

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926 CDS@CO.KITTITAS.WA.US Office (509) 962-7506 Fax (509) 962-7682

Building Partnerships - Building Communities

September 24, 2013

Jon Fitterer 1770 Williams Creek Road Cle Elum WA 98922

Alastair Phipps 8921 NE 190th Bothell WA 98011

RE: Fitterer Boundary Line Adjustment (BL-13-00009),

Map Number	21-18-31000-0003	Parcel Number	337835
Map Number	21-18-31000-0008	Parcel Number	739236
Map Number	21-18-31000-0009	Parcel Number	749236
Map Number	21-18-31050-0004	Parcel Number	172836

Dear Applicants,

Community Development Services is in receipt of the above referenced application. The application has been deemed complete and **preliminary approval** is hereby granted. Pursuant to Kittitas County Subdivision Code Chapter 16, please note the following items must be completed prior to final approval of the administrative segregation and must be submitted to our offices for review:

- 1. A metes and bounds legal description or recorded survey displaying legal descriptions and the new acreage and lot dimensions of each parcel must be submitted to our office prior to final approval.
- 2. Full year's taxes need to be paid for all tax parcel numbers per requirement of the Kittitas County Treasurer's Office. Please contact this office when this is accomplished as the Treasurer's office will not be aware of your pending application. No paper work or receipt is required just a phone call or an email will suffice.
- 3. Please refer to the attached Kittitas County Public Works and Kittitas County Fire Marshall comment memos for information regarding additional requirements.

If you have any further questions, please feel free to contact me at (509) 933-8274.

Sincerely,

Jeff Watson Staff Planner

CC via E-Mail to: cruseandassoc@kvalley.com

BL-13-00009 Fitterer Master File @ T:\CDS\Projects\BLAs\BL 2013\ BL-13-00009 Fitterer

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES



411 N. Ruby St., Suite 2, Ellensburg, WA 98926 CDS@CO.KITTITAS.WA.US Office (509) 962-7506 Fax (509) 962-7682

"Building Partnerships - Building Communities"

CODE INTERPRETATION—KCC 16.04.010, 16.04.020(1) and 16.08.055

Boundary Line Adjustments to Nonconforming Lots

Background

KCCs 16.04.010, 16.04.020(1) and 16.08.055 provide the parameters for the processing of boundary line adjustments in Kittitas County. 16.08.055 specifically stipulates that:

"... No lot or parcel resulting from a boundary line adjustment may be smaller than the minimum size allowed in that zone; provided, however, if the lot or parcel was already a nonconforming lot size that did not meet the minimum lot size for that zone, a boundary line adjustment may adjust boundaries so that nonconforming lot is larger even if it still continues to be less than the minimum lot size for that zone."

While this language does not explicitly state that a legal non-conforming lot may not be made more non-conforming in any way, the implications and intent seem to decidedly point in that direction. The above assertion was given affirmation in a memo from the Kittitas County Prosecuting Attorney's Office in a 2010 legal analysis and opinion which in part stated that:

"Our County code allows lots to become more conforming, even if still nonconforming (too small), but this cannot be at the expense of allowing another lot to become less conforming."

Discussion

In a rural county such as Kittitas many development actions and divisions occurred prior to the adoption or implementation of modern zoning and parcel configuration procedures. Surveys and legal descriptions can date back to the original GLO records of the late 19th century. Existing roads, streams, canals, fences and/or past activities in general have led to a variety of illogical, inefficient, or legally ambiguous land use practices. It must also be acknowledged that for a variety of reasons, there exists in Kittitas County a substantial quantity of legal nonconforming lots in all types of zoning classifications. It should be acknowledged that there are times when a BLA request involving a minor net loss in acreage to a nonconforming legal lot is not only in the interest of the applicant, but may be in the interest of the general health, safety, and welfare, of the County as a whole.

Decision

In an effort to facilitate logical and beneficial changes to nonconforming parcels in Kittitas County the Community Development Services Planning Official provides the following criteria which must be met in order for said boundary line adjustments to be made. All elements of Kittitas County Code remain in effect, and the proposal must conform to the following:

- 1. Only one nonconforming parcel may be reduced in size on any given application.
- 2. Said reduction shall not exceed 10% of the current nonconforming parcel size.
- 3. All conforming parcels involved in the boundary line adjustment must remain conforming.

