



Schmitt Short Plat
File Number SP-24-00015 Schmitt
FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. General Information

Requested Action: The applicants are proposing a 2-lot short plat resulting in one (1) 2.07-acre lot and one (1) 3.51-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 (#800233), located approximately 2.05 miles Southwest of Kittitas, WA, in a portion of Section 16, T. 17 N., Range 19 E., W.M.; Kittitas County parcel map number 17-19-16020-0007, with a land use designation of Commercial Agriculture and a zoning designation of Commercial Agriculture.

Site Information:

Total Property Size:	5.58 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Existing Shared Well
Existing Sewage Disposal:	Existing Individual Septic Systems
Fire District:	Fire District #2 (KVFR)
Irrigation District:	Ellensburg Water

Site Characteristics: The site consists of existing residences and associated non-residential structures.

Surrounding Property:

North:	Existing low-density residential development with associated agricultural activity within a Commercial Agriculture zoning designation.
South:	Existing low-density residential development with associated agricultural activity within a Commercial Agriculture zoning designation.
East:	Existing low-density residential development with associated agricultural activity within a Commercial Agriculture zoning designation.
West:	Existing low-density residential development with associated agricultural activity within a Commercial Agriculture zoning designation.

Access: The property has existing access from Tjossem Road.

II. Administrative Review

Notice of Application: A Short Plat permit application was submitted to Kittitas County Community Development Services on December 6, 2024. The application was deemed complete on December 11, 2024. A Notice of Application for the Schmitt Short Plat (SP-24-00015) 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 December 11, 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 2.05 miles Southwest of Kittitas, WA, and has a Zoning designation of Commercial Agriculture with a Land Use designation of Commercial Agriculture. 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 Commercial Agriculture zone has a minimum lot size of 20 acres. The Schmitt 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); 1) The lot sizes are 2.07 acres and 3.51 acres, which meet the minimum lot size requirements for this provision of Kittitas County Code. 2) The lot comprising the balance of the division is capable of meeting all setback requirements ensuring continued agricultural 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 Commercial Agriculture 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-P119: The County should promote the preservation of agricultural activities through programs that encourage long-term ownership and production on agricultural lands.

Consistency Statement

The applicants are utilizing a provision in Kittitas County Code that requires that the created small lot include a residence that has been occupied for at least five years. The presence of such a residence shows that the applicants intend to be long-term landowners, rather than short-term economic opportunists who wish to overdevelop agricultural lands.

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

Consistency Statement

The applicants are not planning further development, apart from what already exists on their property. This short plat does not adversely affect Kittitas County's priorities regarding the conservation of farmlands.

Staff Comments

The Schmitt short plat as conditioned is consistent with the Kittitas County Comprehensive Plan Goals and Policies listed above. The proposal does not adversely affect agricultural lands and allows for continued agricultural land use.

V. Environmental Review

CDS determined the Schmitt Short Plat was exempt from SEPA review per WAC 197-11-800 (6)(d). A desktop critical areas review was performed by staff and GIS data indicates no natural wetlands and/or streams on proposed lots. Any future development will be required to meet the standards of KCC 17A Critical Areas.

VI. Agency and Public Comments

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review.

Agency Comments:

The following agencies provided comments during the comment period: Bonneville Power Administration, Confederated Tribes of the Colville Reservation, Kittitas County Public Health, Washington State Department of Ecology, Kittitas County Public Works. No public comments were received during the public comment period.

Bonneville Power Administration

The Bonneville Power Administration provided comments acknowledging that this project will not impact their facilities and that they have no concerns.

Applicant Response: Thank you for the chance to review the comments received, most are typical of similar applications.

Staff Response: As BPA provided comments stating that they have no concerns, staff has no further comment.

Confederated Tribes of the Colville Reservation

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

Applicant Response: Thank you for the chance to review the comments received, most are typical of similar applications.

Staff Response: As CTCR provided comments stating that they have no concerns, staff has no further comment.

Kittitas County Public Health

KCPH provided comments stating that they will require a written and approved shared well agreement prior to final approval.

Applicant Response: Thank you for the chance to review the comments received, most are typical of similar applications.

Staff Response: Staff affirms the requirements of KCPH and has conditioned approval upon adhering to their stated requirements.

Washington State Department of Ecology

WSDOE provided comments stating requirements in the case of development, as they relate to stormwater discharge.

