



Mohar Short Plat
File Number SP-24-00005
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) 5.01-acre lot, one (1) 6.70-acre lot, one (1) 6.70-acre lot, and one (1) 20.06-acre lot, utilizing the “Short Plat Requirements” section of Kittitas County Code 16.32.

Location: Three tax parcels (#205534, #14362, and #19296), located approximately 0.95 miles South of South Cle Elum, WA, in a portion of the W ½ of the SE ¼ of Section 3, T. 19 N., Range 15 E., W.M.; Kittitas County parcel map numbers 19-15-03040-0020, 19-15-03040-0018, and 19-15-03040-0006, with a land use designation of Rural Residential and a zoning designation of Rural-5.

Site Information:

Total Property Size: 38.47 acres
Number of existing lots: 3
Number of proposed lots: 4
Domestic Water: Individual/Shared Wells
Existing Sewage Disposal: Individual Septic System
Fire District: Cle Elum (Fire District 7)
Irrigation District: Kittitas Reclamation District

Site Characteristics: The site consists of primarily residential structures, including a single-family residence and a garage/shop structure. The site also has limited agricultural activities taking place with associated infrastructure.

Surrounding Property:

North: Primarily agricultural land with associated private residences in a Rural-5 zoning designation.

South: Bonneville Power Administration power lines in a Forest & Range zoning designation.

East: Primarily agricultural land with associated private residences in a Rural-5 zoning designation.

West: Primarily agricultural land with associated private residences in a Rural-5 zoning designation.

Access: The project has existing access from Mohar Rd. via private access easements.

II. Administrative Review

Notice of Application: A Short Plat permit application was submitted to Kittitas County Community Development Services on April 2, 2024. The application was deemed complete on April 3, 2024. A

Notice of Application for the Mohar Short Plat (SP-24-00005) was mailed to all federal, state, and local agencies/departments with potential interest in the proposal as well as to all adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel on April 3, 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): Zach Torrance-Smith, Staff Planner. Phone: (509) 962-7079, Email: zach.torrancesmith@co.kittitas.wa.us.

III. Zoning and Development Standards

The subject property is located approximately 0.95 Miles South of South Cle Elum, WA, and has a zoning designation of Rural-5 with a Land Use designation of Rural Residential. The purpose and intent of this zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. The Mohar Short Plat is being proposed under KCC 16.32 Short Plat Requirements.

Staff Conclusions

The proposal, as conditioned, meets the requirements of KCC 16.32.

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

Consistency Statement

The proposed short plat will allow for more residential opportunity with the addition of a new parcel, while respecting the minimum lot sizes for the established zone and accommodating the preservation of rural character.

RR-P37: Innovative housing developments which preserve rural character will be encouraged.

Consistency Statement

The proposed short plat provides additional space for housing developments, while respecting and preserving associated rural character as is reflected by remaining above the minimum acreage requirements for this zone.

Staff Comments

The Mohar short plat as conditioned is consistent with the Kittitas County Comprehensive Plan Goals and Policies listed above. The proposal preserves rural character and allows for continued rural residential land use.

V. Environmental Review

CDS determined the Mohar 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. There is an undefined type 9 stream on the property that will require a minimum RMZ buffer of 50 feet, however no development is proposed as part of this proposal. 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: Confederated Tribes of the Colville Reservation, Department of Archaeology and Historic Preservation, Washington State Department of Ecology, Washington State Department of Natural Resources, Kittitas County Public

Health, Snoqualmie Tribe, Washington Department of Fish and Wildlife, Kittitas County Public Works.

Confederated Tribes of the Colville Reservation

The Confederated Tribes of the Colville Reservation provided comments requesting an Inadvertent Discovery Plan be in place if any ground disturbing activities occur. An archaeological investigation was also requested by the Colville Tribe. The Colville Tribe also stated that a cultural resource survey is recommended prior to any additional development.

Applicant Response: “Thank you for your comments. I understand the Tribal and DAHP’s interest in the cultural resources of the Mohar farm site. The heritage 1917 home and barn have been preserved by the applicant and are respected in the proposal. No survey is planned but we accept the need for an inadvertent discovery plan (IDP) if evidence is uncovered during implementation.”

Staff Response: staff has conditioned the proposal to require an inadvertent discovery plan be in place during implementation.

Department of Archaeology and Historic Preservation

The Department of Archaeology and Historic Preservation recommended a professional archaeological survey be conducted. DAHP also recommended a historical evaluation of structures to determine if any are historically significant to the point that they should be preserved.

Applicant Response: “Thank you for your comments. I understand the Tribal and DAHP’s interest in the cultural resources of the Mohar farm site. The heritage 1917 home and barn have been preserved by the applicant and are respected in the proposal. No survey is planned but we accept the need for an inadvertent discovery plan (IDP) if evidence is uncovered during implementation.”

Staff Response: Staff finds that the applicant has addressed DAHP requests adequately and has no further comment.

Washington State Department of Ecology

The Washington State Department of Ecology provided comments concerning the need to account for stormwater issues, as well as requirements for withdrawing groundwater.

Applicant Response: “Thank you for your comments. I acknowledge the Water Quality concerns and we will undertake the NPDES if necessary. We plan to file and Application for New Water Right Permit as well.”

Staff Response: Staff hereby affirms the requirements outlined by the WSDOE.

Washington State Department of Natural Resources

The WSDNR provided comments relating to Forest Practices Application requirements.

Applicants Response: “Thank you for your comments. We will contact the SE Regional Office regarding a FPA for limited forest thinning planned.”

