



**KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES**

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

**REASONABLE USE EXCEPTION APPLICATION**

*Relief from a provisions of Title 17A when the application of this Title would deny all reasonable economic use of the subject property. (See KCC 17A.01.060)*

Please type or print clearly in ink. Attach additional sheets as necessary. Pursuant to KCC 15A.03.040, a complete application is determined within 28 days of receipt of the application submittal packet and fee. The following items must be attached to the application packet.

**REQUIRED ATTACHMENTS**

*Handwritten initials and checkmarks on the left margin.*

- Site plan of the property with all proposed: buildings; points of access, roads, and parking areas; septic tank and drainfield and replacement area; areas to be cut and/or filled; and, natural features such as contours, streams, gullies, cliffs, etc. *SEE ATTACHED GRADING PLAN*
- Project Narrative responding to Questions 9 and 10 on the following pages. *REFER TO ED SEVALL'S REPORT DATED 4-19-23*
- Critical Area Report with mitigation plan: *SAME AS → SEE ATTACHED*

At a minimum, the report shall contain the following:

- a. The name and contact information of the applicant and a description of the proposal;
- b. The site plan for the proposed development, including a map drawn to scale depicting critical areas, buffers and/or setbacks, the proposed development, and any areas to be cleared or altered;
- c. The names and qualifications of the persons preparing the report;
- d. Documentation of any fieldwork performed on the site;
- e. Documentation that consultation, when deemed appropriate, was initiated with agencies of expertise;
- f. Field identification and characterization of all critical areas and buffers on and adjacent to the proposed development;
- g. A statement specifying the accuracy of the report, and all assumptions made and relied upon;
- h. A discussion of the performance standards applicable to the critical area and proposed development;
- i. A mitigation plan in accordance with KCC 17A.01.100 if mitigation is required.

**APPLICATION FEES:**

\$2,000.00 Kittitas County Community Development Services (KCCDS)

\$500 Kittitas County Public Works

**\$2,500.00 Total fees due for this application (One check made payable to KCCDS)**

**For Staff Use Only**

Application Received By (CDS Staff Signature): *Gail Weyand*

DATE: *3-14-24* RECEIPT # *C024-00692*

RECEIVED

MAR 14 2024

DATE STAMP IN BOX

**GENERAL APPLICATION INFORMATION**

**1. Name, mailing address and day phone of land owner(s) of record:**

*Landowner(s) signature(s) required on application form.*

Name: LINDA HORISH  
Mailing Address: 6581 LOWER PEOH PT RD  
City/State/ZIP: CLEELUM, VA 98922  
Day Time Phone: 509 304-8015  
Email Address: lhorish@gmail.com

**2. Name, mailing address and day phone of authorized agent, if different from landowner of record:**

*If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.*

Agent Name: ROBERT L. BAILEY  
Mailing Address: 4201 HWY 970  
City/State/ZIP: CLEELUM, VA. 98922  
Day Time Phone: 509 679 7017  
Email Address: for.rlb@gmail.com

**3. Name, mailing address and day phone of other contact person**

*If different than land owner or authorized agent.*

Name: SEWELL WETLAND CONSULTING, INC  
Mailing Address: POB 880  
City/State/ZIP: FALL CITY - VA 98024  
Day Time Phone: 253 859-0515  
Email Address: CLEELUM, esewall@sewellwc.com

**4. Street address of property:**

Address: 6581 LOWER PEOH PT. RD.  
City/State/ZIP: CLEELUM, VA 98922

**5. Legal description of property (attach additional sheets as necessary):**

SEA NW4 SEC 5 T19N R16E W1 SEE ATTACHED SURVEY

6. Tax parcel number: 546534

7. Property size: APPROXIMATELY 19006 SF (acres)

**8. Land Use Information:**

Zoning: AG 5

Comp Plan Land Use Designation: PRIVATE DRIVEY

**PROJECT NARRATIVE**

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

9. **Narrative project description (include as attachment):** Please include at minimum the following information in your description: describe project size, location, the provision of the critical areas code for which this reasonable use variance is requested, a description of the impacted critical area and any proposed mitigation for impacts.
- 10. **A Reasonable Use Exception review includes consideration of the criteria established in KCC 17A.01.060(2)(c). Please describe in detail how each criterion is met for this request:**
- A. The application of this Title would deny all reasonable economic use of the property.
  - B. No other reasonable use of the property has less impact on the critical area and its buffer
  - C. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of property.
  - D. The inability of the applicant to derive reasonable economic use of the property is not the result of action by the applicant after the effective date of this Title.
  - E. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site.
  - F. The proposal will result in no net loss of critical area functions and values consistent with the best available science.
  - G. The proposal is consistent with other application regulations and standards.

