



Bailey Large Lot Subdivision
File Number LL-21-00001
FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. General Information

Requested Action: Chris Cruse authorized agent for Richard & Tina Bailey, landowners, has submitted a preliminary large lot subdivision application to subdivide approximately 68.72 acres into one (1) 20 acre parcel, one (1) 25.71 acre parcel and one (1) 20.01 acre parcel. All parcels are undeveloped. The subject property is zoned Agriculture 20 within a Rural Working Land Use designation.

Location: One parcel, located approximately 8.9 miles southeast of the City of Kittitas in Section 15, T.16N, R.20E, W.M.; in Kittitas County, bearing Assessor's map number 16-20-15000-0013, parcel #15567.

Site Information

Total Property Size:	68.72
Number of existing lots:	1
Number of proposed lots:	3
Domestic Water:	Well (In Future)
Existing sewage Disposal:	On-site septic (In Future)
Power/Electricity:	Kittitas PUD
Fire District:	Fire District 2
Irrigation District:	KRD

Site Characteristics: The site consists of open space and agriculture lands. The parcel is located at the end of Bohannon Road.

Surrounding Property:

North: Privately owned lands with residential and agriculture uses.
South: Privately owned lands with residential and agriculture uses.
East: U.S. Military Reservation Land
West: Privately owned land primarily used for residential and agriculture purposes.

Access: The proposed project will have access from Bohannon Road

II. Administrative Review

Notice of Application: A Large Lot Subdivision permit application was submitted to Kittitas County Community Development Services on March 18, 2021. The application was deemed complete on April 6, 2021. A Notice of Application for the Bailey Large Lot Subdivision (LL-21-00001) 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 April 8, 2021. 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): Jeremiah Cromie, Staff Planner. P: (509) 962-7046, E: jeremiah.cromie@co.kittitas.wa.us.

III. Zoning and Development Standards

The subject property is located approximately 8.9 miles southeast of the City of Kittitas and has a zoning designation of Agriculture 20. 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 16.36 Large Lot Subdivision and reviewed under KCC 16.32.050 Short Plat review. The Kittitas County Planning Official found the project eligible for review as a Large Lot Short Plat under KCC 16.36

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 3 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 large lot subdivision that was 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 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-G7: The County should consistently work to preserve and maintain the rural character of Kittitas County for the benefit of its residents.

Consistency Statement

The application proposes no changes to the existing rural character of the parcel. The proposal will separate the existing undeveloped parcel into 3 undeveloped parcels which will still have a rural character with over 20 acres of land on each parcel with no immediate plans for development.

RR-G8: The County should strive to sustain and protect the westerly mountainous, recreational open space, and its easterly non-resource agricultural and rangeland activities.

Consistency Statement

The proposed large lot subdivision is consistent with the density requirements of the zones. The proposal will separate the existing parcel into three with no immediate plans to build on the lots. Once the lots are fully developed, they will be subject to the density limitation of the Agricultural 20 zone. These density limitations have been established as consistent with maintaining rural character in the Kittitas County Comprehensive Plan. No adverse impact is anticipated to recreational open spaces or non-resource agriculture and rangeland activities.

RR- P9: Encourage development activities and establish development standards which enhance or result in the preservation of rural lands.

Consistency Statement

The proposed short plat preserves rural lands through adherence to the Agriculture-20 density of 1 unit per 20 acres.

RR-P10: Allow for a variety of rural densities which maintain and recognize rural character, agricultural activities, rural community and development patterns, open spaces, and recreational opportunities.

Consistency Statement

The proposal is consistent with the density requirements of the Agriculture 20 zone and is consistent with the development pattern of the area.

RR-P17: Limit development in rural areas through density requirements that protect and maintain existing rural character, natural open space, critical areas, and recreation areas. Direct rural development to lands that have adequate public services.

Consistency Statement

The application is consistent with the density requirements of the zone. There should be no change to public service demands and water/septic systems for the three lots.



Staff Comments

The Bailey Large Lot Subdivision as conditioned is consistent with the Kittitas County Comprehensive Plan Goals and Policies listed above. The proposal preserves the rural character and is adequately served by local services and meets density requirements for the zoning designation.