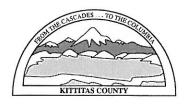
All Boundary Line Adjustment decisions are subject to appeal under the provisions of Title 15A.

Attachments:

KCC Title 16 Caulkins Memo

Indexing Subject:

- 1. Boundary Line Adjustment
- 2. BLA
- 3. Nonconforming Lot



KITTITAS COUNTYDEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO:

Jeff Watson, CDS

FROM:

Christina Wollman, Planner II

DATE:

June 27, 2013

SUBJECT:

Fitterer BL-13-00009

The Public Works Department has reviewed the Request for Boundary Line Adjustment and finds that it meets current Kittitas County Road Standards.

Our department recommends final approval with the following conditions:

- a. An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or performing any work within the county road right of way.
- b. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
- c. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
- d. Evidence of existing access and/or evidence of access to be created should be confirmed prior to sale of property.
- e. Access is not guaranteed to any existing or created parcel on this application.

Please let me know if you have any questions or need further information.

Jeff Watson

From: Brenda Larsen

Sent: Thursday, June 13, 2013 11:43 AM

To: Jeff Watson

Subject: RE: BL-13-00009 Fitterer

Jeff Watson Public Works Department 411 N. Ruby Street, Suite 2 Ellensburg, WA 98926

Re: Fitterer (BL-13-00009)

Dear Mr. Watson:

After conducting a review of the above named project, I have the following comments:

- Ensure that boundary line adjustments do not infringe upon existing structures, to include propane tanks, etc.
- Ensure adequate access for fire apparatus. Any driveways or access points created based off the new lot configurations shall comply with Kittitas County Code 20.02.030.
- All future development must comply with the International Fire Code.

Any questions or concerns regarding fire service features may be directed to the Kittitas County Fire Marshal's Office at 509-962-7000.

Sincerely,

Brenda Larsen Kittitas County Fire Marshal 509-962-7000

From: Jeff Watson

Sent: Thursday, June 13, 2013 11:05 AM

To: Christina Wollman; Brenda Larsen; Jan Ollivier; Holly Duncan

Subject: BL-13-00009 Fitterer

BL-13-00009 Fitterer

Christina, Holly, and Brenda,

Could you please review this application for comment. Control Click on the hyperlink above (or go to the attachment tab in EDEN).

Thanks,

Jeffrey A. Watson
Planner II

<u>Kittitas County Public Works/Community Development Services</u>
411 North Ruby
Ellensburg WA 98926
<u>jeff.watson@co.kittitas.wa.us</u>
509-933-8274

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14

Jeff Watson

From: Erin Moore

Sent: Tuesday, June 18, 2013 10:53 AM

To: Jeff Watson

Subject: FW: BL-13-00009 Fitterer

Follow Up Flag: Follow up Flag Status: Flagged

EH does not see any problems with this. Can you add me to this list?

From: Jeff Watson

Sent: Thursday, June 13, 2013 11:05 AM

To: Christina Wollman; Brenda Larsen; Jan Ollivier; Holly Duncan

Subject: BL-13-00009 Fitterer

BL-13-00009 Fitterer

Christina, Holly, and Brenda,

Could you please review this application for comment. Control Click on the hyperlink above (or go to the attachment tab in EDEN).

Thanks,

Jeffrey A. Watson

Planner II

Kittitas County Public Works/Community Development Services

411 North Ruby

Ellensburg WA 98926

jeff<u>.watson@co.kittitas.wa.us</u>

509-933-8274

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14

Jeff Watson

From: Jeff Watson

Sent: Thursday, June 13, 2013 11:05 AM

To: Christina Wollman; Brenda Larsen; Jan Ollivier; Holly Duncan

Subject: BL-13-00009 Fitterer

BL-13-00009 Fitterer

Christina, Holly, and Brenda,

Could you please review this application for comment. Control Click on the hyperlink above (or go to the attachment tab in EDEN).

