



Nelson View Short Plat
File Number SP-23-00007
FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. General Information

Requested Action: The applicant is proposing a 4-lot short plat resulting in two (2) 5.01-acre lots, one (1) 5.03-acre lot, and one (1) 25.03-acre lot.

Location: One tax parcel (#957098) located approximately 0.38 miles northwest of the intersection of Nelson Siding Rd. and Talmadge Rd., in Cle Elum, WA, in Section 20, T20, Range 14, W.M.; Kittitas County parcel map number 20-14-20040-0019, with a land use designation of Rural Residential and zoning designation of Agriculture 5.

Site Information:

Total Property Size:	40.08 acres
Number of existing lots:	1
Number of proposed lots:	4
Domestic Water:	Proposed Individual and Shared Wells
Existing sewage Disposal:	Individual On-site septic
Fire District:	Fire District 7 (Cle Elum)
Irrigation District:	Kittitas Reclamation District

Site Characteristics: The site consists of bare land zoned Agriculture 5 with a Rural Residential land use designation.

Surrounding Property:

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

Access: The project will be accessed via Nelson Siding Road and Talmadge Road.

II. Administrative Review

Notice of Application: A Short Plat permit application was submitted to Kittitas County Community Development Services on September 20, 2023. The application was deemed complete on October 18, 2023. A Notice of Application for the Nelson View Short Plat (SP-23-00007) 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 1, 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 0.38 miles northwest of the intersection of Nelson Siding Rd. and Talmadge Rd., in Cle Elum, WA, and has a zoning designation of Agriculture 5. The intent of this zoning classification is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-5 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 5 acres in the Agriculture 5 zone is being met by the proposed Nelson View Short Plat.

The project is being proposed under KCC 16.32.050 Short Plat Review.

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

Consistency Statement

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

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

Consistency Statement

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

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

Consistency Statement

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

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

Consistency Statement

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

Staff Comments

The Nelson View short plat as conditioned is consistent with the Kittitas County Comprehensive Plan Goals and Policies listed above. The proposal preserves the character of rural lands, is adequately served by local services, and meets density requirements for the established zoning designation.

V. Environmental Review

SEPA review was completed for the project through SEPA application SE-23-00009 Nelson View. An MDNS was issued on June 29, 2023. No appeals were received. As part of the SEPA review of the project, the applicants submitted a Non-Wetland and Fish and Wildlife Habitat Assessment Technical Memorandum from Soundview Consultants. The study concluded there were no regulatory streams or wetlands on the project sites. Two wetlands were observed to exist off the subject property, but the project was found to be outside of the wetland's respective buffers. No impact on the two offsite wetlands was expected from this project.

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: Confederated Tribes of the Colville Reservation, Kittitas PUD, Snoqualmie Tribe, Washington Department of Fish & Wildlife, WSDOT – Aviation, Kittitas County Public Health, Department of Ecology, Kittitas County Public Works. Comments are addressed below.

Confederated Tribes of the Colville Reservation

Confederated Tribes provided comments on cultural resources and requested a cultural resource survey of the project area.

Applicant Response: “The environmental/historical review was previously conducted through a SEPA review/and Mitigated DNS. Please refer to the MDNS for requirements. The scope of work has not changed from the beginning of this project. KCCDS requested a SEPA review be conducted on the project as a whole to ensure that the two short plats were not excluded from environmental/historical review. A Yakama Nation representative provided us with and approved IDP to utilize during her site visit for FPA review. We also contracted a very thorough IDP to be drafted by our hired archology crew. We have followed the most stringent requirement of the two. The current status of this project is that most ground disturbing activities have already been completed and final grading of imported materials for the road and driveway is the only thing remaining for our scope. We thank the Confederated Tribes of the Colville Reservation for taking the time to respond.”

Staff Response: The project has been conditioned to draft an Inadvertent Discovery Plan for ground disturbing activities.

Kittitas PUD

Kittitas PUD stated there are not any PUD power lines close to the project.

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

Staff Response: Staff provided this comment to the applicants for review.

Snoqualmie Tribe

The Snoqualmie Tribe recommended archaeological review to be performed for this project.

Applicant Response: “Please see above responses. We thank them for taking the time to respond.”

Staff Response: The project has been conditioned to draft an Inadvertent Discovery Plan for ground disturbing activities.

Washington Department of Fish and Wildlife

Washington Department of Fish and Wildlife provided the comments supplied for the SEPA review of the project (SE-23-00009 Nelson View) and gave recommendations regarding hydrology and storage of garbage.

Applicants Response: “I believe all concerns have been addressed throughout the multiple processes of this project. We thank them for taking the time to respond.”

