

Craig Short Plat
File Number SP-23-00005
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) 10.09-acre lot utilizing the "New Small Lots Around Existing Residences" section of Kittitas County Code 16.12.040(1), and one (1) 59.19-acre lot. The subject property is legally a single property that has been separated into two parcels for tax assessment purposes.

Location: Two tax parcels (#558434, #205736), located approximately 6.0 miles northeast of the City of Ellensburg off Charlton Rd., in Section 29, T19, Range 19, W.M.; Kittitas County parcel map number 19-19-29000-0022 and 19-19-29000-0023 with a land use designation of Rural Working and zoning designation of Agriculture 20.

Site Information:

Total Property Size:	68.83 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Existing well
Existing sewage Disposal:	Existing septic system
Fire District:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	N/A

Site Characteristics: The site consists of an event facility and a residence with an individual septic system and well.

Surrounding Property:

North:	Privately owned land primarily used for agricultural and/or residential purposes.
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: The project has existing access from Charlton Road. A 30' wide easement will be established on the existing driveway for access to Lot 2.

II. Administrative Review

Notice of Application: A Short Plat permit application was submitted to Kittitas County Community Development Services on June 27, 2023. The application was deemed complete on July 12, 2023. A Notice of Application for the Craig Short Plat (SP-23-00005) 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 July 18, 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): Chace Pedersen, Staff Planner. Phone: (509) 962-7637, Email: chace.pedersen@co.kittitas.wa.us.

III. Zoning and Development Standards

The subject property is located approximately 6.0 miles northeast of the City of Ellensburg and has a zoning designation of Agriculture 20. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture. A-20 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein. The minimum lot size of 20 acres in the Agriculture 20 zone is being met by the proposed Craig Short Plat for proposed Lot 1. The 10.09-acre lot is being proposed under KCC 16.12.040 New Small Lots Around Existing Residences.

This project is being proposed under KCC 16.12.040(1) New Small Lots Around Existing Residences and KCC 16.32.050 Short Plat Requirements.

KCC 16.12.040(1) New Small Lots Around Existing Residences review:

- A. Lots within AG zoning districts including Commercial AG, AG-20 and AG-5 zones that are greater than three acres may be subdivided to create one small lot around an existing residence, subject to recording of a covenant precluding further division of the subject lot while designated for agricultural use by the adopted Kittitas County Comprehensive Plan maintaining the minimum adjustment necessary to accommodate the proposed use, and it has contained a lawfully existing residence for at least the last five years, subject to the following:
 - i. The five-year date for the establishment of a lawfully existing residence starts from the issuance date of a Certificate of Occupancy by the Building Official or the date of the sign-off on the approved final inspection for the installation permit if the residence is a manufactured home. If the permit holder failed to obtain a Certificate of Occupancy or approved final inspection of a residence, the applicant may provide other evidence to establish the date of the residence. However, no applications for land division will be accepted until such time that a Certificate of Occupancy has been issued or approved final inspection has been completed and all required changes have been made, if required by the Building Official. Such proof is not required for residences established prior to the adoption of the building code by Kittitas County on April 17, 1984.

- ii. The small lot shall be one to three acres in size, except the Director may authorize a larger lot size under subsection 16.12.040(1)(A)(iii).
- iii. Larger Lot Size Authorized. The Director may authorize a larger lot size when the applicant submits evidence or information that documents one or more of the following:
 - a. The Kittitas County Health Department determines a larger area is necessary to include approved water supply and sewage disposal systems within the lot; or
 - b. The logical division to create the lot follows a physical feature which acts as a bonafide, practical obstacle to normal and necessary farming practices (e.g., rock outcrops; Type S and NP streams, slopes exceeding 15%; or a different intervening in-fee ownership physically separates that parcel by a State highway or primary irrigation district canal or major sublateral); or
 - c. A larger lot size is necessary to encompass existing related uses or structures in immediate proximity
- iv. The lot comprising the balance of the division shall be capable of meeting all applicable setbacks and other requirements to ensure its continued agricultural use.
- v. Any small lot allowed to be three acres or greater in size shall still be considered a small lot and is not capable of being further subdivided under this Section. A covenant or plat note indicating this restriction shall be recorded whenever a larger lot size is granted.