Thanks,

Jeffrey A. Watson Planner II

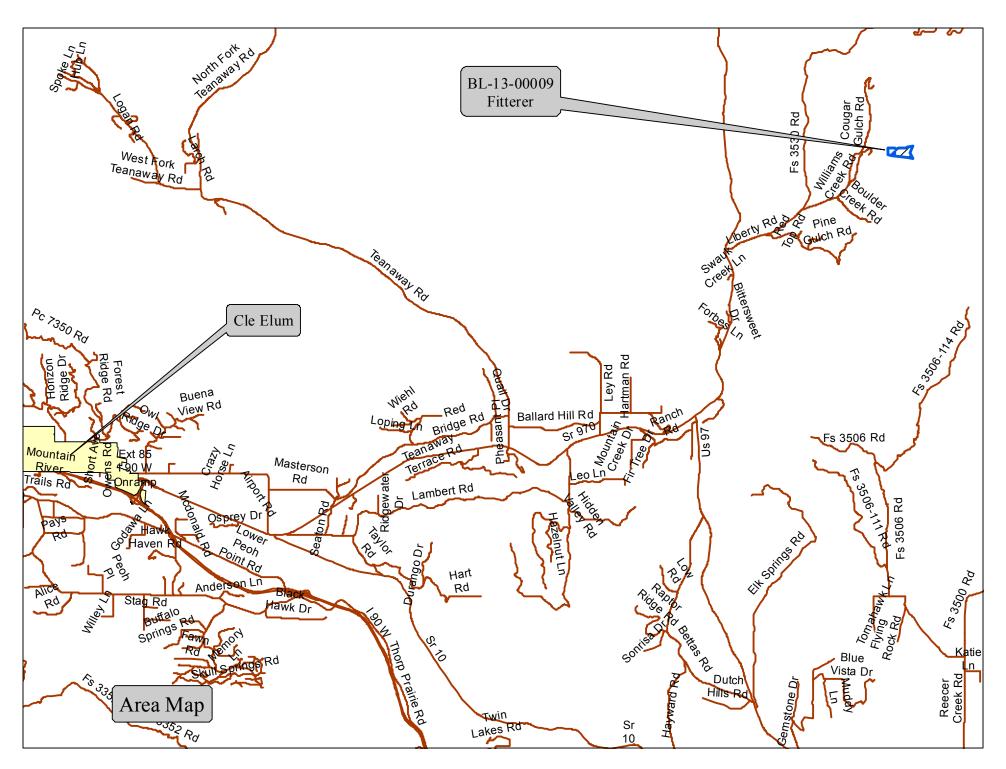
Kittitas County Public Works/Community Development Services