**AUTHORIZATION**

11. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

**All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.**

Signature of Authorized Agent:  
(REQUIRED if indicated on application)

X Robert J Bailey

Date:

3/10/24

Signature of Land Owner of Record  
(Required for application submittal):

X Luella Harsh

Date:

3/10/2024

Attachments to  
REASONABLE USE EXCEPTION APPLICATION FOR HORISH DRIVEWAY  
March 12, 2024

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Site Plan of the property; buildings; points of access, roads; and parking areas; septic tank and drain field and replacement areas; areas to be cut and/or filled, and, natural features such as contours, streams, gullies, cliffs, etc.

- \* Site plan: Included drawing of grading plan presents the location and size of project.
- \* Buildings: None
- \* Points of access: One point. Same access as that for 6581 Peoh Point Road.
- \* Roads in project: None
- \* Area of cut and fill: Station (0+54) – Station 1+33, Estimate 100cy
- \* Area of embankment (fill): Station 1+33 – Station 21+04, Estimate 1300cy.
- \* Contours: Topography relatively flat, one foot contours extremely wide spaced.
- \* Streams, gullies and cliffs: None

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9. Narrative Project description:

- \* The project is a driveway 2104 ft long, 16 ft wide; ref Table 4-4B, KCC 12.04.080
- \* All situated in the E2, NW4 Sec 5, T19N R16E, WM.
- \* Reasonable use variance request, KCC17A.01.060(2)
- \* Description of impacted critical area: An area of 19220sf (0.44acres) Wetland D buffer occupied by approximately 1200 ft of proposed driveway 16ft wide. The Critical Areas Report provided by Sewall Wetland Consulting Inc indicates an area calculated using a driveway 15' wide. Too narrow. Driveway width required to be 16ft per KCC. The portion of the buffer occupied by the proposed driveway is pasture ground which is irrigated.
- \* Proposed mitigation: Add an equivalent area, 0.44acres of forested habitat to the north side of Wetland and the Type S water. See attached Page 13 of Sewall Wetland Consulting Inc Report.

10. Reasonable Use Exceptions review KCC17A.01.060 (2)(C)

A. The application of this Title would deny all reasonable economic use of the property.

Response This driveway is on an existing easement 30ft in width which is the only legal access to a single family home building site on parcel 516534 from Lower Peoh Point Road. To not allow construction of an access driveway would deny the legal reasonable economic use of a single family home building site.

B. No other reasonable use of the area to be occupied by the driveway has less impact on the critical area and its buffer.

Response This driveway as shown on the attached grading plan will provide legal access to a single family home building site.

C. The proposed impact to the critical area is the minimum necessary to allow for the reasonable economic use of the property.

Response This proposed driveway, 16 feet in width, is the narrowest driveway to access a building site allowed. Table 4-4B KCC 12.04.080.

D. The inability of the applicant to derive reasonable use of a single family home building site is not the result of action by the applicant after the effective date of this Title, December 2021.

Response: The parcel on which a single family home building site existed prior to December 2021.

E. The proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the driveway site.

Response. The proposed driveway presents no threat to public health, safety or welfare on or off the driveway.

F. The proposal will result in no net loss of critical area functions and values consistent with the best available science.

Response The proposed cumulative impacts from the driveway total 19200sf (0.44acres) of existing grazed pasture buffer.

To compensate for permanent impact to the buffer from the driveway, 19200sf (0.44acres) of forested area adjacent to the existing buffer of the same wetland and stream, north of Wetland D will be added as compensation.