V. Environmental Review

Based upon an initial Critical Area review and prior SEPA review, CDS determined that the Bailey Large Lot Subdivision was exempt from SEPA review via WAC 197-11-800 (6)(d). A critical area review was performed; one irrigation ditch channel was noted (type 9 stream). The proposal will have no impact on the identified 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: Kittitas County Building Department, Kittitas County Public Works, Kittitas Valley Fire & Rescue, Kittitas Reclamation District, Kittitas County Department of Health and Washington State of Fish & Wildlife. Substantive comments are addressed below. Kittitas County Public Health submitted comments after the comment period concluded and is also addressed below. The current owners and their authorized agent did not address any of the comments.

Kittitas County Public Works submitted comments noting road standards, driveways, plat notes, water metering and specific addressing and final plat information.

Staff Response: The comments submitted from Kittitas County Public Works reference standards established in Title 12 of Kittitas County Code. The applicant is required to adhere to all regulations outlined in Title 12.

WA State Department of Fish & Wildlife submitted comments saying that they consider the irrigation ditch a modified natural watercourse that is a tributary to Badger Creek. They mentioned that under the County's current Critical Areas Ordinance that it is likely a Type 4 or 5 Stream.

Staff Response: Staff performed a critical area review of the parcel. Utilizing the County GIS system and the National Wetland Inventory, no wetlands were found. Kittitas County Code 17A.02.310 excludes "artificial wetlands" from the standards established for wetlands in Kittitas County. Artificial wetlands are defined, in part, as wetlands established through irrigation leakage. Due to the lack of evidence regarding any natural wetland on the property, CDS considers any wetland characteristics likely the result of irrigation leakage and therefore not subject to wetland standards under KCC Title 17A. A plat note condition has been added to this determination that will inform future property owners of the possibility of additional review/studies associated with development if natural wetlands are found to exist on the property.



Kittitas Reclamation District submitted comments stating that the project must be consistent with KRD Subdivision Guidelines and will need to get a crossing license if planning a crossing over the lateral. They also commented the KRD right-of-way are not to be used for ingress and egress to any parcel within the subdivision.

Staff Response: The determination has been conditioned to ensure the project is consistent with KRD Guidelines.

Washington State Department of Health submitted comments noting water system requirements and that their water use as a combined "project" for proposed separate wells and that the applicant will need to coordinate with Kittitas County Health and Department of Ecology regarding groundwater controls.

Staff Response: The determination has been conditioned to ensure the project is consistent Department of Health requirements.

Kittitas County Public Health submitted comments noting water and septic requirements.

Staff Response: The determination has been conditioned to ensure the project is consistent with Kittitas County Public Health Requirements.

Public Comments:

Jim Brown who lives at 1071 N Bohannon Road commented he was not opposed to the project if the access for the lots did not come off the Bohannon Road Circle to the East.

Staff Response: The access will come off an existing easement to the north of the Bohannon road circle and will not head east.

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-G7, RR-G8, RR-P9, RR-P10, and RR-P17.

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

Staff conducted an administrative critical area review in accordance with KCC 17A. GIS information indicates one type 9 (irrigation) stream. The proposal will not adversely impact these streams.

Consistency with the provisions of KCC 17.29, Agriculture-20 Zone:



This proposal 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 16.36.010, Large Lot Subdivision Review:

As conditioned, the proposal must be consistent with provisions of KCC 16.36 Large Lot Subdivision

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: Chris Cruse authorized agent for Richard & Tina Bailey, landowners, has submitted a large lot subdivision application to subdivide approximately 68.72 acres into one (1) 20-acre parcel, one (1) 25.71 acre parcel and one (1) 20.01 acre parcel. All parcels are undeveloped. The subject property is zoned Agriculture 20 within a Rural Working Land Use designation.
2. Location: One parcel, located approximately 8.9 miles southeast of the City of Kittitas in Section 15, T.16N, R.20E, W.M.; in Kittitas County, bearing Assessor's map number 16-20-15000-0013, parcel #15567.
3. Site Information:

Total Property Size:	68.72 acres
Number of existing lots:	1
Number of proposed lots:	3
Domestic Water:	Well (In Future)
Existing sewage Disposal:	On-site septic (In Future)



Power/Electricity: Kittitas PUD
Fire District: Fire District 2
Irrigation District: KRD

Site Characteristics: The site consists of open space and agriculture lands. The parcel is located at the end of Bohannon Road.