411 North Ruby

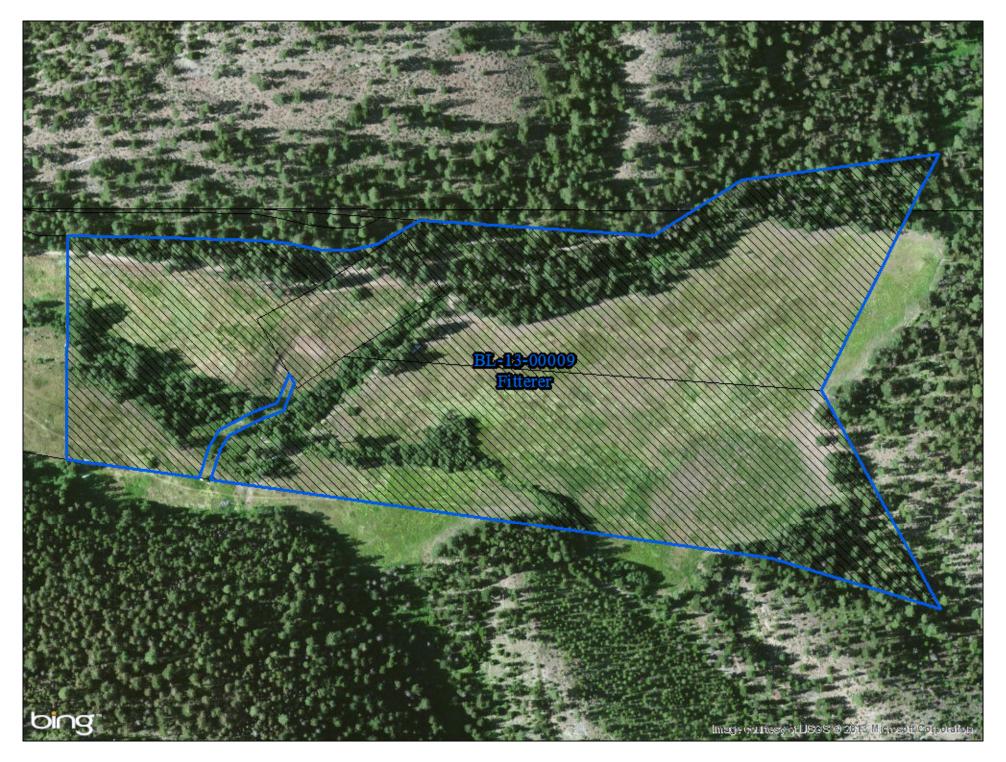
Ellensburg WA 98926

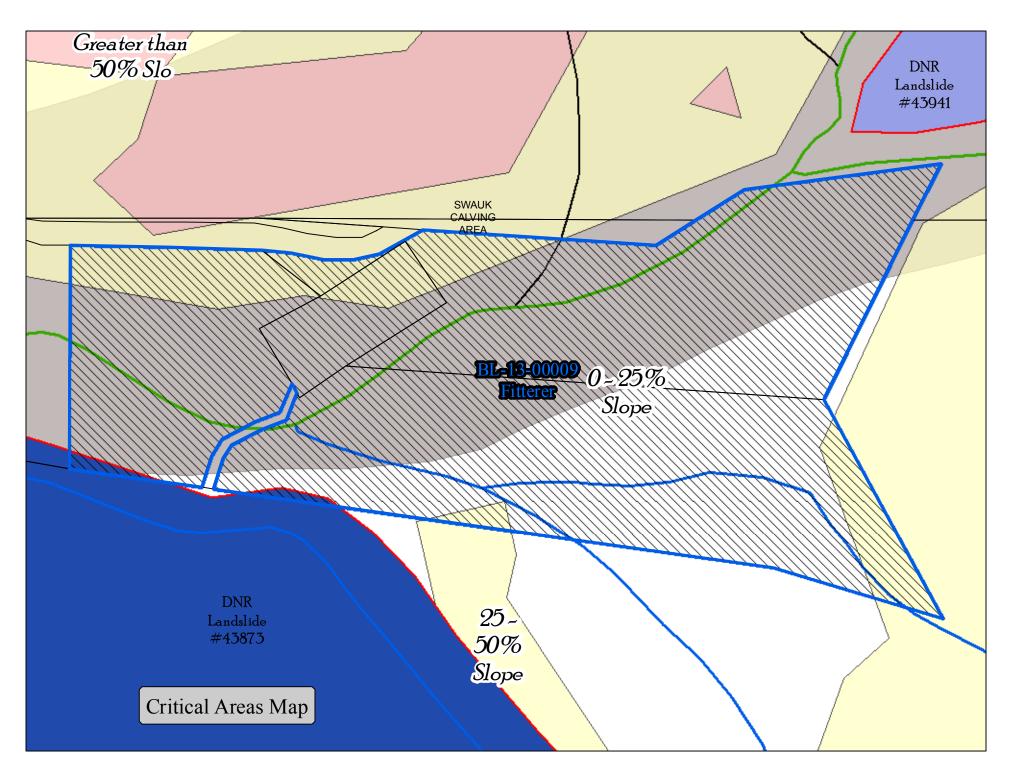
jeff.watson@co.kittitas.wa.us

509-933-8274





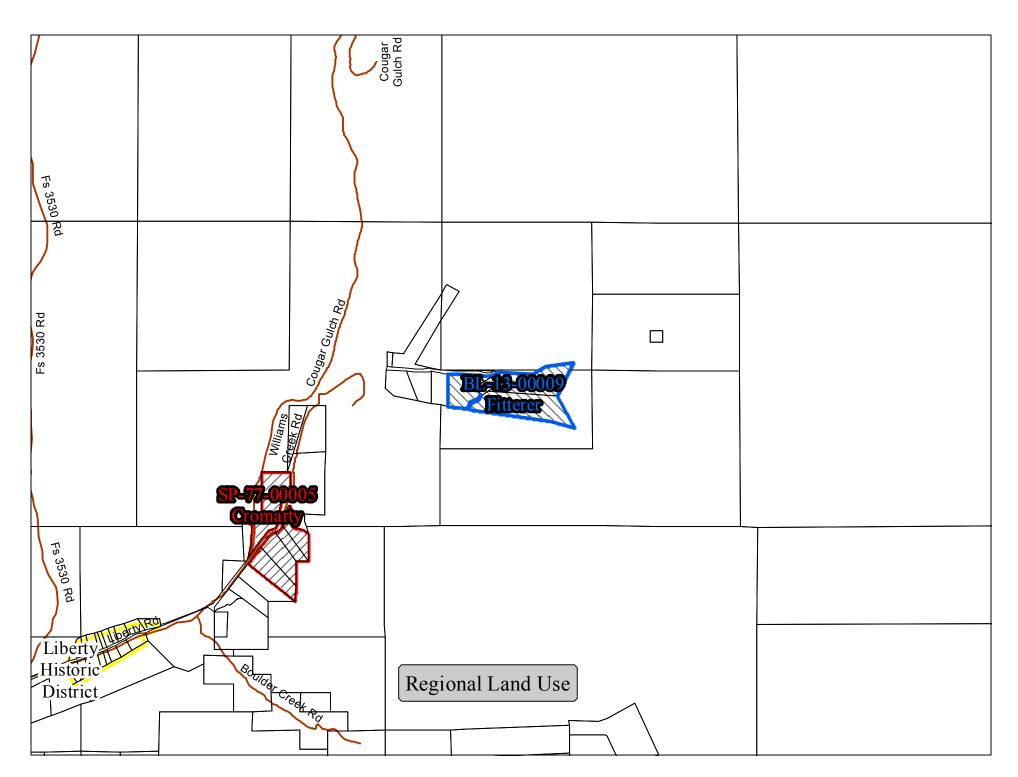




Critical Areas Checklist

Thursday, June 13, 2013 Application File Number BL-13-00009 44 Planner Jeff Watson □ Yes ✓ No Is SEPA required □ Yes ✓ No Is Parcel History required? What is the Zoning? Forest and Range H_/ \square Yes ✓ No Is Project inside a Fire District? If so, which one? \square Yes ✓ No Is the project inside an Irrigation District? If so, which one? ✓ No □ Yes Does project have Irrigation Approval? Which School District? Cle Elum-Roslyn School District ✓ No □ Yes Is the project inside a UGA? If so which one? ✓ No □ _{Yes} Is there FIRM floodplain on the project's parcel? If so which zone? Χ What is the FIRM Panel Number? 5300950300B \square No ✓ Yes Is the Project parcel in the Floodway? ✓ No If so what is the Water Body? What is the designation? ✓ Yes \square No Does the project parcel contain a Classified Stream? If so what is the Classification? Types 2, 4 & 9 □ Yes ✓ No Does the project parcel contain a wetland? If so what type is it? ✓ Yes \square No Does the project parcel intersect a PHS designation? If so, what is the Site Name? **SWAUK CALVING AREA** Is there hazardous slope in the project parcel? Yes □ No If so, what type? 25-50%

Does the project parcel abo	ut a DOT road?	No		
If so, which one?				
Does the project parcel abo	ut a Forest Service road?	✓ No		
If so, which one?				
Does the project parcel int	ersect an Airport overlay zone ?	\square Yes	✓ No	
If so, which Zone is it	in?			
Does the project parcel int	ersect a BPA right of way or line?	\square Yes	✓ No	
If so, which one?				
Is the project parcel in or n	ear a Mineral Resource Land?	\square Yes	✓ No	
If so, which one?				
Is the project parcel in or near a DNR Landslide area? ✓ Yes ☐ No				
If so, which one?	43873, 43941			
Is the project parcel in or near a Coal Mine area?				
What is the Seismic Design	ation?			
Does the Project Application	on have a Title Report Attached?			
Does the Project Application have a Recorded Survey Attached? $\ \Box$				
Have the Current Years Tax	kes been paid? \square			





KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

MAY 06 2013

411 N. Ruby St., Suite 2, Ellensburg, WA 98926 CDS@CO.KITTITAS.WA.US Office (509) 962-7506 Fax (509) 962-7682

"Building Partnerships – Building Communities" UNTY

CDS

BOUNDARY LINE ADJUSTMENT

(Adjustment of lot lines resulting in no new lots, as defined by KCC 16.08.055)

NOTE: If this Boundary Line Adjustment is between multiple property owners, seek legal advice for conveyance of property. This form does not legally convey property.

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

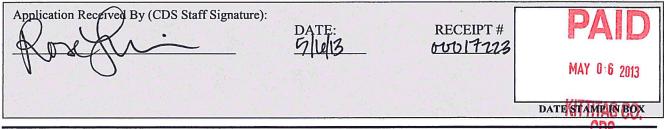
Note: a	separate application must be filed for <u>each</u> boundary line adjustment request.
	Unified Site Plan of existing lot lines and proposed lot lines with distances of all existing structures, access points,
	well heads and septic drainfields.
	Signatures of all property owners.
	Narrative project description (include as attachment): Please include at minimum the following information in your
	description: describe project size, location, water supply, sewage disposal and all qualitative features of the
	proposal; include every element of the proposal in the description.
	For <u>preliminary approval</u> , please submit a sketch containing the following elements.
	1. Identify the boundary of the segregation:

- a. The boundary lines and dimensions
- b. Sub-Parcel identification (i.e. Parcels A, B, C or Lots 1, 2, 3, etc.)
- 2. Show all existing buildings, well heads and drain fields and indicate their distances from the original exterior property lines AND from the proposed property lines. If you have a copy of an original survey, please attach. A new survey will not be needed until preliminary approval has been granted.
- 3. Provide legal descriptions for each proposed tax parcel and identify by letter or number use on the map. Example: Parcel
- 4. A The North 75 feet of the West 400 feet of the Southwest quarter of the Southwest quarter of the Southwest quarter of Section 02; Township 20 North; Range 16 East; W.M.; Except the West 30 feet thereof for roads.
- For <u>final approval</u> (not required for initial application): Legal descriptions of the proposed lots, or a recorded survey.

APPLICATION FEES:

\$585.00	Total fees due for this application (One check made payable to KCCDS)
\$205.00	Kittitas County Public Health Department Environmental Health
\$65.00	Kittitas County Fire Marshal
\$90.00	Kittitas County Department of Public Works
\$225.00	Kittitas County Community Development Services (KCCDS)

FOR STAFF USE ONLY



<u> </u>	parcels until after preliminary approval has been issued.)				
	GENERAL APPLICATION INFORMATION				
	Name, mailing address and day phone of land owner(s) of record: Landowner(s) signature(s) required on application form				
	Name:	Jon Fitterer	Alastair Phipps		
	Mailing Address:	1770 Williams Cr. Rd.	8921 NE 190th		

1.

