



**NH2G Short Plat**  
**File Number SP-23-00010**  
**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) 2.51-acre lot and one (1) 7.49-acre lot, utilizing the "New Small Lots Around Existing Residences" section of Kittitas County Code 16.12.040(1).

**Location:** One tax parcel (#330733), located approximately 115 feet South of the intersection of Interstate 90, approximately 3.3 miles East of Kittitas, in Section 16, T17N., Range 20 E., W.M.; Kittitas County parcel map number 17-20-16010-0010, with a land use designation of Rural Working and zoning designation of Agriculture-20.

**Site Information:**

Total Property Size:	10 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Existing shared well
Existing sewage Disposal:	Shared On-site septic
Fire District:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	Kittitas Reclamation District

**Site Characteristics:** The site consists of two (2) existing residences, and one shared septic system and well.

**Surrounding Property:**

North:	Privately owned land primarily used for agricultural and/or residential purposes. Interstate 90 is adjacent to parcel in this direction.
South:	Privately owned land primarily used for agricultural and/or residential purposes.
East:	Privately owned land primarily used for agricultural and/or residential purposes. Interstate 90 is adjacent to parcel in this direction.
West:	Privately owned land primarily used for agricultural and/or residential purposes.

**Access:** The project has existing access from Boylston Road via Hidden Acres Drive.

## II. Administrative Review

**Notice of Application:** A Short Plat permit application was submitted to Kittitas County Community Development Services on November 2, 2023. The application was deemed complete on November 8, 2023. A Notice of Application for the NH2G Short Plat (SP-23-00010) 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 8, 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):** Zach Torrance-Smith, Staff Planner. Phone: (509) 962-7079, Email: [zach.torrancesmith@co.kittitas.wa.us](mailto:zach.torrancesmith@co.kittitas.wa.us).

## III. Zoning and Development Standards

The subject property is located approximately 115 feet South of Interstate 90, approximately 3.3 miles East of Kittitas, WA, and has a zoning designation of Agriculture-20 with a Land Use designation of Rural Working. 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. The Agriculture-20 zone has a minimum lot size of 20 acres. The NH2G 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 sublaterals); 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 residences on proposed lot 1 and 2 were constructed in 1983 and 1987 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 2.51 acres and meets the requirements of 16.12.040(1)(A)(ii), 3) The lot comprising the balance of the division is capable of meeting all setback requirements 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-P109: Kittitas County will continue to research innovative incentive-based ordinances that encourage and preserve resource land activity.

### **Consistency Statement**

*KCC 16.12.040 (1)(A) New Small Lots Around Existing Residences was adopted through the 2022 docket cycle, allowing for property owners to create a small lot around their existing residence and place a covenant precluding further division of the subject lot while designated for agricultural use. The NH2G short plat is being proposed under KCC 16.12.040(1)(A).*

RR-P119: The County should promote the preservation of agricultural activities through programs that encourage long-term ownership and production on agricultural lands.

### **Consistency Statement**

*The proposed short plat will create a small lot and a larger lot from the subject parcel and will provide provisions in which the lots must be able to meet setbacks to allow for continued agricultural uses.*

RR-P121: The County should encourage development projects whose outcome will be the significant conservation of farmlands.

### **Consistency Statement**

*The proposed short plat will create a small lot and a larger lot from the subject parcel and will provide provisions in which the lots must be able to meet setbacks to allow for continued agricultural uses.*

RR-P135: All plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that states that: “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.” (RCW 7.48.305)

#### Consistency Statement

*The NH2G Short Plat as conditioned is consistent with RR-P135.*

#### Staff Comments

*The NH2G short plat as conditioned is consistent with the Kittitas County Comprehensive Plan Goals and Policies listed above. The proposal preserves resource lands and allows for continued rural working land use.*

### **V. Environmental Review**

CDS determined the NH2G 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 no wetlands exist on proposed lots. Any future development will be required to meet the standards of KCC 17A Critical Areas.

### **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 Public Utility District, Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal, Snoqualmie Tribe, Kittitas County Public Works, Washington State Department of Fish and Wildlife, Kittitas County Department of Public Health, Kittitas County Fire and Rescue (Fire District #2).

#### Snoqualmie Tribe

Snoqualmie Tribe stated they have no substantive comments.

Applicant Response: *No response provided.*

Staff Response: *As the agency has no substantive comments, 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.

*Applicant Response: "I do want to clarify that there will be no new or additional development or earthwork on this property for this application and should not need a cultural resource study at this time. This application is simply trying to establish separate tax parcels on the 2 existing homes with existing drain fields and there should be no ground disturbing activities necessary to complete this application." Chris Cruse - Surveyor*

*Staff Response: No ground disturbing activities are proposed for the NH2G Short Plat. The determination has been conditioned to prepare for the inadvertent discovery of cultural resources.*

### **Kittitas Public Utility District**

Kittitas Public Utility District stated that they need to be contacted by the applicants if they plan to modify the power services to the parcels in any way.

*Applicant Response: "Most comments from the various departments look typical of similar applications and have no concern." Chris Cruse - Surveyor*

*Staff Response: As the comment provided was only relevant under certain circumstances, staff has no response.*

### **Kittitas Valley Fire & Rescue**

Kittitas Valley Fire & Rescue stated that a fire engine turnaround that is also an easement will be required before final approval. This turnaround will be required to be approved according to the 2018 International Fire Code, Appendix D.

*Applicants Response: "Most comments from the various departments look typical of similar applications and have no concern." Chris Cruse - Surveyor*

*Staff Response: As the comment provided was a requirement, staff hereby communicates that this condition will be required to be met before final approval.*

### **Kittitas County Public Health**

Kittitas County Public Health stated that a signed, notarized water user's agreement is required for this project prior to final approval.

