



**Hull Short Plat**  
**File Number SP-24-00006**  
**FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL**

**I. General Information**

**Requested Action:** The applicants are proposing a 3-lot short plat resulting in one (1) 20-acre lot, one (1) 20.04-acre lot, and one (1) 8.15-acre lot, utilizing the "New Small Lots Around Existing Residences" section of Kittitas County Code 16.12.040(1)(iii)(b).

**Location:** One tax parcel (#855636), located approximately 3.6 miles Southeast of Kittitas, WA, in Section 28, T. 17 N., Range 20 E., W.M.; Kittitas County parcel map number 17-20-28000-0012, with a land use designation of Rural Working and a zoning designation of Agriculture-20.

**Site Information:**

Total Property Size:	48.00 acres
Number of existing lots:	1
Number of proposed lots:	3
Domestic Water:	Individual/Shared Wells
Existing Sewage Disposal:	Existing Individual Septic
Fire District:	Cle Elum (Fire District 7)
Irrigation District:	Kittitas Reclamation District

**Site Characteristics:** The site consists of an existing home, well & septic system/drainfield, irrigation features, and agricultural land primarily used for open livestock grazing.

**Surrounding Property:**

**North:** Primarily agricultural land with private residences in an Agriculture-20 zoning designation.

**South:** Primarily agricultural land with private residences in an Agriculture-20 zoning designation.

**East:** Open range land in a Commercial Agriculture zoning designation owned by the US Army Corps of Engineers.

**West:** Primarily agricultural land with private residences in an Agriculture-20 zoning designation.

**Access:** The project has existing access from Bare Road via a private driveway.

**II. Administrative Review**

**Notice of Application:** A Short Plat permit application was submitted to Kittitas County Community Development Services on April 23, 2024. The application was deemed complete on April 30, 2024. A Notice of Application for the Hull Short Plat (SP-24-00006) 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 May 1, 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](mailto:zach.torrancesmith@co.kittitas.wa.us).

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

The subject property is located approximately 3.6 Miles Southeast 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 Hull Short Plat is being proposed under KCC 16.12.040(1)(iii)(b) "New Small Lots Around Existing Residences".

#### **Staff Conclusions**

The proposal, as conditioned, meets the requirements of KCC 16.12.040(1)(iii)(b).

#### **KCC 16.12.040(1)(iii)(b) 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; 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-P42: Irrigation delivery facilities should be managed and maintained to facilitate the unimpeded delivery of water to agricultural lands.

### **Consistency Statement**

*The proposed short plat is being proposed, in part, to align with existing irrigation infrastructure that already exists, per the applicant's project narrative. The new parcel boundaries will allow for more efficient use of existing irrigation infrastructure.*

RR-G22: Provide preservation of agriculture activities where producers can live and work on their own lands separate from Resource Lands.

#### Consistency Statement

*The proposed short plat does not diminish the agricultural viability and productivity of the existing acreage and will allow for continued use of grazing lands, along with low-density residential use that preserves associated rural character.*

#### Staff Comments

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

### **V. Environmental Review**

CDS determined the Hull 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.

### **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, Kittitas County Public Health, Kittitas Reclamation District, Yakama Nation Cultural Resources Program, Kittitas County Public Works.

#### Confederated Tribes of the Colville Reservation

The Confederated Tribes of the Colville Reservation provided comments requesting an Inadvertent Discovery Plan (IDP) be in place prior to construction, as well as requested a Cultural Resources Survey.

*Applicant Response: "This property has been worked and tilled for agricultural use for decades and does not contain any undisturbed ground. No earthwork is planned for this application and a cultural resource study should not be needed at this time. I suggest the county place a notice on this application requiring the lot owners to contact authorities in case of any inadvertent discoveries and also place a notice on the plat that further review may be required for future development. These notices would hopefully address any archeological and cultural concerns."*

*Staff Response: As the applicants have responded to the CTCR requests, staff has included a condition of approval to include an inadvertent discovery plan be in place prior to any ground disturbing activities.*

#### Department of Archaeology and Historic Preservation

The Department of Archaeology and Historic Preservation provided comments recommending a professional archaeological survey, as well as a recommendation to evaluate any buildings on site for

historical value/preservation.

*Applicant Response: “The original home was built in 1950 as a block house. In 1977, the house was remodeled and an approximate 700 SF addition was built to make the home about 1650 SF. The addition and existing house were all covered with hardy plank siding and new asphalt shingle roof. In 1979, a 24'x60' pole barn was built on the property. It has the standard metal roof and siding. We do not believe either structure would be eligible for the National Register of Historic Places, thus negating the need for a study. We can provide pictures if required.”*

*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 pertaining to the withdrawal of groundwater and associated requirements.

*Applicant Response: “Thank you for sending the comments received on our application and most look typical from the various departments.”*

*Staff Response: Staff hereby affirms the comments from the WSDOE and will defer to their requirements in the event that withdrawal of groundwater takes place.*

#### **Kittitas County Public Health**

Kittitas County Public Health provided comments pertaining to well requirements and soil log requirements.