Staff Conclusions

The proposal meets the requirements of KCC16.12.040 (1) New Small Lots Around Existing Residences; 1) The existing residence on proposed lot 2 was constructed in 1993 which meets the requirement of being a lawfully existing residence for at least the last 5 years under KCC 16.12.040(1)(i), 2) The small lot is 10.09 acres and meets the requirements of 16.12.040(1)(A)(ii) and the approval for the larger lot size is authorized under 16.12.040(1)(A)(iii)(b) due to the presence of critical areas on the lot, 3) The 59.19-acre parcel (proposed lot 1) is capable of meeting all setback requirement ensuring continued agricultural use, 4) The Short Plat has been conditioned to ensure a covenant will be recorded and referenced in a plat note precluding further division of the lots while designated for Agricultural Land Use.

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-G22: Provide preservation of agriculture activities where producers can live and work on their own lands separate from Resource Lands.

Consistency Statement

The Craig Short Plat application proposes one lot meeting the Agriculture 20 zoning density of 20 acres or more per lot, maintaining the agricultural potential. The smaller proposed lot meets the requirements of KCC 16.12.040, which is intended for agricultural zoned lands.

RR-P40: Conveyance instruments including plats and short plats, development permits and building permits, within 500 feet of land designated as Rural Working lands or Resource Lands shall contain a notice to potential buyers and residents as directed within RCW 36.70A.060(1)(b).

Consistency Statement

The proposed short plat as conditioned meets the requirements of RR-P40.

RR-P42: Irrigation delivery facilities should be managed and maintained to facilitate the unimpeded delivery of water to agricultural lands.

Consistency Statement

The short plat as conditioned meets the requirements of RR-P42.

RR-P47: Kittitas County will continue to research innovative incentive-based strategies – including tax incentives - that encourage and support farming activity.

Consistency Statement

The Craig Short Plat application proposes one lot meeting the Agriculture 20 zoning density of 20 acres or more per lot, maintaining the agricultural potential. The smaller proposed lot meets the requirements of KCC 16.12.040, which is intended for agricultural zoned lands.

Staff Comments

The Craig short plat as conditioned is consistent with the Kittitas County Comprehensive Plan Goals and Policies listed above.

V. Environmental Review

CDS determined the Craig 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 a several critical areas exist on the subject property, but it is determined that the proposed short plat will have no impact on the critical areas or associated buffers. GIS data shows a Type 2 (F) stream running roughly north to south near the east property boundary of parcel 558434 and west property boundary of parcel 205736. Wetlands (PFO1A) can be found on much of the subject property. No critical areas report is required as there is no development being proposed as part of the short plat and there is already existing development (event facility, residence, and well/septic) on the subject property. Any future development will be required to meet the standards of KCC 17A Critical Areas.

The subject property is located within shoreline jurisdiction due to its proximity to Naneum Creek. Any development which occurs within shoreline jurisdiction is subject to the requirements of KCC Title 17B. Subdivision meets the definition of development under shoreline code and as such requires shoreline permitting. A shoreline exemption was issued for the proposed short plat on October 4, 2023. See shoreline exemption SX-23-00021 Craig.

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: Kittitas Valley Fire & Rescue, Washington Department of Transportation – Aviation, Confederated Tribes of the Colville Reservation, Snoqualmie Tribe, Washington Department of Fish & Wildlife, Kittitas County Public Health, Kittitas County Public Works. Substantive comments are addressed below.

Kittitas Valley Fire & Rescue

Kittitas Valley Fire & Rescue stated the access and turnarounds to both parcels must meet current IFC Appendix D standards. They also stated addressing should be clearly visible from both directions of travel on Charlton Rd.

