



**Forgey Short Plat
File Number SP-22-00006
FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL**

I. General Information

Requested Action: Gary Forgey, landowner, has submitted a preliminary short plat application to subdivide approximately 20 acres into two (2) parcels; One (1) 14.64-acre parcel and one (1) 5.36-acre parcel with a residence, existing barns, shed, and septic and well, utilizing Kittitas County Code 16.12.40(1) New Small Lots Around Existing Residences. The subject property is zoned Commercial Agriculture with a Commercial Agriculture Land Use designation.

Location: One tax parcel (#670133), located approximately 2.40 miles southwest of the City of Kittitas off of Denmark Road in a Portion of Section 23, T17N, Range 19E; Kittitas County parcel map number 17-19-23000-0017.

Site Information

Total Property Size:	20 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Individual well
Existing sewage Disposal:	Individual On-site septic
Power/Electricity:	Public Utility District
Fire District:	Kittitas Valley Fire and Rescue (Fire District 2)
Irrigation District:	Ellensburg Water

Site Characteristics: The site consists of existing residence, existing barns, shed, and septic and well.

Surrounding Property:

North:	Commercial Agricultural Lands and residence.
South:	Commercial Agricultural Lands
East:	Commercial Agricultural Lands
West:	Commercial Agricultural Lands

Access: The proposed project has existing access from Denmark Road.

II. Administrative Review

Notice of Application: A Short Plat permit application was submitted to Kittitas County Community Development Services on December 20, 2022. The application was deemed complete on January 9, 2022. A Notice of Application for the Forgey Short Plat (SP-22-00006) was mailed to all federal, state, and local agencies/departments with potential interest in the proposal as well as to all adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel on January 11, 2023.



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): Kelly Bacon, Staff Planner. Phone: (509) 962-7539, Email: kelly.bacon.cd@co.kittitas.wa.us.

III. Zoning and Development Standards

The subject property is located approximately 2.40 miles southwest of the City of Kittitas and has a zoning 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. This project 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 bonafide, 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 sublateral); 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 meets the requirements of KCC16.12.040 (1) New Small Lots Around Existing Residences; 1) The existing residence was constructed in 1891, which under KCC 16.12.040 (1)(i) does not require a Certification of Occupancy for residences established prior to the adoption of the building code in April of 1984, 2) The small lot is larger than 3 acres in size and meets the requirements of 16.14.040(1)(A)(iii)(c) "A larger lot size is necessary to encompass existing related uses or structures in immediate proximity"; the lot has been configured to include all existing structures and agricultural uses needed to maintain the existing homestead use, 3) The remaining 14.64-acre parcel is capable of meeting all setback requirement 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 with regard to:

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 code section 16.32.050.

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-P109: Kittitas County will continue to research innovative incentive-based ordinances that encourage and preserve resource land activity.

Consistency Statement

KCC 16.12.040 (1)(A) New Small Lots Around Existing Residences was adopted through the 2022 docket cycle, allowing for property owners to create a small lot around their existing residence and place a covenant precluding further division of the subject lot while designated for agricultural use. The proposed Forgey 2 lot short is allowing the property owner to maintain their residence they have lived in most of their lives and preserving the agricultural land from further division.

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

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

Consistency Statement



The proposed short plat will create a large lot from the farm land located outside of the existing residence and appurtenances, allowing the current farmer to continue residency, as well as providing provisions in which the remaining agriculture land will continue to be farmed.

Staff Comments

The Forgey short plat as conditioned is consistent with the Kittitas County Comprehensive Plan Goals and Policies listed above.

V. Environmental Review

Based upon an initial Critical Area review, CDS determined that the Forgey short plat was exempt from SEPA review per WAC 197-11-800 (6)(d). A desktop critical area review was performed by staff and no critical areas were found to be present on or surrounding the proposed short plat.

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: Kittitas Valley Fire and Rescue, Snoqualmie Tribe, Kittitas County Public Health, Colville Tribe, Kittitas County Fire Marshal, Washington State Department of Health – Office of Drinking Water, and Kittitas County Public Works. Substantive comments are addressed below.

Kittitas Valley Fire and Rescue stated they had no comment.

Applicant Response: No response provided.

Staff Response: As the comment provided was "No Comment" staff has no response.

Snoqualmie Tribe provided comment that base on the provided information they had no substantive comments but stated that should the scope of the project or parameters for the APE change they reserve the right to modify their current position.

Applicants Response: No response provided.

Staff Response: The project has no change in scope or parameters from the original application materials reviewed.

Confederated Tribes of the Colville Reservation provided comment that "any cultural concerns they may have will be adequately addressed by the interests and concerns of other interested Tribes".

Applicant Response: No response provided.

Staff Response: No additional cultural concerns were raised by other interested Tribes.



Kittitas County Fire Marshal's Office provided comments stating there were no issues with approving the short plat as proposed, and that all future projects shall comply with all applicable IFC, IWUIC, and KCC codes for fire response and safety.

Applicant Response: No response provided.

Staff Response: Staff agrees that all future projects will be required to meet all current codes at the time of application.

Washington State Department of Health – Office of Drinking Water provided comments regarding well requirements and the need for the applicants to work with Kittitas County regarding any mitigation required for groundwater extraction.

Applicant Response: No response provided.

Staff Response: The project has been conditioned to meet all State, Federal and Local codes.

Kittitas County Public Works provided comments regarding access permits and maintenance requirements, fire apparatus turnaround requirements, County Road Standards, grade and fill permit requirements, traffic concurrency requirements, and survey requirements.

Applicant Response: No response provided.

Staff Response: The application has been conditioned to meet all State, Federal and Local codes.

