



McIntosh Short Plat
File Number SP-24-00013 McIntosh
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) 10.26-acre lot, one (1) 15.30-acre lot, one (1) 6.35-acre lot, and one (1) 9.25-acre lot, utilizing the "New Small Lots Around Existing Residences" section of Kittitas County Code 16.12.040(1).

Location: Two tax parcels (#15102 & #866033), located approximately 3.43 miles Northwest of Ellensburg, WA, in a portion of Section 8, T. 18 N., Range 18 E., W.M.; Kittitas County parcel map numbers 18-18-08020-0003 & 18-18-08020-0002, with a land use designation of Rural-Working and a zoning designation of Agriculture-20.

Site Information:

Total Property Size:	41.16 acres
Number of existing lots:	2
Number of proposed lots:	4
Domestic Water:	Existing Group A Water System
Existing sewage Disposal:	Existing Individual Septic System
Fire District:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	Kittitas Reclamation District

Site Characteristics: The site consists of existing residences and associated non-residential structures, along with existing septic systems.

Surrounding Property:

North:	Existing low-density private residences within an Agriculture-20 zoning designation.
South:	Existing low-density private residences within an Agriculture-20 zoning designation.
East:	Existing low-density private residences within an Agriculture-20 zoning designation.
West:	Existing low-density private residences within an Agriculture-20 zoning designation. US-97 lies directly to the West.

Access: The project has existing access from US-97.

II. Administrative Review

Notice of Application: A Short Plat permit application was submitted to Kittitas County Community Development Services on September 27, 2024. The application was deemed complete on October 2, 2024. A Notice of Application for the McIntosh Short Plat (SP-24-00013) 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 October 2, 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 3.43 miles Northwest of Ellensburg, 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 McIntosh Short Plat is being proposed under KCC 16.12.040(1) 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 KCC 16.12.040 (1) New Small Lots Around Existing Residences; 1) The existing residences on the proposed lots were constructed in 2018 and 1940, which meets the requirement of being a lawfully existing residence for at least the last 5 years under KCC 16.12.040(1)(i), 2) The small lots are 10.26 acres and 6.35 acres, and meet the requirements of 16.12.040(1)(A)(iii), 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-G10: The County should look for opportunities for a variety of rural density and housing choices while maintaining rural character and protecting health and safety.

Consistency Statement

By allowing the one-time application of KCC 16.12.040.1, Kittitas County is allowing a greater variety of housing choices in a rural setting, while not adversely affecting the agricultural viability and rural character of the surrounding area. The newly created vacant parcels will be eligible to construct a new residential structure in the future.

Staff Comments

The McIntosh 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 agricultural land use while providing greater variety of housing choices in a rural setting.

V. Environmental Review

CDS determined the McIntosh 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 the presence of natural wetlands on the proposed lots. GIS data also indicates the presence of Type-2(F) and Type-4 Seasonal(N) streams within the Columbia Plateau ecoregion. 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, Kittitas County Public Health, Kittitas County Public Works, Washington State Dept. of Fish and Wildlife, Washington State Dept. of Ecology, Washington State Dept. of Health (Office of Drinking Water), Washington State Dept. of Transportation.

Confederated Tribes of the Colville Reservation

The CTCR stated that they have no concerns and they defer to the concerns of other tribes.

Applicant Response: No response.

Staff Response: As the CTCR stated that they defer to the concerns of other tribes, staff has no further comment.

Kittitas County Public Health

Kittitas County Public Health provided comments stating they will require soil logs, and that the Group A water connections need to be checked to ensure they can handle the additional parcels.

Applicant Response: We recognize that we will need to meet with the state agencies to address the water and access with for approval.

Staff Response: Staff hereby reaffirms all requirements given by Kittitas County Public Health. Processing this Short Plat through to finalization is contingent upon successfully adhering to these requirements.

Kittitas County Public Works

Kittitas County Public Works provided comments pertaining to access specifications, survey corrections, floodplain regulations, and mylar requirements related to flood. KCPW also provided water mitigation/metering related documents that are required for this project. Further, KCPW provided final plat notes related to water mitigation/metering, and requirements related to WAC and RCW regulations, as well as other final plat notes.

