



**Lewis Short Plat**  
**File Number SP-24-00011**  
**FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL**

**I. General Information**

**Requested Action:** The applicants are proposing a 4-lot short plat resulting in one (1) 1.20-acre lot, (1) 26.30-acre lot, (1) 2.00-acre lot and (1) 25.83-acre lot utilizing the "New Small Lots Around Existing Residences" section of Kittitas County Code 16.12.040(1).

**Location:** Two (2) tax parcels (# 910733 & # 952784), located approximately .5 miles east of the intersection of Hamilton Rd & Busch Rd, east of Ellensburg, WA, in Section 29, Township 17, Range 20, W.M.; Kittitas County parcel map number 17-20-29000-0004 & 17-20-29056-0003. The property is zoned Agriculture 20 with Rural Working Land Use designation.

**Site Information:**

Total Property Size:	55.33 acres
Number of existing lots:	2
Number of proposed lots:	4
Domestic Water:	Existing individual well
Existing sewage Disposal:	Existing on-site septic
Fire District:	Kittitas Valley Fire & Rescue (Fire District 2)

**Site Characteristics:** The site consists of developed land with a single-family residence on each lot and undeveloped land.

**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 Busch Road.

**II. Administrative Review**

**Notice of Application:** A Short Plat permit application was submitted to Kittitas County Community Development Services on August 1, 2024. The application was deemed complete on August 7, 2024. A Notice of Application for the Lewis Short Plat (SP-24-00011) 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 August 8, 2024. 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):** Bradley Gasawski, Staff Planner. Phone: (509) 962-7539, Email: [bradley.gasawski@co.kittitas.wa.us](mailto:bradley.gasawski@co.kittitas.wa.us).

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

The subject property is located approximately .5 miles east of the intersection of Hamilton Rd & Busch Rd, east of Ellensburg, WA, and has a zoning designation of Agriculture 20.

The purpose of the Agriculture (A-20) zone is an area wherein farming, ranching and rural life styles are dominant characteristics. 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 as seen in KCC 17.29.010. The minimum lot size is 20 acres as seen in KCC 17.29.040. The Lewis Short Plat is being proposed under KCC 16.12.040 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 bona fide, 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, as conditioned, meets the requirements of KCC16.12.040(1) New Small Lots Around Existing Residences; 1) The existing residence on proposed lot B was constructed in 1940 which meets the requirement of being a lawfully existing residence for at least the last 5 years under KCC 16.12.040(1)(i). The existing residence on proposed lot C was constructed in 1920 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 (proposed lot B) is 1.20 acres and meets the requirements of 16.12.040(1)(A)(ii). The small lot (proposed lot C) is 2.00 acres and meets the requirements of 16.12.040(1)(A)(ii). 3) The lot comprising the balance of the division (proposed lot A) is capable of meeting all setback requirement ensuring continued agricultural use. The lot comprising the balance of the division (proposed lot D) 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 Rural Working 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 located 1 mile west of Ellensburg, WA city limits with 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:

LU-G4: Maintain a flexible balance of land uses which will protect, preserve, and enhance the rural character, historical forest lands, agricultural industries, mineral lands, and high-quality environment.

### **Consistency Statement**

*The short plat will create four lots; two around existing homes allowing continued agriculture use of the rest of the property.*

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 short plat will provide four (4) plots with a single-family dwelling on two and planned continued use of agriculture on the other two (2) plots.*

RR-G16: Allow for residential opportunity with rural character and a variety of densities outside UGAs without population expecting all urban services.

### **Consistency Statement**

*Two single family lots will be created with lot size at 1.20 acre and the other lot size at 2.00 acres. Two (2) lots sized at 26.30 & 25.83 acres in Agriculture 20 zone maintaining the rural character and meeting the density requirements of Title 16.12.040 (1). The applicant would be able to build a home on the 26.30 & 25.83 acre lots per KCC 17.29.*

### **Staff Comments**

*The Lewis short plat as conditioned is consistent with the Kittitas County Comprehensive Plan Goals and Policies listed above. The proposal is adequately served by local services and meets density requirements for the zoning designations.*

## **V. Environmental Review**

A critical area review was performed by staff, and GIS data indicates two Type 9 (U) unidentified streams and a R5UBFx on proposed lot C. Two Type 9 (U) unidentified streams and two R4SBC wetlands on proposed lot D.

