



Gregersen Short Plat
File Number SP-25-00003
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) 4.873-acre lot and one (1) 3.392-acre lot, utilizing the "New Small Lots Around Existing Residences" section of Kittitas County Code 16.12.040(1)(iii)(c).

Location: One tax parcel (#21053), located approximately 4.1 miles West of Cle Elum, WA, in a portion of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 28, T. 20 N., Range 14 E., W.M.; Kittitas County parcel map number 20-14-28059-0002, with a land use designation of Rural-Residential and a zoning designation of Agriculture-5.

Site Information:

Total Property Size:	8.265 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Existing Individual Well
Existing Sewage Disposal:	Existing On-Site Septic System
Fire District:	Fire District #7 (Cle Elum)
Irrigation District:	Kittitas Reclamation District

Site Characteristics: The site consists of a Single-Family Residence and associated non-residential structures in an Agriculture-5 zoning designation.

Surrounding Property:

North:	Low-density residential development in an Agriculture-5 zoning designation with associated agricultural activity.
South:	Low-density residential development in an Agriculture-5 zoning designation with associated agricultural activity.
East:	Low-density residential development in an Agriculture-5 zoning designation with associated agricultural activity.
West:	Forested lands with low-density residential development in an Agriculture-5 zoning designation.

Access: The property has existing access from Richards Road.

II. Administrative Review

Notice of Application: A Short Plat permit application was submitted to Kittitas County Community Development Services on January 29, 2025. The application was deemed complete on February 3,

2025. A Notice of Application for the Gregersen Short Plat (SP-25-00003) 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 February 3, 2025. 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 4.1 miles West of Cle Elum, WA, and has a Zoning designation of Agriculture-5 with a Land Use designation of Rural-Residential. The intent of this zoning classification is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. The Agriculture-5 zone has a minimum lot size of 5 acres. The Gregersen Short Plat is being proposed under KCC 16.12.040(1)(iii)(c) New Small Lots Around Existing Residences.

Staff Conclusions

The proposal, as conditioned, meets the requirements of KCC 16.12.040(1)(iii)(c); 1) The lot sizes are 4.873 acres and 3.392 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 Rural-Residential land use designation. Kittitas County has established the following goals and policies to guide activities in these areas. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

RR-G9: The County should continue to explore ways to provide rural economic opportunity.

Consistency Statement

The applicants are proposing a 2-lot short plat that will create an additional parcel while maintaining low-density residential development in the area. This will add to the availability of land parcels that can be built upon in the future, which facilitates Kittitas County's goals for providing rural economic opportunity.

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

The applicants are proposing the creation of an additional parcel within the restrictions put forth by Kittitas County Code. By allowing the creation of the new parcel, Kittitas County is demonstrating its commitment to providing a variety of housing choices while maintaining overall rural character.

Staff Comments

The Gregersen 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 while providing a variety of density to future housing options.

V. Environmental Review

CDS determined the Gregersen 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, Washington State Dept. of

Archaeology and Historic Preservation, Kittitas County Public Works, Washington State Dept. of Ecology. 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: No response.

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 requested a cultural resources survey be completed by a qualified professional.

Applicant Response: I believe the archaeology comments to be a standard response and a boiler plate response comment with no real investigation work done on their end. The portion of land we are short platting was just apart of a previous short plat completed by the SPF-21-00002 Zipperer in 2021. If archaeology investigation or reporting is required that would have been completed during the Zipperer short plat. Our property has a house, one detached garage, one large shop, man made pond, irrigation ditches, septic drain field, water well, almost 20k square feet of asphalt and all fields have been tilled and planted multiple times. Almost every square inch of ground has been disturbed with no artifacts discovered or reported.

Staff Response: Staff has conditioned the approval of this short plat upon the applicant successfully drafting and enacting an Inadvertent Discovery Plan (IDP) to be in place during any future ground disturbing activities.

Washington State Dept. of Archaeology and Historic Preservation

DAHP provided comments recommending a professional archaeological survey and recommended continued consultation with tribes in all cultural resources issues.

Applicant Response: I believe the archaeology comments to be a standard response and a boiler plate response comment with no real investigation work done on their end. The portion of land we are short platting was just apart of a previous short plat completed by the SPF-21-00002 Zipperer in 2021. If archaeology investigation or reporting is required that would have been completed during the Zipperer short plat. Our property has a house, one detached garage, one large shop, man made pond, irrigation ditches, septic drain field, water well, almost 20k square feet of asphalt and all fields have been tilled and planted multiple times. Almost every square inch of ground has been disturbed with no artifacts discovered or reported.

Staff Response: Staff has conditioned the approval of this short plat upon the applicant successfully drafting and enacting an Inadvertent Discovery Plan (IDP) to be in place during any future ground disturbing activities.

Kittitas County Public Works

KCPW provided comments pertaining to access specifications and road standards. KCPW also gave

final plat instructions, engineering specifications, survey requirements, required plat notes, and legal water availability requirements. Further, KCPW listed documents that are required to be completed by applicants, and gave information that mandated adhering to WAC 173-539A-030 and RCW 90.44.050. Lastly, KCPW listed final plat notes that are required relating to water mitigation and metering.

Applicant Response: Access – Doesn't look like anything further is needed. Engineering – Doesn't look like anything further is needed. Survey – We will update the legend. Transportation – No comments. Flood – No permit required. Water – Attached are our water rights. (Applicants provided additional documents intended to satisfy water rights comments. Airport – No comments.

