



Sinclair Short Plat
File Number SP-17-00002
FINDINGS OF FACT, DECISION AND CONDITIONS OF APPROVAL

I. GENERAL INFORMATION

Requested Action: Chris Cruse, agent for Basil Sinclair, is proposing a 2-lot short plat which will divide parcel #10167 (10.99 acres) into one 5 acre lot and one 5.99 acre lot.

Location: The subject property is located approximately 1.45 miles north west of the City of Ellensburg at 200 Sinclair Road, Ellensburg, WA 98926, in a portion of Section 21, T18N, R18E, WM in Kittitas County bearing Assessor's map number 18-18-21040-0006.

II. SITE INFORMATION

Total Property Size:	10.99 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Well
Existing sewage Disposal:	OnSite Septic
Power/Electricity:	Kittitas County PUD
Fire District:	Fire District 2
Irrigation District(s):	Cascade, Olsen, Ellensburg Water

Site Characteristics: The site is relatively flat field/pasture with one existing residence.

- North: Privately owned land primarily used for agriculture and residential purposes.
- South: The John Wayne Trail and Washington State Parks land.
- East: Privately owned land primarily used for agriculture and residential purposes.
- West: The John Wayne Trail and privately owned land used for agriculture and residential purposes.

Access: The proposed project will have access from Faust Road

III. ADMINISTRATIVE REVIEW

Notice of Application: A short plat permit application was submitted to Kittitas County Community Development Services on November 27, 2017. The application was deemed complete on December 6, 2017. A Notice of Application for the Sinclair Short Plat (SP-17-00002) 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 19, 2017.



Notice was published in the Daily Record, the official newspaper of record for Kittitas County, and posted to the Kittitas County Website on December 19, 2017, all in conformance with the Kittitas County Project Permit Application Process (Title 15A).

Designated Permit Coordinator (staff contact): Jeremy Johnston, Staff Planner. P: (509) 962-7065, E: jeremy.johnston@co.kittitas.wa.us.

IV. ZONING AND DEVELOPMENT STANDARDS

The subject property is located approximately 1.45 miles north west of the City of Ellensburg at 200 Sinclair Road and has a zoning designation of Agriculture-5. The purpose and intent of this zone is to provide for an area where agricultural activities and low density residential developments co-exist compatibly. Agriculture-5 zones are predominantly agricultural-oriented lands and it is not the intent of this zone to impose further restrictions on continued agricultural activities. This project is being proposed under KCC 16.32.050 Short Plat Requirements.

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

Staff finds that the proposed short plat is consistent with all applicable Washington State and Kittitas County code sections. A critical area review was performed and appropriate conditions applied to mitigate flood concerns.

V. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the proposal as a short plat in a Rural Residential Land Use. Kittitas County has established the following goals and policies to guide activities in Rural



Residential zones. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

GPO 8.1: Rural lands are characterized by a lower level of service; mixed residential, agriculture and open space uses; broad visual landscapes and parcels of varying sizes, a variety of housing types and small unincorporated communities.

Staff Consistency Statement: The proposed short plat provides a variation of parcel size consistent with the zoning district.

GPO 8.16: Give preferences to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.

Staff Consistency Statement: The proposed short plat is consistent with rural residential development.

GPO 8.18: Limit development in rural areas through density requirements that protect and maintain existing rural character, natural open space, critical areas, and recreational areas. Direct rural development to lands that have adequate public services.

Staff Consistency Statement: The proposed short plat maintains adequate access to public services and complies with density requirements of the zoning district.

GPO 8.21: Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character.

Staff Consistency Statement: The proposed short plat is consistent with the Kittitas County zoning code.

GPO 8.21B : Functional separation and setbacks found necessary for the protection of water resources, rural character and/or visual compatibility with surrounding rural areas shall be required where development is proposed. The first sentence of this policy shall not apply to agricultural activities as defined by RCW 90.58.065(2(a)). When required by the county shoreline master program or critical area regulations, buffers shall be provided.

Staff Consistency Statement: The proposed short plat has been conditioned with appropriate setback requirements from the stream that borders the parcel.

GPO 8.31 Residential uses, where permitted, shall be located where farming and forestry activities and opportunities are not negatively impacted.

Staff Consistency Statement: The proposed short plat does not negatively impact any farming or forestry activities.

