

Kittitas County Commissioners

Agenda Staff Report

AGENDA DATE:

10/6/2009

ACTION REQUESTED:

Sign Findings of Fact, Conclusions of Law, Decision and Conditions of Approval for the O. Sieber Short Plat Appeal (SP-08-00052)

BACKGROUND:

On November 19th, 2008 Otto Sieber, landowner, submitted a short plat application and related documentation to Kittitas County Community Development Services (CDS) for the purposes of creating one 5.01 acre parcel, one 5.02 acre parcel, and one 7.59 acre parcel from two existing parcels; one 11.25 acres and one 6.37 acres in size. After full review by CDS staff, conditional preliminary approval was granted on April 28, 2009. Condition #7 of that document required a cultural resource survey prior to final approval of the application. Condition #8 stipulated that 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 area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). On May 12, 2009, James T. Denison Attorney at Law, on behalf of the applicant, filed an administrative appeal to the Kittitas County Board of County Commissioners (BOCC) asserting that CDS "was in error by imposing condition No. 7 as a condition for approval."

The subject properties (tax parcels 234133 and 084133) are located east of State Route 821 (Yakima Canyon Road), west of Roza View Drive, and north of Burbank Creek Road in portions of Sections 21 and 22 of Township 15 north, Range 19 east, W.M. Kittitas County Washington.

After proper notice, the BOCC conducted an appeal hearing on July 6, 2009 at which testimony was taken. The record was closed and the hearing was continued until August 5, 2009 for board deliberation and decision. The Board passed a motion by a vot of 3 to 0 to uphold the appeal and directed staff to prepare enabling documents.

INTERACTION:

Yakama Confederated Tribes, Washington Department of Archaeology & Historic Preservation.

RECOMMENDATION:

Review and sign the attached Findings of Fact, Conclusions of Law, Decision and Conditions of Approval for the O. Sieber Short Plat Appeal (SP-08-00052)

HANDLING:

Return signed Findings of Fact, Conclusions of Law, Decision and Conditions of Approval to CDS staff planner for issuance of the Notice of Decision.

LEAD STAFF:

Dan Valoff