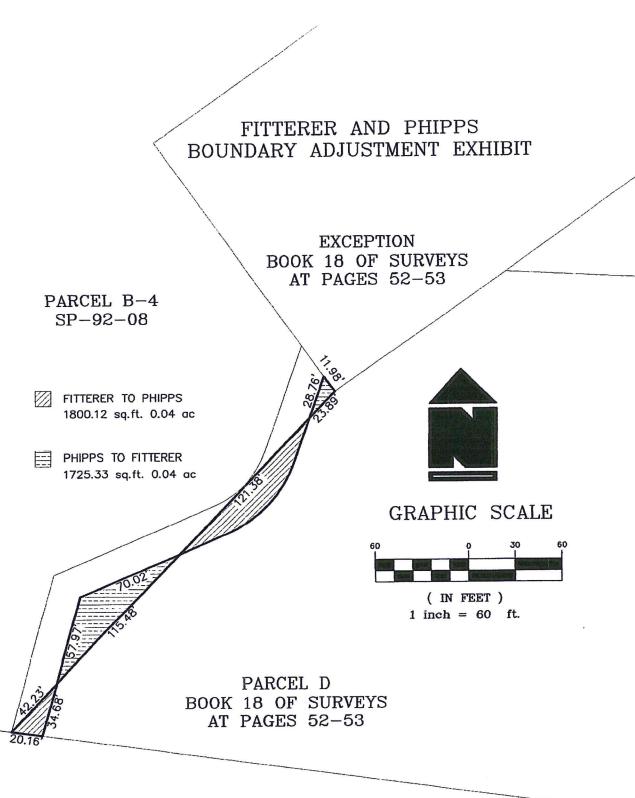
Cle Elum, WA 98922 Bothell, WA 98011 City/State/ZIP: (509) 929-5559 Day Time Phone: Email Address: 2. Name, mailing address and day phone of authorized agent, if different from landowner of record: If an authorized agent is indicated, then the authorized agent's signature is required for application submittal. Chris Cruse Agent Name: Mailing Address: P.O. Box 959 Ellensburg, WA 98926 City/State/ZIP: 962-8242 Day Time Phone: cruseandassoc@kvalley.com Email Address: Name, mailing address and day phone of other contact person 3. If different than land owner or authorized agent. Name: Mailing Address: City/State/ZIP: Day Time Phone: Email Address: 4. Street address of property: 1770 Williams Cr. Rd. Address: Cle Elum, WA 98922 City/State/ZIP: Legal description of property (attach additional sheets as necessary):
Parcel B-4 SP-92-08, Parcels C,D, and Exeption Book 18 of Surveys at Pages 52-53 See 5. Attachment. Property size: 34.51 6. (acres) 7. Land Use Information: Zoning: F&R Comp Plan Land Use Designation: Rural

8.	Existing and Proposed Lot Information	
	Original Parcel Number(s) & Acreage (1 parcel number per line)	New Acreage (Survey Vol, Pg)
	21-18-31050-0004 6.07Ac	6.07 Ac
	21-18-31000-0009 13.88 Ac	13.88 Ac
	21-18-31000-0003 2.00 Ac	1.93 Ac
	21-18-31000-0008 12.56 Ac	12.63 Ac
	APPLICANT IS:OWNERPURCHAS	SERLESSEEOTHER
parcel	with the information contained in this application information is true, complete, and accurate. If proposed activities. I hereby grant to the agencia above-described location to inspect the proposed at CE: Kittitas County does not guarantee a buildareceiving approval for a Boundary Line Adjustment.	able site, legal access, available water or septic areas, for ent.
	correspondence and notices will be transmitted to t ent or contact person, as applicable.	the Land Owner of Record and copies sent to the authorized
Signati	ure of Authorized Agent:	Signature of Land Owner of Record
(REQU	TRED if indicated on application) (date) 5/2/2013	(Required for application submittal): (date) 5/2/2013
THIS	FORM MUST BE SIGNED BY COMMUNITY DEVE PRIOR TO SUBMITTAL TO	LOPMENT SERVICES AND THE TREASURER'S OFFICE THE ASSESSOR'S OFFICE.
	TREASURER'S	OFFICE REVIEW
Tax Sta	atus: By:	Date:
		MENT SERVICES REVIEW
()	This BLA meets the requirements of Kittitas Count	
C		**Survey Required: Yes No Parcel Creation Date:
	ard #:st Split Date:st	Current Zoning District:
	eliminary Approval Date:	Ву:
	nal Approval Date:	