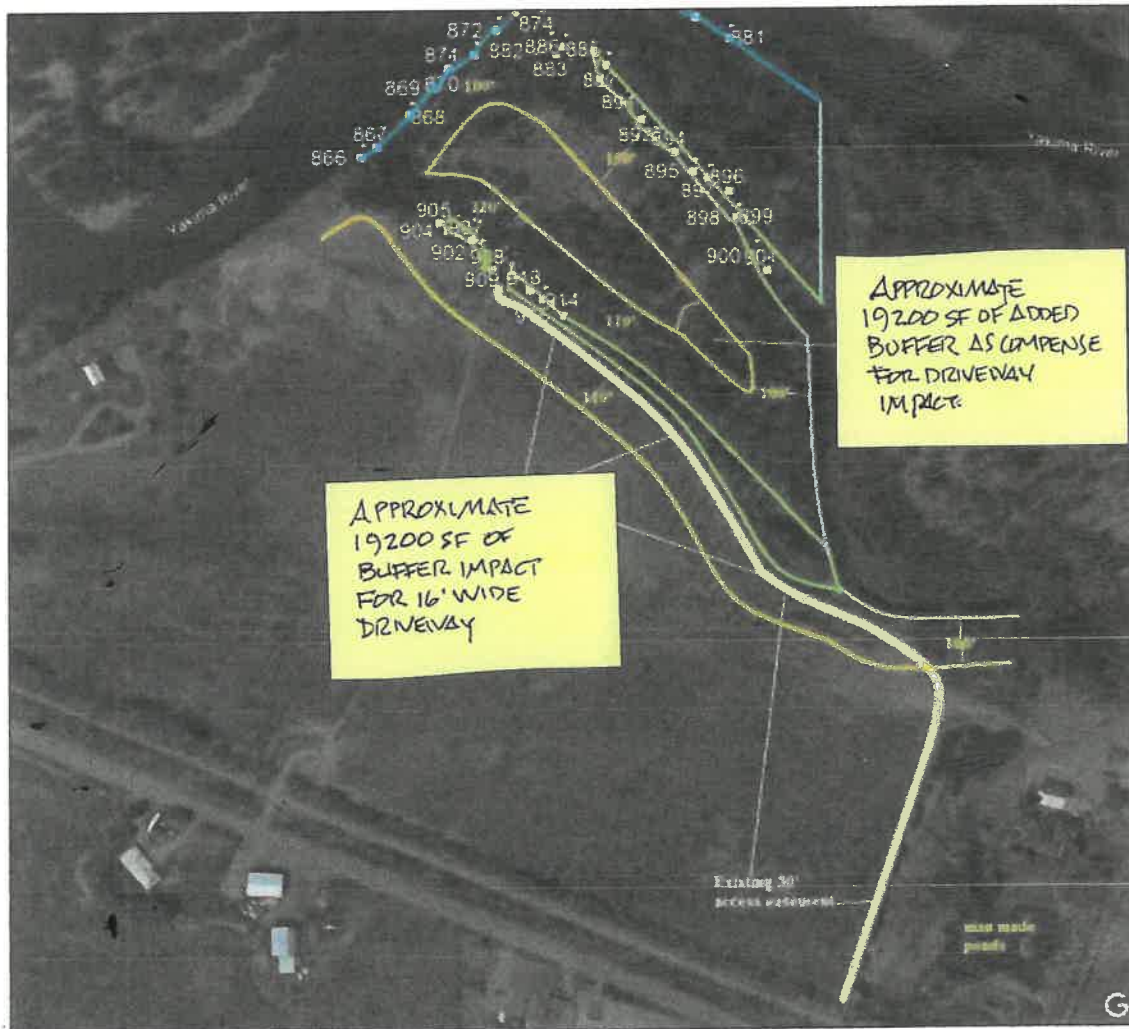
The proposed buffer addition will result in no net loss of buffer function to the wetland or stream, will increase the portion of the buffer that is forested, and utilizes the best available science.

G. The proposal is consistent with other application regulations and standards.

Response The proposal is consistent with other applicable regulations and standards.

**Proposed Access Driveway - AND PROPOSED MITIGATION -**

The existing gravel driveway leads to a large area outside the wetlands, streams and buffers of these features and could be a potential building site with no critical area impacts. However, the legal access for the property comes along the eastern side of the site from Lower Peoh Point Road and curves along the perimeter of the existing pasture.



Above: Proposed access driveway to gain access to the site.

The pasture itself has no regulated wetlands within the vicinity of the proposed access driveway. The presumed driveway width within the easement will be ~~16'~~ The easement itself passes through approximately 1,200 linear feet of the buffer of the 110' buffer of Wetland D and the

16 FEET  
R.L.B  
3/12/24