Applicant Response: We recognize that we will need to meet with the state agencies to address the water and access with for approval.

Staff Response: Staff hereby reaffirms all submitted requirements from Kittitas County Public Works and has conditioned approval to include adherence to these requirements.

Washington State Department of Fish and Wildlife

The WDFW provided notes on critical areas and the need for applicants to demonstrate that they aren't creating lots that will require variances or reasonable use exceptions. WDFW also provided notes on the presence of Dry Creek on the properties. WDFW gave recommendations regarding reports, assessments, and considerations to address their concerns about critical areas.

Applicant Response: The Sewall critical area report dated 9/3/2024 submitted with the application should address the WDFW comments.

Staff Response: Staff hereby reaffirms the concerns of WDFW with regards to critical areas that exist on these properties.

Washington State Department of Ecology

WSDOE provided comments regarding surface water and groundwater specifications and associated regulations.

Applicant Response: We recognize that we will need to meet with the state agencies to address the water and access with for approval.

Staff Response: Staff hereby reaffirms the specifications and regulations set forth by WSDOE.

Washington State Department of Health (Office of Drinking Water)

WSDOH Office of Drinking Water provided comments pertaining to water connection specifications, the need for capacity analysis, as well as further requirements from their agency.

Applicant Response: We recognize that we will need to meet with the state agencies to address the water and access with for approval.

Staff Response: Staff hereby reaffirms the specifications and requirements set forth by the WSDOH Office of Drinking Water.

Washington State Department of Transportation

WSDOT provided comments pertaining to access specifications and permit requirements. WSDOT also stated the need for a restrictive note to be placed on the plat and gave required contacts at their agency.

Applicant Response: We recognize that we will need to meet with the state agencies to address the water and access with for approval.

Staff Response: Staff hereby reaffirms the specifications and requirements set forth by WSDOT, and has conditioned approval to include the necessary plat note.

Public Commentors:

No public comments were received for this project during the public comment period.

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-G10.

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

A desktop critical area review was performed by staff and GIS data indicates the presence of wetlands and streams on the property (Type-2 F and Type-4 Seasonal N). Any future development will be required to meet the standards of KCC 17A Critical Areas.

Consistency with the provisions of KCC 17.29, A-20 – 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 4-lot short plat resulting in one (1) 10.26-acre lot, one (1) 15.30-acre lot, one (1) 6.35-acre lot, and one (1) 9.25-acre lot, utilizing the “New Small Lots Around Existing Residences” section of Kittitas County Code 16.12.040(1).
2. Site Location: Two tax parcels (#15102 & #866033), located approximately 3.43 miles Northwest of Ellensburg, WA, in a portion of Section 8, T. 18 N., Range 18 E., W.M.; Kittitas County parcel map numbers 18-18-08020-0003 & 18-18-08020-0002, with a land use designation of Rural-Working and a zoning designation of Agriculture-20.
3. Site Information:

Total Property Size:	41.16 acres
Number of existing lots:	2
Number of proposed lots:	4
Domestic Water:	Existing Group A Water System
Existing sewage Disposal:	Existing Individual On-Site Septic Systems
Fire District:	Kittitas Valley Fire & Rescue (Fire District 2)
Irrigation District:	Kittitas Reclamation District

Site Characteristics: The site consists of existing residences and associated non-residential structures, septic systems, and Group A water systems.

Surrounding Property:

North: Existing low-density private residences within an Agriculture-20 zoning designation.
 South: Existing low-density private residences within an Agriculture-20 zoning designation.
 East: Existing low-density private residences within an Agriculture-20 zoning designation.
 West: Existing low-density private residences within an Agriculture-20 zoning designation.
 US-97 lies directly to the West.

Access: The project has existing access from US-97.