Kittitas County Public Health provided comments regarding soil log requirements and the need to provide legal and physical availability of water for all new uses of water on the proposed lot.

Applicant Response: No response provided.

Staff Response: The application has been conditioned to meet all State, Federal and Local codes.

Public Comments:

No public comments were received during the 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 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-P109, RR-P119, and RR-P121.



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

A desktop critical area review was performed by staff and no critical areas were identified on the property.

Consistency with the provisions of KCC 17.28A, Agriculture-5 Zone:

This proposal 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 consistent 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: Gary Forgey, landowners, has submitted a preliminary short plat application to subdivide approximately 20 acres into two (2) parcels; One (1) 14.64 acre parcel and one (1) 5.36 acre parcel with an residence, existing barns, shed, and septic and well, utilizing Kittitas County Code 16.12.40(1) New Small Lots Around Existing Residences. The subject property is zoned Commercial Agriculture with a Commercial Agriculture Land Use designation.
2. Site Location: One tax parcel (#670133), located approximately 2.40 miles southwest of the City of Kittitas off of Denmark Road in a Portion of Section 23, T17N, Range 19E; Kittitas County parcel map number 17-19-23000-0017.

3. Site Information

Total Property Size:	20 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Individual well
Existing sewage Disposal:	Individual On-site septic



Power/Electricity: Public Utility District
Fire District: Kittitas Valley Fire and Rescue (Fire District 2)
Irrigation District: Ellensburg Water

Site Characteristics: The site consists of existing residence, existing barns, shed, and septic and well.

Surrounding Property:

North: Commercial Agricultural Lands and residence.
South: Commercial Agricultural Lands
East: Commercial Agricultural Lands
West: Commercial Agricultural Lands

Access: The proposed project has existing access from Denmark 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 20, 2022. The application was deemed complete on January 9, 2023. A Notice of Application for the Forgey Short Plat (SP-22-00006) was mailed to all federal, state, and local agencies/departments with potential interest in the proposal as well as to all adjacent landowners located within 500 feet of any portion of the boundary of the proposal's tax parcel on January 11, 2023. 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.
8. The following agencies provided comments during the comment period: Kittitas Valley Fire and Rescue, Snoqualmie Tribe, Kittitas County Public Health, Colville Tribe, Kittitas County Fire Marshal, Washington State Department of Health – Office of Drinking Water, and Kittitas County Public Works.
9. No public comments were submitted during the comment period
10. 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.
11. The proposed short plat is consistent with KCC Title 17A Critical Areas as conditioned.



12. The proposed short plat is consistent with KCC 17.28A Agriculture 5 as conditioned.
13. The proposed short plat is consistent with KCC 16.32.050 Short Plat Requirements 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.
17. The proposed short plat is consistent with KCC 16.12.040 (1)(A) New Small Lots Around Existing Residences 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 16.12.040(1)(A) New Small Lots around Existing Residences.
4. As conditioned the proposal is consistent with Kittitas County Code Title 16.32 Short Plat.
5. As conditioned, the proposal is consistent with Kittitas County Code Title 17 Zoning, Title 17A Critical Areas, Title 14 Building Code, Title 13 Water and Sewers, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

X. Decision and Conditions of Approval

Kittitas County Community Development Services grants *preliminary approval* of the Forgey Short Plat SP-22-00006 based on the above staff analysis, findings of fact, and conclusions with the following conditions of approval.

Conditions of Approval:

1. **Building**



- A. All new construction must meet the International Building 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. An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access. Refer to Chapter 12 of the Kittitas County code for access requirements.
- B. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- C. New access easements shall be a minimum of 30' wide. 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. A fire apparatus turnaround that is in compliance with Appendix D of the International Fire Code will be required for driveways and joint-use driveways that have a length of 150' or more.
- E. All applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.
- F. 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).
- G. Survey:
 - i. Prior to final approval, property corners will need to be shown on the new division line.
 - ii. Lot closure sheet is required prior to final approval (KCC 16.32.010(1))
 - iii. Roads should identify ownership, surface type, width of R/W
 - iv. On the 2nd page is a typo at the top identifying the section number "29". It should be "23".

3. State and Federal



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

4. Water/Sewer

- A. A minimum of one soil log for each proposed lot where individual sewage disposal systems are contemplated must be completed (proposed lot B).
- B. Proof of legal and physical availability of water for all new uses of water on proposed lot must be provided.

5. Irrigation and Sprinkling

- A. An approved Irrigation water delivery system in accordance with KCC 16.18 and approval from Ellensburg Water District, is required prior to final approval.

6. New Small Lots Around Existing Residences

- A. A covenant precluding further division of any lots in the Forgey 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.
- B. A plat note or covenant precluding any further division Lot A under KCC 16.12.040(1) shall be recorded with the County Auditor.

7. 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 must 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.
 - Pursuant to KCC 16.12.040 (1), further division of the parcels of the Forgey Short Plat are restricted by covenant recorded at Instrument # _____.
 - Lot A is considered a small lot and is not capable of being further subdivided under KCC 16.12.040(1).
 - 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.
8. Taxes must 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.
9. Both sheets of the final mylars shall reflect short plat number SP-22-00006 and an accurate legal description shall be shown on the face of the final plat. Engineers and Surveyors need to be cognizant of all of 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.
10. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
11. 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 \$1,670 to Kittitas County. The appeal deadline for this project is March 16, 2023 at 5:00p.m. Appeals submitted on or before March 16, 2023 shall be submitted to



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

"Building Partnerships – Building Communities"

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Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.

Responsible Official


Kelly Bacon

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Date: March 2, 2023