## **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 County Public Utilities District, Snoqualmie Tribe, Kittitas Reclamation District, Kittitas County Public Health Department, Kittitas County Public Works, WA Department of Ecology, and the Confederated Tribes of the Colville Reservation.

Comments are addressed below.

### **Kittitas County Public Utilities District**

Kittitas PUD does not have facilities in the project area, however, if desired Kittitas PUD can serve this location. Applicant should contact Kittitas PUD for power if desired.

*Applicant Response: No response.*

*Staff Response: Staff shared the comments with the applicant.*

### **Snoqualmie Tribe**

Based on the information provided and our understanding of the project and its APE we have no substantive comments to offer at this time.

*Applicant Response: No response.*

*Staff Response: Staff shared the comments with the applicant.*

### **Kittitas Reclamation District**

This parcel lies within the Kittitas Reclamation District and the landowner will be required to meet the KRD's Division Guidelines. Please have the landowner reach out to KRD to discuss.

*Applicant Response: No response.*

*Staff Response: Staff shared the comments with the applicant.*

### **Kittitas Public Health Department**

Soil logs are required to be recorded for lot A & D. Soil logs may be conducted by a professional engineer, licensed wastewater treatment system designer or KCPHD. The exiting wells on lot B & C must be fifty feet from all roads and property lines. If the lot lines are not configured to allow a one-hundred-foot radius protection zone to fit within the lot lines, then a one-hundred-foot protection zone must be recorded on the plat. Adequate water supply determination is required for the proposed land use. The adequate water supply determination must include: Valid shared well users agreement signed by both users of the well that is recorded with the county auditor. Passing water quality tests for coliform (within 1 year) and nitrates (3 years). A well log recorded within the last ten years or if a well log is not available a 4 hour draw down test. If the water source production is less than five gallons per minute, a water distribution system design must be submitted by a professional engineer.

*Applicant Response: No response.*

*Staff Response: Staff shared the comments with the applicant.*

### **Kittitas County Public Works**

Access:

- An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access.
- Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- New joint-use access easements shall be a minimum of 30' in width, new private road easements shall be a minimum of 50' in width.
- 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.
- Off Note: Please ensure that the parcel with the existing home addressed as 4141 Brown Road retains the address upon final recording of short plat.

Engineering:

- 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).

Survey

- The following review applies to the Prelim Short Plat only. Additional comments may address final submittal.
  1. Submittal does not meet the requirements of WAC:332-130-145 Topographic elements on maps.
  2. Proposed Lot B and Lot C do not appear to meet dimensional requirements per KCC 17.29.090.
  3. A basis of bearing will need to be identified and noted.

FOR FINAL

- At minimum, property corners will need to be set and shown on the map for the new boundaries. Please show the width and recording information for the existing easement through the middle of Lot A.

#### OF NOTE

- Lot closures were not reviewed as part of this submittal. Given the simplistic nature of the division, lot closures are not required. Title report was reviewed as part of this submittal. Ownership and legal description are fine.

#### Transportation Concurrency

- No transportation concurrency management application is required for this project.

#### Flood

- The proposed short plat is not located in a FEMA identified special flood hazard area (100-year floodplain). A floodplain development permit is not required for the project.

#### Water Mitigation/Metering

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.

#### Final Plat Notes

The following notes shall be placed on the face of the plat:

C-1 "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."

C-2 "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."

Applicant Response

*We submitted a letter to the file to address the PW survey comment 1 in regards to the topographic elements and will update mapping for final to address both survey comments 1 and 3. PW survey comment 2 about KCC 17.29.090 is not relevant as KCC 16.12.040 that allows for these homes to be split off has a clause in code that allows for the new lots to have dimensions less than required by the AG-20 zoning.*

Staff Response

*The application has been conditioned to meet requirements provided by KC Public Works. KCC 16.12.040(1) allows lot dimensions & size to differ from the zoning requirements of Ag 20, Ag 5 & Commercial Ag.*

**Washington Department of Ecology**

Water Quality Program

Dividing or platting a piece of property is often the first step in a proposed development. An NPDES Construction Stormwater Permit may be required if there is a potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placements, and building or upgrading roads. The permitting process requires going through SEPA, developing a stormwater pollution prevention plan, submitting an application, and a 30-day public notice process. This may take 38-60 days. A permit and a stormwater plan are required prior to beginning ground-breaking activities.