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 September 27, 2024. The application was deemed complete on October 2, 2024. A Notice of Application for the McIntosh Short Plat (SP-24-00013) 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 October 2, 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, Kittitas County Public Health, Kittitas County Public Works, Washington State Dept. of Fish and Wildlife, Washington State Dept. of Ecology, Washington State Dept. of Health (Office of Drinking Water), Washington State Dept. of Transportation.
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 A-20 – 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 McIntosh Short Plat, SP-24-00013, based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

Conditions of Approval:

1. Building

- A. All new construction must meet the International Residential Code requirements.
- B. Environmental and statutory review may be required for all current and future development, construction, and improvements. The applicant and/or all future owners of any lot or lots within this subdivision are responsible for compliance with all applicable local, state, and federal rules, requirements, codes, and regulations. It is incumbent upon said applicants and future owners to investigate for, and obtain from the appropriate agency or their representative, all required permits, licenses, and approvals for any development, construction, and/or improvements that occur within the boundaries of this subdivision.

2. Roads and Transportation

- A. This application is subject to the latest revision of the Kittitas County Road Standards. The following conditions apply and must be completed prior to final approval of this project. A performance guarantee may be used in lieu of the required improvements, per the conditions outlined. (KCC 12.01.150)
- B. A driveway shall serve no more than four tax parcels. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- C. New access easements shall be a minimum of 30'. The roadway width shall have a minimum width of 12' if the length of the driveway is less than 150', or 16' if the length of the driveway is more than 150'.
- D. Driveways longer than 150' in length are required to provide a Fire Apparatus Road Turnaround meeting the requirements of appendix D in the International Fire Code.
- E. Max grade shall be 10%.
- F. Crush surface depth per WSDOT Standards.
- G. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- H. An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.
- I. Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.
- J. Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
- K. Mailboxes must be approved by U.S. Postal Service. Mailbox locations are site specific. Contact your local Post Office for location and design standards before beginning construction.
- L. Except as exempted in Section KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).
- M. KCC allows up to 4 lots on a joint-use driveway. Additional lots utilizing easement Q may trigger private road standards and requirements (road naming and road certification). An access permit from WSDOT may be required.
- N. In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created

parcel on this application.

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

3. State and Federal

- A. Applicant shall meet all state and federal regulations.
- B. An NPDES Construction Stormwater Permit will be required if there will be stormwater discharge from any construction site with disturbed ground.
- C. Prior to new parcels being created as part of this project, the applicants should clearly demonstrate that they are not creating lots that will require variances and/or reasonable use exceptions from the critical areas requirements or other relevant sections of code when development is proposed.
- D. WDFW shall be notified of any future grading and/or water crossing structures in and around Dry Creek and other channels in the project area and a Hydraulic Project Approval (HPA) may be required.
- E. Prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals for a project up to 5,000 gallons per day used for single or group domestic supply, up to 5,000 gallons per day used for industrial purposes, stock watering, and for the irrigation of up to one-half acre of non-commercial lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.
- F. The applicant references the “McIntosh Well #1” water system (State DOH ODW ID #AD452) – this water system currently does not have capacity to serve additional connections, it has 2 active and 2 approved. To connect to the “McIntosh Well #1” water system – the applicant needs to complete the following:
 - i. Show “McIntosh Well #1” has sufficient capacity – DOH requires a Capacity Analysis to be completed by a Professional Engineer licensed in the State of Washington and submitted to DOH for review and subsequent approval.
 - ii. Show that proposed connections are within the legal service area of the “McIntosh Well #1” water system – the only approach to gain an expanded service area is by completing a planning document that is submitted to DOH for review and subsequent approval.
- G. Per WSDOT, the applicant is required to upgrade the permit to a Category II – Minor Connection. No new approaches to US 97 will be allowed.

4. New Small Lots Around Existing Residences

- A. A covenant precluding further division of any lots in the McIntosh Short Plat while designated for agricultural use by the adopted Kittitas County Comprehensive Plan shall be recorded with the County Auditor and a plat note shall reflect the recording number of the covenant.

5. Plat Notes

- 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 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.
- 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.