Applicant Response: *No response provided.*

Staff Response: *The determination has been conditioned to meet the addressing requirements.*

WSDOT - Aviation

WSDOT - Aviation stated they had no comment or concerns.

Applicant Response: No response provided.

Staff Response: Staff has no response.

Confederated Tribes of the Colville Reservation

The Confederated Tribes of the Colville Reservation requested an Inadvertent Discovery Plan (IDP) be in place and if ground disturbing activities are to be conducted a cultural resource surface survey and subsurface testing of the area be performed.

Applicants Response: Chris Cruse stated no new or additional development is proposed as part of the short plat and a cultural resource survey study should not be required.

Staff Response: No ground disturbing activities are being proposed as part of SP-23-00005 Craig. The determination has been conditioned to prepare for the inadvertent discovery of cultural resources.

Snoqualmie Tribe

Snoqualmie Tribe stated they have no substantive comments.

Applicant Response: No response provided.

Staff Response: The determination has been conditioned to prepare for the inadvertent discovery of cultural resources.

Washington Department of Fish and Wildlife

WDFW stated they have no substantive objections to the short plat but wanted to comment on possible future development.

Applicant Response: No response provided.

Staff Response: There is no proposed development as part of the short plat. Future development will have to meet the criteria of KCC Title 17A and KCC Title 17B.

Kittitas County Public Health

KCPH provided comments noting water and on-site sewage requirements prior to final short plat.

Applicant Response: No response provided.

Staff Response: The determination has been conditioned to ensure all Public Health requirements are met prior to final short plat approval.

Kittitas County Public Works

KCPW provided comments regarding the requirements for grade and fill, access, survey, flood, and water mitigation/metering.

Applicant Response: No response provided.

Staff Response: The application has been conditioned to meet all State, Federal and Local codes.

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 V of this staff report, the following Comprehensive Plan policies apply to this proposal: RR-G22, RR-P40, RR-P42, RR-P47.

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

This proposal is consistent with Title 17A Critical Areas. CDS determined the Craig 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 several critical areas exist on the subject property, but it is determined that the proposed short plat will have no impact on the critical areas or associated buffers. GIS data shows a Type 2 (F) stream running roughly north to south near the east property boundary of parcel 558434 and west property boundary of parcel 205736. Wetlands (PFO1A) can be found on much of the subject property. No critical areas report is required as there is no development being proposed as part of the short plat and there is already existing development (event facility, residence, and well/septic) on the subject property. Any future development will be required to meet the standards of KCC 17A Critical Areas.

Consistency with the provisions of KCC 17B, Shorelines:

This proposal is consistent with Title 17B Shorelines. The subject property is located within shoreline jurisdiction due to its proximity to Naneum Creek. Any development which occurs within shoreline jurisdiction is subject to the requirements of KCC Title 17B. Subdivision meets the definition of development under shoreline code and as such requires shoreline permitting. A shoreline exemption was issued for the proposed short plat on October 4, 2023. See shoreline exemption SX-23-00021 Craig.

Consistency with the provisions of KCC 17.29, A-20 – Agriculture Zone:

This proposal is consistent with the Kittitas County Zoning Code for the Agriculture 20 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 KCC 16.12.040(1), New Small Lots Around Existing Residences:

This proposal, as conditioned, is consistent with the requirements of Kittitas County Code 16.12.040(1), New Small Lots Around Existing Residences.

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

All buildings must be in accordance with International Residential 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) 10.09-acre lot utilizing the “New Small Lots Around Existing Residences” section of Kittitas County Code 16.12.040(1), and one (1) 59.19-acre lot. The subject property is legally a single property that has been separated into two parcels for tax assessment purposes.
2. **Site Location:** Two tax parcels (#558434, #205736), located approximately 6.0 miles northeast of the City of Ellensburg off Charlton Rd., in Section 29, T19, Range 19, W.M.; Kittitas County parcel map number 19-19-29000-0022 and 19-19-29000-0023 with a land use designation of Rural Working and zoning designation of Agriculture 20.