Water Resources Program

In Washington State, 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.

Applicant Response: *No response.*

Staff Response: *Staff shared the comments with the applicant.*

**Confederated Tribes of the Colville Reservation**

This proposed project is outside the CCT's Traditional Territories. Cultural resource concerns will be addressed by other interested Tribes and/or parties.

Applicant Response: *No response.*

Staff Response: *Staff shared the comments with the applicant.*

**Public Comments:**

No public comments were received during the comment period.

The applicant was transmitted all comments on August 26, 2024, and given until September 10, 2024 to submit any response comments. The applicant responded on September 5, 2024.

## **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 IV of this staff report, the following Comprehensive Plan policies apply to this proposal: LU-G4, RR-G7, RR-G16.

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

A critical area review was performed by staff, and GIS data indicates two Type 9 (U) unidentified streams and a R5UBFx on proposed lot C. Two Type 9 (U) unidentified streams and two R4SBC wetlands on proposed lot D. Any future development will need to meet the appropriate buffers.

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

This proposal is consistent with the Kittitas County Zoning Code for the A-20 – Agriculture 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 Title 12, Roads and Bridges:**

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

## **VIII. Findings of Fact**

1. Requested Action: The applicants are proposing a 4-lot short plat resulting in one (1) 1.20-acre lot, (1) 26.30-acre lot, (1) 2.00-acre lot and (1) 25.83-acre lot utilizing the “New Small Lots Around Existing Residences” section of Kittitas County Code 16.12.040(1).
2. Site Location: Two (2) tax parcels (# 910733 & # 952784), located approximately .5 miles east of the intersection of Hamilton Rd & Busch Rd, east of Ellensburg, WA, in Section 29, Township 17, Range 20, W.M.; Kittitas County parcel map number 17-20-29000-0004 & 17-20-29056-0003.
3. Site Information:

Total Property Size:	55.3 acres
Number of existing lots:	2
Number of proposed lots:	4
Domestic Water:	Existing individual well
Existing sewage Disposal:	Existing on-site septic
Fire District:	Kittitas Valley Fire & Rescue (Fire District 2)

Site Characteristics: The site consists of developed land with a single-family residence on each lot and undeveloped land.

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 Busch Road.

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 August 1, 2024. The application was deemed complete on August 7, 2024. A Notice of Application for the Lewis Short Plat (SP-24-00011) 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 August 8, 2024. 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 County Public Utilities District, Snoqualmie Tribe, Kittitas Reclamation District, Kittitas County Public Health Department, Kittitas County Public Works, WA Department of Ecology, and the Confederated Tribes of the Colville Reservation.
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 17.29 A20 – Agriculture 20 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.

## **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.
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 and Title 12 Roads and Bridges.

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

Kittitas County Community Development Services grants *preliminary approval* of the Lewis Short Plat, SP-24-00011, 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 2023. 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. 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.

- C. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain access.
- D. Any further subdivisions or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- E. New joint-use access easements shall be a minimum of 30' in width, new private road easements shall be a minimum of 50' in width.
- F. 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.
- G. 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.
- H. 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).

### **3. State and Federal**

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

### **4. New Small Lots Around Existing Residences**

- A. A covenant precluding further division of any lots in the Lewis 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. Water/ Sewer**

- A. 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.
- B. 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.
- C. 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.

- D. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.
- E. In accordance with Kittitas County Code 13.04.090, a minimum of one soil log for each proposed lot where individual sewage disposal systems are contemplated must be completed prior to final approval.
- F. This application is subject to the latest revision of the Kittitas County Code 13 Water & Sewers.

## **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.
  - 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 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.

## 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. Both sheets of the final mylars shall reflect short plat number SP-24-00011 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 October 22, 2024, at 5:00p.m. Appeals submitted on or before October 22, 2024, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.**

**Responsible Official**



Bradley Gasawski

**Title:** Planner I

**Address:** Kittitas County Community Development Services

411 N. Ruby Street, Suite 2  
Ellensburg, WA. 98926  
Phone: (509) 962-7539

**Date:** October 8, 2024