The Sinclair short plat as proposed is consistent with the Kittitas County Comprehensive Plan GPO's listed above. The proposal, as conditioned, preserves the rural character and is not a detriment to



neighboring agricultural activities. The property involved is adequately served by local services, meets density requirements for the zoning designation, and adequately protects adjacent water resources with appropriate setbacks.

VI. ENVIRONMENTAL REVIEW

Based upon an initial Critical Area review, CDS determined that the Sinclair short plat was exempt from SEPA review via WAC 197-11-800 (6)(d). CDS critical areas review identified a stream running along the northern border of the property known as Reecer Creek. Reecer Creek is not categorized as a shoreline of the state. After review by the Washington State Department of Fish and Wildlife and subsequent review by the Kittitas County Floodplain Manager, a minimum buffer from the Ordinary High Water Mark of Reecer Creek of 40 feet was required which is within the range established in KCC 17A.07.010 for a type 2 stream.

VII. AGENCY AND PUBLIC COMMENTS

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

VIII. PROJECT ANALYSIS

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, this proposal is located within the Rural Residential land use designation and the following Comprehensive Plan GPOs apply to this proposal: GPO 8.1, 8.16, 8.18, 8.21, 8.21B, and 8.31. Kittitas County values its rural lands and critical areas, while retaining the private property rights of individuals. The applicant is proposing a short plat parcel division consistent with the goals, policies, and objectives of the land use designation. As conditioned, this proposal is consistent with the County's Comprehensive Plan.

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

Staff conducted an administrative critical area review in accordance with KCC 17A. GIS information indicates a type 2 stream known as Reecer Creek located along the northern property line of the proposal. Kittitas County critical area regulations require a 40-100 foot Riparian habitat buffer to be determined by the planning director pursuant to KCC 17A.07.010(3). As conditioned, this proposal is consistent with the provisions of KCC 17A.



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

This proposal is consistent with the provisions of KCC 17.28A as conditioned.

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) addresses 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.

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

This proposal is consistent with the provisions of KCC 14.04.

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

This proposal is consistent with the provisions of KCC Title 12.

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

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

Agency Comments:

The following agencies provided comments during the comment period: Kittitas County Public Works, Kittitas County Public Health, Kittitas Valley Fire & Rescue, Washington State Department of Parks, and Washington State Department of Fish and Wildlife. At the completion of the comment period, all comments were provided to the applicant/agent of this proposal. All comments are on file and available for public review.

During the comment period, Washington State Parks Real Estate Division claimed legal ownership of the west half of Faust Road as well as a section of the south west portion of the parcel associated with this proposal. In reviewing this claim the Kittitas County Surveyor reviewed existing and proposed survey information, CDS reviewed comments from the applicant's agent, as well as the title report submitted with the application and Kittitas County Assessor records which all challenged the assertion of ownership by the Washington State Parks Real Estate Division. CDS found that the project record provided sufficient evidence to support the assertion that the applicant is the owner of all property being considered for this short plat application.

Washington State Department of Fish and Wildlife submitted concerns during the comment period recommending any future building on both lots take place outside of the floodplain terrace boundary to avoid adverse interactions with critical areas and limit potential flood damage. No specific setback recommendations beyond the minimum were provided by WDFW or Kittitas County Public Works floodplain review. The floodplain terrace boundary appears to extend beyond the required minimum 40 foot critical areas setback for a type 2 stream as outlined in KCC 17A.07.010 Riparian habitat.

Public Comments:

There were no public comments submitted during the comment period.



IX. FINDINGS OF FACT

1. Chris Cruse, agent for Basil Sinclair, submitted a short plat application on November 27, 2017 proposing the division of a 10.99 acre parcel into one 5 acre parcel and one 5.99 acre parcel. The proposed short plat meets the density requirements in the Agriculture 5 zone.
2. The subject property consists of one parcel, located approximately 1.45 miles north west of Ellensburg, in a portion of Section 21, T18N, R18E, WM in Kittitas County, bearing Assessor’s map number 18-18-21040-0006, Parcel # 10167.