*Applicants Response: “Thank you for sending the comments received on our application and most look typical from the various departments.”*

*Staff Response: Staff has included conditions in the decision to comply with the requirements set forth by Kittitas County Public Health.*

#### **Kittitas Reclamation District**

Kittitas Reclamation District provided comment stating that applicants will be required to meet KRD General Subdivision Guidelines.

*Applicants Response: “Thank you for sending the comments received on our application and most look typical from the various departments.”*

*Staff Response: Staff hereby affirms the comments made by KRD and have conditioned the decision to comply with their general subdivision guidelines.*

#### **Kittitas County Public Works**

Kittitas County Public Works provided comments stating several requirements. 1.) An updated KRD crossing license will be required. 2.) A bridge permit may be required. 3.) The county surveyor does not have requirements for the preliminary survey, but does have listed requirements for the final survey. 4.) The county Water Resources Specialist provided requirements for legal water availability. The applicants will need to provide one of three listed documents prior to final approval. 5.) The county Water Resources Specialist also has required information be submitted pertaining to “proximate parcels” held in “common ownership” as defined by WAC 173-539A-030. The applicants

must also demonstrate how proposed new uses will not violate RCW 90.44.050. 6.) Final plat notes were also listed by KCPW.

*Applicants Response: “Under the Access Sections of Comments there is a statement that says “of note: Can you verify if there is a second house (822 Bare Rd) on this parcel.” Our response: There is not a second house on the property. There used to be a double-wide trailer up the hill behind the existing house and is possibly what the DPW is referring to as 822 Bare Rd. This house was demolished and removed from the property in 1995 or 1996. Thank you for sending the comments received on our application and most look typical from the various departments.”*

*Staff Response: “As the comments submitted by KCPW include requirements, staff hereby reaffirms said requirements stated by KCPW.”*

## **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-P42 and RR-G22.

### **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. There are several irrigation features which Kittitas County does not regard or regulate as actual streams or wetlands.

### **Consistency with the provisions of KCC 17.29, Agriculture-20 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 3-lot short plat resulting in one (1) 20-acre lot, one (1) 20.04-acre lot, and one (1) 8.15-acre lot, utilizing the “New Small Lots Around Existing Residences” section of Kittitas County Code 16.12.040(1)(iii)(b).
2. Site Location: One tax parcel (#855636) located approximately 3.6 miles Southeast of Kittitas, WA, in Section 28, T. 17 N., Range 20 E., W.M.; Kittitas County parcel map number 17-20-28000-0012, with a land use designation of Rural Working and a zoning designation of Agriculture-20.

3. Site Information:

Total Property Size:	48.00 acres
Number of existing lots:	1
Number of proposed lots:	3
Domestic Water:	Individual/Shared Wells
Existing sewage Disposal:	Existing Individual Septic
Fire District:	Cle Elum (Fire District 7)
Irrigation District:	Kittitas Reclamation District

Site Characteristics: The site consists of an existing home, well, septic system and drainfield, irrigation features, and agricultural land primarily used for open grazing.

Surrounding Property:

North: Primarily agricultural land with private residences in an Agriculture-20 zoning designation.

South: Primarily agricultural land with private residences in an Agriculture-20 zoning designation.

East: Open range land in a Commercial-Agriculture zoning designation owned by the US Army Corps of Engineers.

West: Primarily agricultural land with private residences in an Agriculture-20 zoning designation.

Access: The project has existing access from Bare Road via a private driveway.

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 April 23, 2024. The application was deemed complete on April 30, 2024. A Notice of Application for the Hull Short Plat (SP-24-00006) 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 May 1, 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. The proposal is also consistent with Kittitas County Subdivision Code 16.12.040(1)(iii)(b), New Small Lots Around Existing Residences. 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, Kittitas County Public Health, Kittitas Reclamation District, Yakama Nation Cultural Resources Program, 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 17.29 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)(iii)(b) 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.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 16.12.040(1)(iii)(b).
5. 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 Hull Short Plat, SP-24-00006, 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. Public Health**

- A. Soil logs must be completed prior to signature on final plat.
- B. Well logs for all three lots shall be submitted prior to final plat approval. A shared well for lots 1 and 2 is possible if an agreement is signed, notarized, recorded and submitted to health department.

### **4. State and Federal**

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

### **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.

### **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.
- 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.

## **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. An Inadvertent discovery plan shall be in place prior to any ground disturbing activities associated with the proposed subdivision.
- C. 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.
- D. Written documentation that the subdivision has been reviewed and complies with the Kittitas Reclamation District's subdivision guidelines must be submitted prior to final plat approval.
- E. Both sheets of the final mylars shall reflect short plat number SP-24-00006 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.

- F. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
- G. 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 June 20, 2024, at 5:00p.m. Appeals submitted on or before June 20, 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:** June 4, 2024