Staff Response: As the comments provided by Kittitas County Public Works contained requirements and needed documents, staff has conditioned approval of this project upon successfully adhering to listed requirements and submission of necessary documents.

Washington State Dept. of Ecology

WSDOE provided comments pertaining to stormwater specifications, and permits related to stormwater discharge. WSDOE also listed required permits and plans related to their concerns, and further provided references to possible SEPA requirements.

Applicant Response: No response.

Staff Response: As the comments provided by WSDOE contained circumstantial requirements related to ground disturbing activities, staff has conditioned approval of this project upon adhering to listed requirements if ground disturbing activities transpire at any point in the future.

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 goals apply to this proposal: RR-G9 and RR-G10.

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 17.28A, A-5 – Agriculture-5 Zone:

This proposal, as conditioned, is consistent with the Kittitas County Zoning Code for the Agriculture-5 zoning designation.

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

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

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

All buildings must be in accordance with International Building Codes.

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

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

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

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

VIII. Findings of Fact

1. Requested Action: The applicants are proposing a 2-lot short plat resulting in one (1) 4.873-acre lot and one (1) 3.392-acre lot, utilizing the “New Small Lots Around Existing Residences” section of Kittitas County Code 16.12.040(1)(iii)(c).
2. Site Location: One tax parcel (#21053) located approximately 4.1 miles West of Cle Elum, WA, in a portion of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 28, T. 20 N., Range 14 E., W.M.; Kittitas County parcel map number 20-14-28059-0002, with a land use designation of Rural-Residential and a zoning designation of Agriculture-5.

3. Site Information:

Total Property Size:	8.265 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Existing Individual Well
Existing sewage Disposal:	Existing On-Site Septic System
Fire District:	Fire District #7 (Cle Elum)
Irrigation District:	Kittitas Reclamation District

Site Characteristics: The site consists of a Single-Family Residence and associated non-residential structures in an Agriculture-5 zoning designation.

Surrounding Property:

- North: Low-density residential development in an Agriculture-5 zoning designation with associated agricultural activity.
- South: Low-density residential development in an Agriculture-5 zoning designation with associated agricultural activity.
- East: Low-density residential development in an Agriculture-5 zoning designation with associated agricultural activity.
- West: Forested lands with low-density residential development in an Agriculture-5 zoning designation.

Access: The property has existing access from Richards Road.

4. The Comprehensive Plan land use designation is “Rural-Residential.”
5. The subject property is zoned “Agriculture-5.”
6. A Short Plat permit application was submitted to Kittitas County Community Development Services on January 29, 2025. The application was deemed complete on February 3, 2025. A Notice of Application for the Gregersen Short Plat (SP-25-00003) 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 February 3, 2025. 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, Washington State Dept. of Archaeology and Historic Preservation, Kittitas County Public Works, Washington State Dept. of Ecology. 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 17.28A A-5 – Agriculture-5 Zone as conditioned.
12. The proposed short plat is consistent with KCC 16.32.050 as conditioned.
13. The proposed short plat is consistent with KCC Title 14 Building and Construction as conditioned.
14. The proposed short plat is consistent with KCC 12 Roads and Bridges as conditioned.
15. The proposed short plat is consistent with KCC 20 Fire and Life Safety as conditioned.

IX. Conclusions

1. As conditioned, the proposal meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.

3. As conditioned the proposal is consistent with Kittitas County Code Title 16.32 Short Plat 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 Gregersen Short Plat, SP-25-00003, 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. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- D. 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'.
- E. 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.
- F. Max grade shall be 10%.
- G. Crush surface depth per WSDOT Standards.

- H. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- I. 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. Access is not guaranteed to any existing or created parcel on this application.
- J. 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.
- K. Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
- L. 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.
- M. 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).
- N. Applicants shall ensure that Lot A1 is identified with the address of 443 Richards Rd. upon final recording of short plat.

3. State and Federal

- A. Applicant shall meet all state and federal regulations.
- B. 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. A permit and a stormwater plan are required prior to beginning ground-breaking activities.
- C. Prior to any ground-disturbing activities, applicants shall produce and enact an Inadvertent Discovery Plan (IDP). If during the course of ground disturbing activities any cultural resources are unearthed, work shall be stopped immediately and contact shall be made with the Washington State Dept. of Archaeology and Historic Preservation, as well as the Confederated Tribes of the Colville Reservation.

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 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.
- A signature box for Kittitas Reclamation District (KRD) shall be included by the Professional Licensed Surveyor (PLS) on the final mylars and shall be signed by an authorized representative of KRD prior to obtaining signatures from various Kittitas County department officials.
- The following survey corrections/notes shall be reflected prior to final short plat approval:
 - Please include references in the legend, similar to the following:
(R1) REFERENCE 1 (SEE SHEET 1)

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. Should ground disturbing or other activities related to the proposed subdivision result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP) and the Confederated Tribes of the Colville Reservation. Work shall remain suspended until the findings are assessed, and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.
- C. Both sheets of the final mylars shall reflect short plat number SP-25-00003 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. 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 –
 - i. A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use;
 - ii. An adequate water right for the proposed new use; or
 - iii. A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.
- G. 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.

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 March 14, 2025, at 5:00 p.m. Appeals submitted on or before March 14, 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: February 27, 2025