3. **Site Information:**

Total Property Size:	68.83 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Existing well
Existing sewage Disposal:	Existing septic system
Fire District:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	N/A

Site Characteristics: The site consists of an event facility and a residence with an individual septic system and well.

Surrounding Property:

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

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: The project has existing access from Charlton Road. A 30' wide easement will be established on the existing driveway for access to Lot 2.

4. The Comprehensive Plan land use designation is "Rural Working".
5. The subject property is zoned "Agriculture 20".
6. A Short Plat permit application was submitted to Kittitas County Community Development Services on June 27, 2023. The application was deemed complete on July 12, 2023. A Notice of Application for the Craig Short Plat (SP-23-00005) 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 July 18, 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.
8. The following agencies provided comments during the comment period: Kittitas Valley Fire & Rescue, WSDOT – Aviation, Confederated Tribes of the Colville Reservation, Snoqualmie Tribe, WDFW, Kittitas County Public Health, Kittitas County Public Works.
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 Title 17B Shorelines as conditioned.
12. The proposed short plat is consistent with KCC 17.29 A-20 - Agriculture Zone as conditioned.
13. The proposed short plat is consistent with KCC 16.32.050 as conditioned.
14. The proposed short plat is consistent with KCC 16.12.040(1), New Small Lots Around Existing Residences, as conditioned.
15. The proposed short plat is consistent with KCC Title 14 Building and Construction as conditioned.
16. The proposed short plat is consistent with KCC 12 Roads and Bridges as conditioned.

17. 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 and KCC16.12.040(1), New Small Lots Around Existing Residences.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 17B Shorelines, 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 Craig Short Plat, SP-23-00005, 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 Residential 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, dated 2015. 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, 2015 edition.
- 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 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).
- M. Addressing shall be clearly visible from both directions of travel of Vantage Highway.

3. State and Federal

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

4. Water & Sewer

- A. A well log must be submitted to Kittitas County Public Health for the existing well on lot 1.
- B. A current water right for lot 1 must be provided.

5. New Small Lots Around Existing Residences

- A. A covenant precluding further division of any lots in the Craig Short Plat while designated for agricultural use by the adopted Kittitas County Comprehensive Plan shall be recorded with the County Auditor and a plat note shall reflect the recording number of the covenant.

6. Flood

- A. Portions of parcels 558434 and 205736 are within the FEMA identified special flood hazard area (100-year floodplain) zone A. If possible, any future development should occur outside of the floodplain in order to reduce risk and avoid mandatory flood insurance purchase requirements. All activities within the floodplain must be permitted through the floodplain development permit process and follow the regulations within KCC 14.08.

In accordance with KCC Chapter 14.08.220, All subdivisions as well as new development shall:

1. Be consistent with the need to minimize flood damage.
2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. Have adequate drainage provided to reduce exposure to flood damage.
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments containing greater than 50 lots or 5 acres (whichever is lesser) and shall be included as part of the application and shall be noted on the final mylar.
5. All subdivisions shall show on the face of both the preliminary and final plat, for either short or long plats, the boundary of the 100year floodplain and floodway.

Since the parcels are located in zone A, KCC 14.08.220(4) is applicable.
Please contact the Floodplain Administrator at 509-962-7523 for assistance.

7. Water Mitigation/Metering

- A. 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, consistent with KCC Chapter 13.35.027(2). 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:

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.

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.

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.
- 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.
- 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.
- 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.
- Pursuant to KCC 16.12.040 (1), further division of the parcels of the Craig Short Plat are restricted by covenant recorded at Instrument # _____.

9. 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-23-00005 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 November 9, 2023, at 5:00p.m. Appeals submitted on or before November 9, 2023, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.

Responsible Official



Chace Pedersen

Title: Planner I

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7637

Date: October 26, 2023