Staff Response: As it appears that the applicant has adequately addressed the agency’s requirements, staff has no further comment.

Kittitas County Public Health

Kittitas County Public Health provided comments relating to well easement specifications, well requirements, as well as requiring a Well User's Agreement be in place and the completion of a Well Log and a Soil log.

Applicants Response: "Thank you for your comments. A Shared Water System will be recorded with an easement for future owners. A 100 foot radius water supply protection zone will be established for the existing and proposed new well site. Signed, notarized and recorded two party shared well user's agreements will be submitted to the Health Dept. for review. A Soil Log will be performed for each disposal area on each proposed lot."

Staff Response: As the comments communicated included requirements, staff hereby affirms KCPH comments and their associated requirements.

Snoqualmie Tribe

The Snoqualmie Tribe submitted comments asking to be informed if this project changes in any way so they can provide additional comments.

Applicants Response: "Thank you for your comments."

Staff Response: As the comments submitted were requests, staff has no further comment.

Washington Department of Fish and Wildlife

WDFW provided comments recommending a critical areas study.

Applicants Response: "Thank you for your comments. We will contact DFW for a site visit to better understand the intermittent stream and potential other critical areas onsite. None of these areas are proposed to be impacted by the driveway or building locations proposed under this short plat."

Staff Response: As the applicants appear to have adequately addressed WDFW comments, staff has no further comment.

Kittitas County Public Works

Kittitas County Public Works provided comments addressing driveway requirements, survey requirements, water availability requirements and final plat notes.

Applicants Response: "Thank you for your comments. We will comply with your requirements."

Staff Response: As the applicants have stated they will comply with KCPW requirements, staff has no further comment.

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: RR-G16, RR-P37.

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 present on the property.

Consistency with the provisions of KCC 17.30A, Rural-5 Zone:

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for the Rural-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:

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 4-lot short plat resulting in one (1) 5.01-acre lot, one (1) 6.70-acre lot, one (1) 6.70-acre lot, and one (1) 20.06-acre lot, utilizing the “Short Plat Requirements” section of Kittitas County Code 16.32.
2. **Site Location:** Three tax parcels (#205534, #14362, and #19296) located approximately 0.95 miles South of South Cle Elum, WA, in a portion of the W ½ of the SE ¼ of Section 3, T. 19 N., Range 15 E., W.M.; Kittitas County parcel map numbers 19-15-03040-0020, 19-15-03040-0018, and 19-15-03040-0006, with a land use designation of Rural Residential and a zoning designation of Rural-5.

3. **Site Information:**

Total Property Size:	38.47 acres
Number of existing lots:	3
Number of proposed lots:	4
Domestic Water:	Individual/Shared Wells
Existing sewage Disposal:	Individual Septic System
Fire District:	Cle Elum (Fire District 7)

Irrigation District:

Kittitas Reclamation District

Site Characteristics: The site consists of primarily residential structures including a single-family residence, and a garage/shop. The site also has limited agricultural activities and associated infrastructure.

Surrounding Property:

North: Primarily agricultural land with associated private residences in a Rural-5 zoning designation.

South: Bonneville Power Administration power lines in a Forest & Range zoning designation.

East: Primarily agricultural land with associated private residences in a Rural-5 zoning designation.

West: Primarily agricultural land with associated private residences in a Rural-5 zoning designation.

Access: The project has existing access from Mohar Rd. via private access easements.

4. The Comprehensive Plan land use designation is “Rural Residential”.
5. The subject property is zoned “Rural-5”.
6. A Short Plat permit application was submitted to Kittitas County Community Development Services on April 2, 2024. The application was deemed complete on April 3, 2024. A Notice of Application for the Mohar Short Plat (SP-24-00005) was mailed to all federal, state, and local agencies/departments with potential interest in the proposal as well as to all adjacent landowners located within 500 feet of any portion of the boundary of the proposal’s tax parcel on April 3, 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, provided that aforementioned required provisions are met.
8. The following agencies provided comments during the comment period: Confederated Tribes of the Colville Reservation, Department of Archaeology and Historic Preservation, Washington State Department of Ecology, Washington State Department of Natural Resources, Kittitas County Public Health, Snoqualmie Tribe, Washington Department of Fish and Wildlife, Kittitas County Public Works.
9. SEPA review was not required. This project is exempt under WAC 197-11-800 (6)(d). The proposed short plat is consistent with KCC Title 15.
10. The proposed short plat is consistent with KCC Title 17A Critical Areas as conditioned.
11. The proposed short plat is consistent with KCC 17.30A Rural-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.
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 Mohar Short Plat, SP-24-00005, based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

Conditions of Approval:

1. Building

- A. All new construction must meet the International 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. 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.

- 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. 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.

5. 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.
- 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.

6. 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. A Forest Practices Application (FPA) from the DNR shall be obtained if merchantable timber is removed/harvested as part of the proposal and/or is being converted out of forest land (RCW 76.09 and WAC 222).
- D. Both sheets of the final mylars shall reflect short plat number SP-24-00005 and an accurate legal description shall be shown on the face of the final plat. Engineers and Surveyors need to be cognizant of all the requirements related to Final Plats (KCC 16.20) and Survey Data and Dedications (KCC 16.24). The final plat must be submitted in full conformance with these chapters of Kittitas County Code; **non-compliant mylars will be rejected and returned to the applicant.** A final plat file number will be assigned when CDS receives your final plat application. This file number will also be required on the face of the final plat.
- 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 May 24, 2024, at 5:00p.m. Appeals submitted on or before May 24, 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: May 9, 2024