3. Site Information:

Total Property Size:	10.99 acres
Number of existing lots:	1
Number of proposed lots:	2
Domestic Water:	Well
Existing sewage Disposal:	OnSite Septic
Power/Electricity:	Kittitas County PUD
Fire District:	Fire District 2
Irrigation District(s):	Cascade, Olsen, Ellensburg Water

4. Site Characteristics: The site is relatively flat field/pasture with one existing residence.

- North: Privately owned land primarily used for agriculture and residential purposes.
- South: The John Wayne Trail and Washington State Parks land.
- East: Privately owned land primarily used for agriculture and residential purposes.
- West: The John Wayne Trail and privately owned land used for agriculture and residential purposes.

5. The Comprehensive Plan land use designation is “Rural Residential.”
6. The subject property is zoned “Agriculture-5.”
7. A short plat application was submitted to Kittitas County Community Development Services department on November 27, 2017. This application was deemed complete on Wednesday, December 6, 2017. The Notice of Application for the short plat was issued on December 19, 2017. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. The last day to submit written comments was January 3, 2018.
8. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section V of this CPA determination, the following Comprehensive Plan GPO’s apply to this proposal: GPO 8.1, 8.16, 8.18, 8.21, 8.21B, and 8.31.
9. 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. A critical area review was performed and appropriate conditions applied to mitigate flood concerns.

10. The following agencies provided comments during the comment period: Kittitas County Public Works, Kittitas County Public Health, Kittitas Valley Fire & Rescue, Washington State Department of Parks, and Washington State Department of Fish and Wildlife. All comments are on file with CDS and available for public review.
11. No comments from the public were received as of the time of this staff report.
12. SEPA review was not required under WAC 197-11-800 (6)(d), "Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, and short plats or short subdivisions within the original short subdivision boundaries provided the cumulative divisions do not exceed the total lots allowed to be created under RCW 58.17.020."
13. Private road standards must be consistent with KCC 12.04.070, 12.04.080, and 12.04.090.
14. Access and driveways must be consistent with KCC 12.5.
15. 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.
16. KVFR requires consistency with KCC Title 20 upon issuance of any building permits.

X. 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 14.04 Building Code, Title 12 Roads and Bridges, and Title 20 Fire and Life Safety.

XI. DECISION AND CONDITIONS OF APPROVAL

Kittitas County Community Development Services grants *preliminary approval* of the Sinclair Short Plat SP-17-00002 based on the above staff analysis, findings of fact, and



conclusions with the following conditions of approval.

Conditions of Approval:

Critical Areas

1. Future building on both lots shall be located a minimum of 40 feet landward of the OHWM of Reecer Creek.
2. Reecer Creek shall be delineated on the final mylar and indicate the 40 foot buffer.

Water/Sewer

3. Proof of water adequacy including a well log or 4 hour draw down test, and a mitigation certificate for each proposed lot shall be submitted to CDS prior to final approval.

Roads and Transportation

4. Driveways are subject to the 12/15/15 Road Standards.
5. 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.
6. The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.

Fire & Life Safety

7. Access will be fully compliant with current IFC-Appendix D.
8. Addressing to buildings shall be clearly visible from both directions of travel.
9. Construction shall meet WUI (Wildlife Urban Interface) standards.

Historic and Cultural Preservation

10. Should ground disturbing or other activities related to the proposed conditional use permit result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). Work shall remain suspended until the find is 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.

Plat Notes

11. The following plat notes shall be recorded on the final mylar drawings:
 - a. All development must comply with International Fire Code.
 - b. Metering shall be required on all new residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements.
 - c. All water proposed to be used must be obtained from a water budget neutral source and meet conditions of Kittitas County Code 13.35.
 - d. Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel.
 - e. Maintenance of the access is the responsibility of the property owners who benefit from its use.
 - f. 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.
 - g. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
 - h. 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.
12. 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).
13. It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
14. 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.
15. 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



KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

"Building Partnerships – Building Communities"

CDS@CO.KITITITAS.WA.US

construction.

From these conclusions and findings, the proposed Short Plat is granted *PRELIMINARY APPROVAL* 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 \$1,570 to the Kittitas County Board of Commissioners at 205 West 5th, Room 108 Ellensburg, WA 98926. The appeal deadline for this project is May 15, 2018 at 5:00p.m.

Responsible Official


Lindsey Ozbolt

Title: Planning Official

Address: Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, WA. 98926
Phone: (509) 962-7506 Fax: (509) 962-7682

Date: May 1, 2018