Staff Response: Staff have provided the comments to the applicants.

WSDOT - Aviation

WSDOT – Aviation stated they have no comments.

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

Staff Response: Staff have provided the comments to the applicants.

Kittitas County Public Health

KCPH provided comments regarding on-site sewage and water requirements.

Applicant Response: “We thank them for taking the time to respond and adding clarity to the status of the project.”

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

Department of Ecology

The State of Washington Department of Ecology provided comments regarding water right requirements.

Applicant Response: “We understand the requirements and we thank them for their response.”

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

Kittitas County Public Works

KCPW provided comments regarding access, grading, survey, transportation concurrency, flood, and water mitigation/metering requirements.

Applicant Response: “We understand the remaining requirements and will get the survey adjustments addressed quickly.”

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

No public comments were received.

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-G7, RR-P9, RR-P10, and RR-P17.

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

This proposal, as conditioned, is consistent with KCC 17A Critical Areas requirements. SEPA review has been completed and the project was issued an MDNS on June 29, 2023. The applicants submitted a Non-Wetland and Fish and Wildlife Habitat Assessment Technical Memorandum as part of the SEPA Review.

Consistency with the provisions of KCC 17.28A, A-5 – Agriculture Zone:

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for the Agriculture 5 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:

As conditioned, the proposal is consistent with the provisions of KCC Title 14.04.

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

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

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

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

VIII. Findings of Fact

1. Requested Action: The applicant is proposing a 4-lot short plat resulting in two (2) 5.01-acre lots, one (1) 5.03-acre lot, and one (1) 25.03-acre lot.
2. Site Location: One tax parcel (#957098) located approximately 0.38 miles northwest of the intersection of Nelson Siding Rd. and Talmadge Rd., in Cle Elum, WA, in Section 20, T20, Range 14, W.M.; Kittitas County parcel map number 20-14-20040-0019, with a land use designation of Rural Residential and zoning designation of Agriculture 5.

3. Site Information:

Total Property Size:	40.08 acres
Number of existing lots:	1
Number of proposed lots:	4
Domestic Water:	Proposed individual and shared wells
Existing sewage Disposal:	Individual on-site septic
Fire District:	Fire District 7 (Cle Elum)
Irrigation District:	Kittitas Reclamation District

Site Characteristics: The site consists of bare land zoned Agriculture 5 with a Rural Residential land use designation.

Surrounding Property:

North: Residential properties, BNSF Railway, Interstate 90.

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

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

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

Access: The project will be accessed via Nelson Siding Road and Talmadge Road.

4. The Comprehensive Plan land use designation is “Rural Residential”.
5. The subject property is zoned “Agriculture 5”.
6. A Short Plat permit application was submitted to Kittitas County Community Development Services on September 20, 2023. The application was deemed complete on October 18, 2023. A Notice of Application for the Nelson View Short Plat (SP-23-00007) 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 1, 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: Confederated Tribes of the Colville Reservation, Kittitas PUD, Snoqualmie Tribe, WDFW, WSDOT – Aviation, Kittitas County Public Health, State of Washington Department of Ecology, Kittitas County Public Works.
9. SEPA review was completed for the project through SEPA application SE-23-00009 Nelson View. An MDNS was issued on June 29, 2023. 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 17.28A A5 – Agriculture 5 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 Requirements.
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 Nelson View Short Plat, SP-23-00007, 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 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).
- M. Transportation Concurrency Management Application Permit # TC-23-00005 shall be finalized prior to final short plat approval.

3. State and Federal

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

4. Survey

- A. Prior to Final Short Plat approval, the plat shall meet the requirements of WAC 332-130-145 regarding topographic elements.
- B. Per Note 5, Sheet 1, access to Lot 1A is via a private easement. No Lot 1A is shown on the face of this Short Plat. If this note is to remain, Lot 1A shall be shown as well as Pioneer Trail Road shall be labelled.
- C. Notes 6, 8, and 9 all reference different basis of bearings statements, and make references to Lots not shown on the face of the Short Plat. Please resolve, and if multiple Basis of Bearing were utilized, please include the rotation and direction (clockwise or counterclockwise), that was used to put it in the final rotation shown on the map.

5. Water

- 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, 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:

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.

B. Well logs and water rights shall be provided for the proposed lots.

6. 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.

7. 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. The applicant shall obtain an approved Forest Practices Application (FPA) from the Washington State Department of Natural Resources.
- D. Both sheets of the final mylars shall reflect short plat number SP-23-00007 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.
- E. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
- F. 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 January 25, 2024, at 5:00p.m. Appeals submitted on or before January 25, 2024, 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: January 9, 2024