Rd, a private road.
5. The Comprehensive Plan land use designation is "Rural Residential."
6. The subject property is zoned "Agriculture 5."
7. A Short Plat permit application was submitted to Kittitas County Community Development Services on November 14, 2019. The application was determined to be complete on November 19, 2019. A Notice of Application for the Santa Short Plat (SP-19-00003) 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 27, 2019. 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).
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.
9. The following agencies provided comments during the comment period: Washington State Department of Health, Kittitas Reclamation District, Washington State Department of Fish and Wildlife, Kittitas County Fire Marshall, Kittitas County Public Health and Kittitas County Public Works.
10. No citizen comments were received during the comment period.

11. 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.
12. The proposed short plat is consistent with KCC Title 17 Zoning.
13. The proposed short plat is consistent with KCC Title 17A Critical Areas as conditioned.
14. The proposed short plat is consistent with KCC 16.32.050 as conditioned.
15. The proposed short plat is consistent with KCC 12 Roads and Bridges as conditioned.
16. The proposed short plat is consistent with KCC Title 14 Building and Construction as conditioned.
17. The proposed short plat is consistent with KCC 13 Water and Sewers as conditioned.
18. The proposed short plat is consistent with KCC 20 Fire and Life Safety as conditioned.

### **VIII. Conclusions**

1. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
2. As conditioned the proposal is consistent with Kittitas County Code Title 16.32 Short Plat.
3. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14 Building Code, Title 12 Roads and Bridges, Title 13 Water and Sewer and Title 20 Fire and Life Safety.

### **IX. Decision and Conditions of Approval**

Kittitas County Community Development Services grants *preliminary approval* of the Santa Short Plat SP-19-00003 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 Building Code requirements.

#### **2. Roads and Transportation**

- A. **Timing of Improvements:** This application is subject to the latest version of the Kittitas County Road Standards, dated 12/15/15. 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 12.01150.
- B. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

- C. Access: The existing access easement from the Schmaus No. 4 Plat shall be constructed to joint use driveway standards to serve lots 1&2 of the Big Creek II Short Plat. Any additional lots accessing the easement may trigger additional county road standards at that time.
- D. Access Permit: A driveway shall serve no more than two tax parcels. See Kittitas County Road Standards, 12/15/15 Edition.
  - i. New access easements shall be a minimum of 30' wide.
  - ii. 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'.
  - iii. Driveways over 150' in length require a fire apparatus turnaround which conform to the specifications of the International Fire Code.
  - iv. Maximum grade shall be 10%
  - v. Crushed surface depth per WSDOT standards.
  - vi. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
  - vii. Any further subdivision or lots to be served by proposed access may result in further access requirements.
- E. 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
- F. Fire Protection: Contact the Kittitas County Fire Marshall regarding any additional access requirements for Emergency Response.
- G. Mailbox Placement: 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.

**3. State and Federal**

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

**4. Fire & Life Safety**

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

**5. Historic and Cultural Preservation**

- A. 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). 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.

**6. Irrigation**

- A. The project is within the boundaries of the Kittitas Reclamation District and both parcels contain irrigable ground. The requirements set forth in the KRD General Guidelines shall be met prior to final short plat approval.

**7. 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.
  - 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.
  - All development must 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.
  - 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.
  - No variances for setback encroachment shall be approved for any lots created by this short plat.
- 8. Survey**
- A. The vicinity map cannot be color or grayscale at final recording.
  - B. Dimensions located at the North portion of Lot 2 are obscured by hatching.
  - C. There will need to be an easement created for Lot 2 to access the shared Well location.
  - D. Per KCC: 16.12.110, Utility easements will need to be shown for the lines serving the shown electrical risers.
- 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.** Both sheets of the final mylars shall reflect short plat number SP-19-00003 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.**
- 11.** It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
- 12.** Prior to final short plat approval, the existing ADU located at 1091 Big Creek Road must be decommissioned and a Declaration of covenant must be filed pursuant to Kittitas County Building Division Requirements.
- 13.** There is a Type 1 Stream located on the property. Any proposed construction located within 200' of the Ordinary High Water Mark (OHWM) will require additional shoreline permitting.

**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 \$1560.00 to Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. The appeal deadline for this project is February 26, 2020 at 5:00p.m.**

**Responsible Official**

  
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Kelly Bacon

**Title:** Planner I

**Address:** Kittitas County Community Development Services  
411 N. Ruby Street, Suite 2  
Ellensburg, WA. 98926  
Phone: (509) 962-7506

**Date:** February 11, 2020