

Condition Compliance Document

McIntosh SP-24-00013



12. The proposed short plat is consistent with KCC 16.32.050 as conditioned.
13. The proposed short plat is consistent with KCC 16.12.040(1), New Small Lots Around Existing Residences, as conditioned.
14. The proposed short plat is consistent with KCC Title 14 Building and Construction 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 20 Fire and Life Safety as conditioned.

Kittitas County CDS

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 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 McIntosh Short Plat, SP-24-00013, 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

Noted

Noted

- A. This application is subject to the latest revision of the Kittitas County Road Standards. The following conditions apply and must be completed prior to final approval of this project. A performance guarantee may be used in lieu of the required improvements, per the conditions outlined. (KCC 12.01.150)
- B. A driveway shall serve no more than four tax parcels. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- C. New access easements shall be a minimum of 30'. The roadway width shall have a minimum width of 12' if the length of the driveway is less than 150', or 16' if the length of the driveway is more than 150'.
- D. Driveways longer than 150' in length are required to provide a Fire Apparatus Road Turnaround meeting the requirements of 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. KCC allows up to 4 lots on a joint-use driveway. Additional lots utilizing easement Q may trigger private road standards and requirements (road naming and road certification). An access permit from WSDOT may be required.
- N. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created

parcel on this application.

- O. Easement Q has a drain field and shed located in access easement. Relocation of easement Q may be required.

3. State and Federal

- A. Applicant shall meet all state and federal regulations.
- B. An NPDES Construction Stormwater Permit will be required if there will be stormwater discharge from any construction site with disturbed ground.
- C. Prior to new parcels being created as part of this project, the applicants should clearly demonstrate that they are not creating lots that will require variances and/or reasonable use exceptions from the critical areas requirements or other relevant sections of code when development is proposed.
- D. WDFW shall be notified of any future grading and/or water crossing structures in and around Dry Creek and other channels in the project area and a Hydraulic Project Approval (HPA) may be required.
- E. Prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals for a project up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

- F. The applicant references the "McIntosh Well #1" water system (State DOH ODW ID #AD452) – this water system currently does not have capacity to serve additional connections, it has 2 active and 2 approved. To connect to the "McIntosh Well #1" water system – the applicant needs to complete the following:

- i. Show "McIntosh Well #1" has sufficient capacity – DOH requires a Capacity Analysis to be completed by a Professional Engineer licensed in the State of Washington and submitted to DOH for review and subsequent approval.
- ii. Show that proposed connections are within the legal service area of the "McIntosh Well #1" water system – the only approach to gain an expanded service area is by completing a planning document that is submitted to DOH for review and subsequent approval.

- G. Per WSDOT, the applicant is required to upgrade the permit to a Category II – Minor Connection. No new approaches to US 97 will be allowed.

4. New Small Lots Around Existing Residences

Noted

Shared Wells
with EH
approval

See attached
approval

Recorded
& referenced
in note 10

- A. A covenant precluding further division of any lots in the McIntosh 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.

5. Plat Notes

See sheet 3
of SP Map

- A. The following plat notes shall be recorded on the final mylar drawings:

Note 9

- 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.

Note 8

- All development shall comply with International Fire Code.

Note 4

- Maintenance of the access is the responsibility of the property owners who benefit from its use.

Note 5

- 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.

Note 16

- 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.

Note 6

- Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

Note 2

- 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.

Note 15

& 16

- 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 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.

Note 11

- 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.

Note 15 • 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.

Note 16 • 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.

Note 18 • Per WSDOT: A restrictive note must be placed on the plat indicating no direct access to US 97 will be allowed for Lot A1 (BK 24 of Surveys PG 230, AFN 200021270012). The property owner must contact Mark Kaiser at 509-577-1668 to update the permit.

Note 10 • Pursuant to KCC 16.12.040 (1), further division of the parcels of the McIntosh Short Plat are restricted by covenant recorded at Instrument # _____.

6. Other

- Noted {
- 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). 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-24-00013 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.

F. All individual and shared wells must be placed a minimum of fifty feet from all roads and property lines. Setbacks not meeting Kittitas County Code may be allowed at the discretion of the health officer.

G. The applicant must provide legal water availability for all new uses on the proposed lots of this project, which can be provided through mitigation certificates. Prior to final plat approval and recording, the following conditions shall be met. In accordance with KCC Chapter 13.35.027, the applicant shall provide one of the following documents before final plat approval. A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use; An adequate water right for the proposed new use; or a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank. All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.

H. Soil logs must be finalized prior to the final short plat approval for the locations of 1B and 2B. This will ensure that the soil is suitable for construction. Applicants shall ensure that the Group A water system has enough connections for the additional two plats.

I. The following survey notes must be addressed prior to final plat approval:

- i. Verify equipment used. Page one says GPS for contours, page three calls out a total station.
- ii. Missing basis of bearings.
- iii. SR97 needs to call out ownership and ROW width.
- iv. Width for existing easement needs to be added.
- v. Missing point of beginning of deed.
- vi. Currently, there are 3 access driveways to proposed lot 2A. Not shown on existing survey.

J. A portion of parcels #15102 and #866033 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:

- i. Be consistent with the need to minimize flood damage.
- ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- iii. Have adequate drainage provided to reduce exposure to flood damage.
- iv. 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

- v. noted on the final mylar.
All subdivisions shall show on the face of both the preliminary and final plat, for either short or long plats, the boundary of the 100-year floodplain and floodway.

- K. 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.

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 December 4, 2024, at 5:00 p.m. Appeals submitted on or before December 4, 2024, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.

Responsible Official



Zach Torrance-Smith

Title: Planner I

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7079

Date: November 14, 2024