



## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

October 26, 2016

Joan E. Nelson  
PO Box 1262  
Ellensburg WA 98926

### RE: Nelson Agricultural Short Plat (SP-15-00010)

Dear Applicant,

The Kittitas County Community Development Services Department has determined that the Nelson Agricultural Short Plat (SP-15-00010) is a complete application and hereby grants *conditional preliminary approval* subject to the following conditions:

1. Both sheets of the final mylars shall reflect short plat number SP-15-00009 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.**
2. 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).
3. 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.
  - The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. ([RCW 36.70A.060\(1\)](#)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." ([RCW 7.48.305](#)).
  - The parcels created by this short plat were done so under the provisions of Kittitas County Code 16.09 Agricultural Plats. Any future lot line adjustment or subdivision must be consistent with the terms, conditions, and intent of that chapter, and done so through the short plat amendment process provisioned for in Kittitas County Code 16.32.100.
  - All development must comply with International Fire Code.
  - The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. 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.

- WAC Chapter 173-150 provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in your area becomes limited your use could be curtailed by those with senior water rights.
  - All wells must meet the distance requirement of 50 feet from the property line, 50 feet from the septic tank and 100 feet from the drain field as per Kittitas County Code Title 17A.08.25 and Kittitas County Code Title 13. If existing wells do not meet the setback requirement from property lines, the two adjoining parcels nearest the well must enter into a legal, shared well-users agreement. Well locations must be depicted on submitted on the final mylars.
  - All new uses of water must comply with Kittitas County Code Chapter 13.35.027.
  - 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.
  - 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.
  - Any 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.
  - Future development of lot 2 may require a study by a certified wetland biologist to determine wetland classification and buffer requirements pursuant to KCC Critical Areas Code.
4. All Floodplain and wetlands shall be delineated on the face of the final mylar.
  5. This property is within the Kittitas Reclamation District boundaries. Proof that all general guidelines have been met for newly created lots shall be provided to Community Development Services prior to final approval.
  6. All access for future development shall comply with Appendix D of the International Fire Code.
  7. All new uses of ground water shall require either:
    - 1) A letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use;
    - 2) An adequate water right for the proposed new use; or
    - 3) A certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank. No new use to which this chapter is applicable shall be approved without one of these required submissions.
  8. All wells must meet the distance requirement of 50 feet from the property line, 50 feet from the septic tank and 100 feet from the drain field as per Kittitas County Code Title 17A.08.25 and Kittitas County Code Title 13. If existing wells do not meet the setback requirement from property lines, the two adjoining parcels nearest the well must enter into a legal, shared well-users agreement. Well locations must be depicted on submitted on the final mylars.
  9. Per Kittitas County Environmental Health, proof of water adequacy and site evaluations are required prior to final approval. Proof of Water Adequacy includes a well log or 4 hour draw down test and a mitigation certificate for each proposed lot and site evaluation for Onsite Septic Systems must be completed at the frequency of one soil log per lot (KCC 13.04.090 (1(f)). Unless every lot has existing septic and domestic water put to use at present, a soil log must be scheduled and completed for each proof of water mitigation must be provided for each lot.
  10. 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 pro-posed new use will not violate RCW 90.44.050 as currently existing or hereafter amended.

11. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.
12. A statement regarding the contemplated sewage disposal, potable water supply, and drainage improvements for the proposed subdivision.
13. One soil log shall be performed and information recorded for each lot within the proposed subdivision. Soil logs shall be in accordance with WAC 246.272A.
14. Should ground disturbing or other activities related to the proposed short plat 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 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.
15. The addresses shall be posted at the front of the property and easily visible from the road to emergency responders.
16. Any new structures or substantial development to existing structures will require compliance with the Wildland Urban Interface Code.
17. All future development must comply with the International Fire Code.
18. All driveways for any new lot must comply with Kittitas County Code, i.e., any driveway greater in length than 150 feet shall be no less than 16 feet in width.
19. Creation of new fields or agricultural activities within wetlands may trigger state and federal permit requirements before activities are begun.
20. Please see the attached comments from Kittitas County Department of Public Works and Kittitas County Public Health for plat notes and further issues that must be addressed prior to final approval.
21. Approval of the Nelson Agricultural Short Plat may be appealed to the Kittitas County Board of Commissioners upon request of any aggrieved party within 10 working days, and shall accordingly be eligible for final administrative approval after July 22<sup>nd</sup>, 2016. Administratively approved short plats must be recorded with the County Auditor and shall not be deemed approved until so filed. If you have any questions, please do not hesitate to contact our office.

**You may appeal this determination pursuant to KCC 15A.07.010 by submitting specific factual objections and a fee of \$780 to the Kittitas County Board of Commissioners (205 W. 5<sup>th</sup>, Room 108) by November 10, 2016 at 5:00p.m.**

Sincerely,



Jeff Watson  
Staff Planner

CC: Applicant  
Required parties (KCC 15A)