*Applicant Response: "Most comments from the various departments look typical of similar applications and have no concern." Chris Cruse - Surveyor*

*Staff Response: As the comment provided was a requirement, staff hereby communicates that this condition will be required to be met before final approval.*

### **Kittitas County Public Works**

KCPW provided comments regarding access permits, driveway maintenance responsibility, access easements required dimensions, the requirement to include a fire turnaround of adequate size, the requirement of the mobile home to retain its address, the required road standards, grading and filling

requirements, and final survey submittal comments that convey requirements.

Applicant Response: “Most comments from the various departments look typical of similar applications and have no concern.” Chris Cruse - Surveyor

Staff Response: As the comments provided are requirements, staff hereby communicates that these conditions will be required to be met before final approval.

#### **Kittitas County Fire Marshal**

KCFM provided comments conveying the following requirements: A fire turnaround will be required pursuant to the requisites stated in the 2018 International Fire Code, Appendix D. KCFM also stated that indicated provisions are not adequate to address this requirement. KCFM also indicated that there can be no access gate to the included properties without a permit.

Applicant Response: “Most comments from the various departments look typical of similar applications and have no concern.” Chris Cruse – Surveyor

Staff Response: As the comments provided are requirements, staff hereby communicates that these conditions will be required to be met before final approval.

#### **Washington State Department of Fish and Wildlife**

WDFW stated that there is a discrepancy on submitted materials where a priority habitat, Shrub-Steppe, is not stated as being present on the property. The WDFW further states that this is in fact a priority habitat according to the Critical Areas Ordinance. The WDFW further states that if these properties are developed further, it will be necessary to develop a plan collaboratively to minimize impacts on priority species that may be present.

Applicant Response: “Most comments from the various departments look typical of similar applications and have no concern.” Chris Cruse – Surveyor

Staff Response: As the comments provided are requirements, staff hereby communicates that these conditions will be required to be met before final approval.

#### **Mary Pearson – Adjacent Property Owner**

Adjacent property owner Mary Pearson provided comments November 16, 2023. MP stated that the property in question is in poor condition. She stated that the manufactured home is dilapidated and falling apart. She stated that there is garbage piled on the property that was abandoned by the previous owners and that the wind frequently causes garbage to blow onto adjacent properties. She provided photographs to corroborate these claims. She further stated that the shared driveway is a private road and that all property owners who use it help pay for its maintenance, except the property owners of parcel 330733.

Applicant Response: “The property is under new ownership with plans to address all clean up and repairs to the site.” Chris Cruse – Surveyor

Staff Response: As the comment provided has been addressed, staff has no response. Failure to fully clean up the property may result in a code enforcement case being established.

## **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-P109, RR-P119, RR-P121, and RR-P135.

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

A desktop critical area review was performed by staff and GIS data indicates there are no wetlands or streams present on the property.

**Consistency with the provisions of KCC 17.31, CA – Commercial Agriculture Zone:**

This proposal, as conditioned, 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 Building Codes.

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

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

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

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

## **VIII. Findings of Fact**



1. Requested Action: The applicants are proposing a 2-lot short plat resulting in one (1) 2.51-acre lot and one (1) 7.49-acre lot, utilizing the “New Small Lots Around Existing Residences” section of Kittitas County Code 16.12.040(1).
2. Site Location: One tax parcel (#330733) located approximately 115 feet South of Interstate 90, approximately 3.3 miles East of Kittitas, WA, in Section 16, T17N., Range 20 E., W.M.; Kittitas County parcel map number 17-20-16010-0010, with a land use designation of Rural Working and a zoning designation of Agriculture-20.

3. Site Information:

Total Property Size:	10 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Existing shared well
Existing sewage Disposal:	Shared On-site septic
Fire District:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	Kittitas Reclamation District

Site Characteristics: The site consists of two (2) existing residences, and one shared septic system and one shared well.

Surrounding Property:

North: Privately owned land primarily used for agricultural and/or residential purposes.  
Interstate 90 is adjacent to the property in this direction.

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

East: Privately owned land primarily used for agricultural and/or residential purposes.  
Interstate 90 is adjacent to the property in this direction.

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

Access: The project has existing access from Boylston Road, via Hidden Acres Drive.

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 November 2, 2023. The application was deemed complete on November 8, 2023. A Notice of Application for the NH2G Short Plat (SP-23-00010) 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 8, 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, provided that aforementioned required provisions are met.

8. The following agencies provided comments during the comment period: Kittitas Public Utility District, Confederated Tribes of the Colville Reservation, Kittitas County Fire Marshal, Snoqualmie Tribe, Kittitas County Public Works, Washington State Department of Fish and Wildlife, Kittitas County Department of Public Health, Kittitas County Fire and Rescue (Fire District #2). In addition, one adjacent property owner also provided comments.
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 CA – 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 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.

## **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 NH2G Short Plat, SP-23-00010, 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).

### **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 NH2G 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. Survey**

- A. The new division line shall have corners set in the field and be shown on the face of the survey.
- B. The final plat shall show the basis of bearing.
- C. Note 4 should address the angular discrepancy between section lines and property lines vs. the document of record.

### **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.
- 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 NH2G Short Plat are restricted by covenant recorded at Instrument # \_\_\_\_\_.

## **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-23-00010 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 January 8, 2024, at 5:00p.m. Appeals submitted on or before January 8, 2024, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.**

**Responsible Official**



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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:** December 18, 2023