Applicant Response: Thank you for the chance to review the comments received, most are typical of similar applications, but we would like to clarify that this application is simply dividing the property as allowed by KCC 16.12.040 and no earth work or further development of this parcel is planned at this time.

Staff Response: Staff hereby reaffirms that if further development occurs on this site in the future, all requirements stated by WSDOE regarding stormwater discharge must be followed.

Kittitas County Public Works

KCPW provided comments regarding access permits, driveway maintenance, subdivisions and access requirements, road standards, and grading/filling requirements. KCPW also gave address and access specifications and associated required permits. KCPW further gave final short plat address notes.

Applicant Response: Thank you for the chance to review the comments received, most are typical of similar applications but we would like to clarify that this application is simply dividing the property as allowed by KCC 16.12.040 and no earth work or further development of this parcel is planned at this time. It is my understanding that the existing access to proposed lot 1 is currently permitted as an AG access and will work with PW during the short plat process to permit this access point for residential use as outlined in their comment letter.

Staff Response: As the comments provided by KCPW contained requirements, staff hereby reaffirms these requirements and has conditioned approval of this project upon successfully satisfying the requirements set forth by KCPW.

No public comments were received 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 IV of this staff report, the following Comprehensive Plan policies apply to this proposal: RR-P119 and RR-P121.

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

A desktop critical area review was performed by staff and GIS data indicates no streams and/or wetlands present on the property. Any future development is subject to requirements and restrictions stated in KCC 17A.

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

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for the Commercial Agriculture zoning designation.

Consistency with the provisions of KCC 16.32.050, Short Plat Review:

This proposal, as conditioned, is consistent with the Kittitas County Short Plat Review requirements. The proposal; 1) conforms to all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington, 2) conforms to all standards and improvements required under this title, 3) has no hazards created by flood potential, landslides, etc., 4) makes provisions for all improvements and easements, 5) outlines access for both proposed lots, 6) indicates no hindrance to the public interest, 7) is not being further divided from an incomplete plat, and 8) complies with KCC 13.35 to determine adequate water supply.

Consistency with the provisions of the KCC Title 14.04, Building Code:

All buildings must be in accordance with International Building Codes.

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

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

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

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

VIII. Findings of Fact

1. Requested Action: The applicants are proposing a 2-lot short plat resulting in one (1) 2.07-acre lot and one (1) 3.51-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 (#800233) located approximately 2.05 miles Southwest of Kittitas, WA, in a portion of Section 16, T. 17 N., Range 19 E., W.M.; Kittitas County parcel map number 17-19-16020-0007, with a land use designation of Commercial Agriculture and a zoning designation of Commercial Agriculture.

3. Site Information:

Total Property Size:	5.58 acres
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East: Existing low-density residential development with associated agricultural activity within a Commercial Agriculture zoning designation.
West: Existing low-density residential development with associated agricultural activity within a Commercial Agriculture zoning designation.

Access: The property has existing access from Tjossem Road.

4. The Comprehensive Plan land use designation is “Commercial Agriculture.”
5. The subject property is zoned “Commercial Agriculture.”
6. A Short Plat permit application was submitted to Kittitas County Community Development Services on December 6, 2024. The application was deemed complete on December 11, 2024. A

Notice of Application for the Schmitt Short Plat (SP-24-00015) 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 December 11, 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: Bonneville Power Administration, Confederated Tribes of the Colville Reservation, Kittitas County Public Health, Washington State Department of Ecology, Kittitas County Public Works. No public comments were received during the public comment period.
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 17.31 CA – Commercial Agriculture 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 Requirements.
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 Schmitt Short Plat, SP-24-00015, 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. 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).

3. State and Federal

- A. Applicant shall meet all state and federal regulations.
- B. A Forest Practices Application shall be required if merchantable timber is removed at any point during future development. Applicants shall contact the Washington State Department of Natural Resources to obtain an FPA permit.
- C. An NPDES Construction Stormwater Permit may be required if there is a potential for stormwater discharge from a construction site with disturbed ground. Ground disturbance includes all utility placements and building or upgrading roads.

4. 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.

5. 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. Per Kittitas County Public Health: Between lots 1 and 2, a written and approved shared well agreement will need to be submitted between the two lots.
- 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. Both sheets of the final mylars shall reflect short plat number SP-24-00015 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 February 4, 2025, at 5:00 p.m. Appeals submitted on or before February 4, 2025, 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: January 17, 2025