- Metering is required for all new uses of domestic water for residential well connections and usage must be recorded in a manner consistent with Kittitas County Code Chapter 13.35.027 and Ecology regulations.
- The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.
- Per WSDOT: A restrictive note must be placed on the plat indicating no direct access to US 97 will be allowed for Lot A1 (BK 24 of Surveys PG 230, AFN 200021270012). The property owner must contact Mark Kaiser at 509-577-1668 to update the permit.
- Pursuant to KCC 16.12.040 (1), further division of the parcels of the McIntosh Short Plat are restricted by covenant recorded at Instrument # _____.

6. Other

- A. Taxes shall be paid in full on all tax parcels involved in this land use action as required by Washington State Law (RCWs 84.40.042 & 84.56.345) prior to final plat recording.
- B. Should ground disturbing or other activities related to the proposed subdivision result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). Work shall remain suspended until the findings are assessed, and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.
- C. Both sheets of the final mylars shall reflect short plat number SP-24-00013 and an accurate legal description shall be shown on the face of the final plat. Engineers and Surveyors need to be cognizant of all the requirements related to Final Plats (KCC 16.20) and Survey Data and Dedications (KCC 16.24). The final plat must be submitted in full conformance with these chapters of Kittitas County Code; **non-compliant mylars will be rejected and returned to the applicant.** A final plat file number will be assigned when CDS receives your final plat application. This file number will also be required on the face of the final plat.
- D. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
- E. This preliminary approval will expire 5 years from the date of this determination if no extension is filed in accordance with KCC 16.32.090.

- F. All individual and shared wells must be placed a minimum of fifty feet from all roads and property lines. Setbacks not meeting Kittitas County Code may be allowed at the discretion of the health officer.
- G. The applicant must provide legal water availability for all new uses on the proposed lots of this project, which can be provided through mitigation certificates. Prior to final plat approval and recording, the following conditions shall be met. In accordance with KCC Chapter 13.35.027, the applicant shall provide one of the following documents before final plat approval. A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use; An adequate water right for the proposed new use; or a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank. All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.
- H. Soil logs must be finalized prior to the final short plat approval for the locations of 1B and 2B. This will ensure that the soil is suitable for construction. Applicants shall ensure that the Group A water system has enough connections for the additional two plats.
- I. The following survey notes must be addressed prior to final plat approval:
- i. Verify equipment used. Page one says GPS for contours, page three calls out a total station.
 - ii. Missing basis of bearings.
 - iii. SR97 needs to call out ownership and ROW width.
 - iv. Width for existing easement needs to be added.
 - v. Missing point of beginning of deed.
 - vi. Currently, there are 3 access driveways to proposed lot 2A. Not shown on existing survey.
- J. A portion of parcels #15102 and #866033 are within the FEMA identified special flood hazard area (100-year floodplain) zone A. If possible, any future development should occur outside of the floodplain in order to reduce risk and avoid mandatory flood insurance purchase requirements. All activities within the floodplain must be permitted through the floodplain development permit process and follow the regulations within KCC 14.08.
- In accordance with KCC Chapter 14.08.220, all subdivisions as well as new development shall:
- i. Be consistent with the need to minimize flood damage.
 - ii. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - iii. Have adequate drainage provided to reduce exposure to flood damage.
 - iv. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments containing greater than 50 lots or 5 acres (whichever is lesser) and shall be included as part of the application and shall be

- noted on the final mylar.
- v. All subdivisions shall show on the face of both the preliminary and final plat, for either short or long plats, the boundary of the 100-year floodplain and floodway.
- K. Since the parcels are located in zone A, KCC 14.08.220(4) is applicable. Please contact the Floodplain Administrator at 509-962-7523 for assistance.

From these conclusions and findings, the proposed Short Plat is approved with the above conditions. Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this administrative land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$1670 to Kittitas County. The appeal deadline for this project is December 4, 2024, at 5:00 p.m. Appeals submitted on or before December 4, 2024, shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.

Responsible Official



Zach Torrance-Smith

Title: Planner I

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

Date: November 14, 2024