Surrounding Property:

North: Privately owned lands with residential and agriculture uses.
South: Privately owned lands with residential and agriculture uses
East: U.S. Military Reservation Land
West: Privately owned land primarily used for residential and agriculture purposes.

4. The proposed project will have access from Bohannon Road.
5. The Comprehensive Plan land use designation is "Rural Working."
6. The subject property is zoned "Agriculture 20."
7. A Large Lot Subdivision permit application was submitted to Kittitas County Community Development Services on March 18, 2021. The application was deemed complete on April 6, 2021. A Notice of Application for the Bailey Large Lot Subdivision (LL-21-00001) 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 April 8, 2021. 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).
8. The proposal is consistent with Kittitas County Subdivision Code 16.36.010 Large Lot Subdivision Review and 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.
9. The following agencies provided comments during the comment period: Kittitas County Building Department, Kittitas Valley Fire & Rescue, Kittitas County Public Works, Washington State Department of Health, Washington Department of Fish & Wildlife, and the Kittitas Reclamation District. Kittitas County Public Health submitted comments after the comment period.
11. One public comment was submitted during the comment period
12. SEPA review was not required. This project is exempt under WAC 197-11-800 (6)(d). The large subdivision is consistent with KCC Title 15.
13. The proposed large subdivision is consistent with KCC Title 17A Critical Areas as conditioned.



14. The proposed large lot subdivision is consistent with KCC 17.29 Agriculture 20 as conditioned.
15. The proposed large lot subdivision is consistent with KCC 16.32.050 as conditioned.
16. The proposed large lot subdivision is consistent with KCC 16.36.015 as conditioned.
17. The proposed large lot subdivision is consistent with KCC Title 14 Building and Construction as conditioned.
18. The proposed large lot subdivision is consistent with KCC 12 Roads and Bridges as conditioned.
19. The proposed large lot subdivision is consistent with KCC 20 Fire and Life Safety as conditioned.
20. Kittitas County Public Health requires water mitigation under KCC 13.35.027 and KCC 13.35.020 prior to final approval of a short plat.

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 16.36 Large Lot Subdivision.
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 Bailey Large Lot Subdivision LL-21-00001 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.
- C. The applicant shall provide evidence to CDS of project consistency with KRD Subdivision and General Guidelines prior to final approval.

2. Roads and Transportation

- A. 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.
- B. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

3. State and Federal

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

4. Water/Sewer

- A. The applicant shall demonstrate proof of water adequacy in conformance with KCC 13.35 prior to final plat approval.
- B. In accordance with Kittitas County Code 13.04.090, a minimum of one soil log for each proposed lot where individual sewage disposal systems are contemplated must be completed prior to final approval.
- C. The applicant shall demonstrate proof that all lots created by the large lot subdivision are approved for irrigation delivery in accordance with KCC 16.36.015.

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 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.
- 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.
- 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.

6. Survey

- A. Final plat must show the location of the identified type 9 irrigation stream
- B. Address Signature blocks shall be constructed and worded in conformance with KCC Chapter 16.24.
- C. The division line between lots 5A, 5B and 5C shall be staked in the field.
- D. A dedication shall appear on the face of the large lot subdivision survey with the following statement:



KNOWN ALL MEN BY THESE PRESENT: that the undersigned, owner(s) in fee simple of the described real property, does hereby grant forever unto all owners of lots in this survey and all future plats in this survey a common ownership interest in all private roads shown.


E. A note shall appear on the subdivision survey with the following statement:

"NOTE: The lots in this survey are created through the large lot subdivision review process. As such there has been review for conformance with suitability for on-site sewage disposal and availability of potable water."

- 7. 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.
- 8. Both sheets of the final mylars shall reflect short plat number LL-21-00001 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.
- 9. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
- 10. 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 Large Lot Subdivision 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 \$1550 to Kittitas County. The appeal deadline for this project is June 9, 2021 at 5:00p.m. Appeals submitted on or before June 9, 2021 shall be submitted to Kittitas County Community Development Services at 411 N Ruby St, Suite 2 Ellensburg, WA 98926.

Responsible Official


Jeremiah Cromie

Title: Planner I

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2



KITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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Date: May 25, 2021