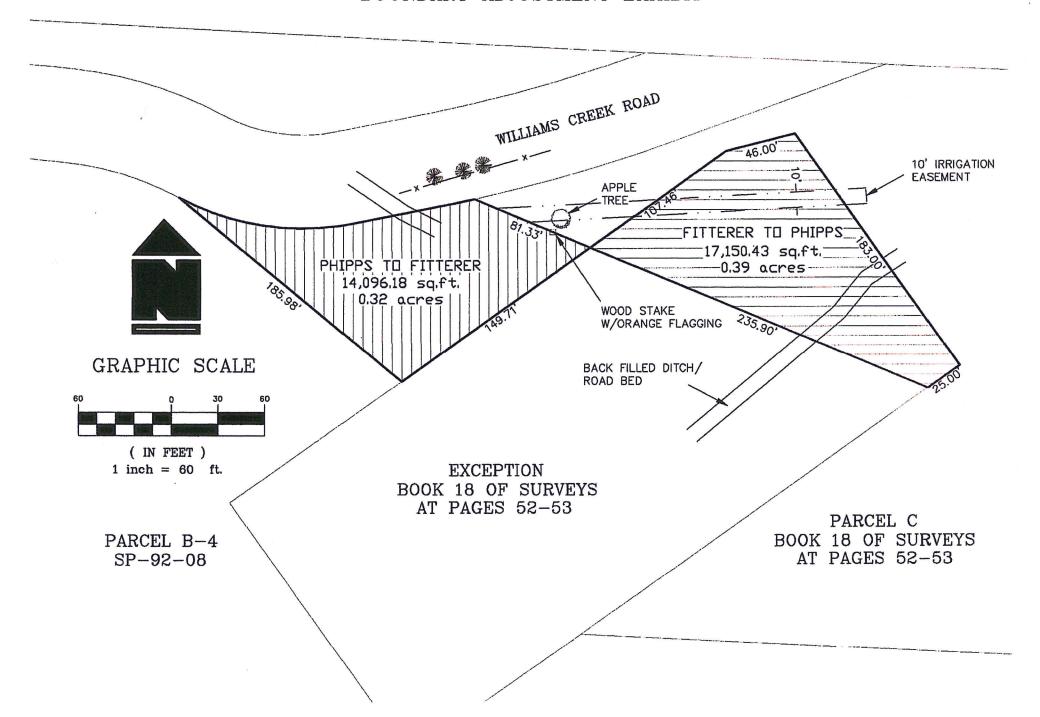
8.	Existing and Propo	sed Lot Information		
	Original Parcel Nun (1 parcel number p		New Acreage (Survey Vol. , Pg)	
	21-18-31050-0		6.07 Ac	
		0004 0.07AC	13.88 Ac	
	21-18-31000-0	0003 2.00 Ac	1.93 Ac	
		0008 12.56 Ac	12.63 Ac	
			and the control of the state of	
	APPLICANT IS:	1	R LESSEE	OTHER
9,	with the information is in proposed activitie	tion contained in this application we complete, and accurate. I for	the activities described herein. I contain and that to the best of my known their certify that I possess the authors to which this application is made.	dedge and belief such joints to undertake the
NOTIC parcel r	E: Kittitas Coun receiving approval	ity does not guarantee a builda I for a Boundary Line Adjustme	ble site, legal access, available water nt.	er or septic areas, for
<u>All</u> age	correspondence ar ent or contact perso	nd notices will be transmitted to to on, as applicable	ne Land Owner of Record and copies	s sent to the authorized
Signatu	ire of Authorized .	Agent:	Signature of Land Owner of Reco	ord
REOT	TRED if indicated	on application)	(Required for application submitted × Alaston there Maria 113 + Ky	11): (date) 5 3 2413
THIS	FORM MUST BE S	IGNED BY COMMUNITY DEVE PRIOR TO SUBMITTAL 10	OPMENT SERVICES AND THE TR THE ASSESSOR'S OFFICE.	REASURER'S OFFICE
		TREASURER'S	OFFICE REVIEW	
Tax Sta	tus.	By	I	late
	This Life A monetate	COMMUNITY DEVELORS the requirements of Kittitas County	ENI SERVICES REVIEW	
٠,		vol Page Date	**Survey Required Yes	No
Ca	rd#	and distributions of the second sections of the second section section sections of the second section section section sections of the second section section section sections of the section s		
		The first transfer of	Current Zoning District	
	liminary Approval		BV	
Fin	al Appreval Date	The state of the s	By	

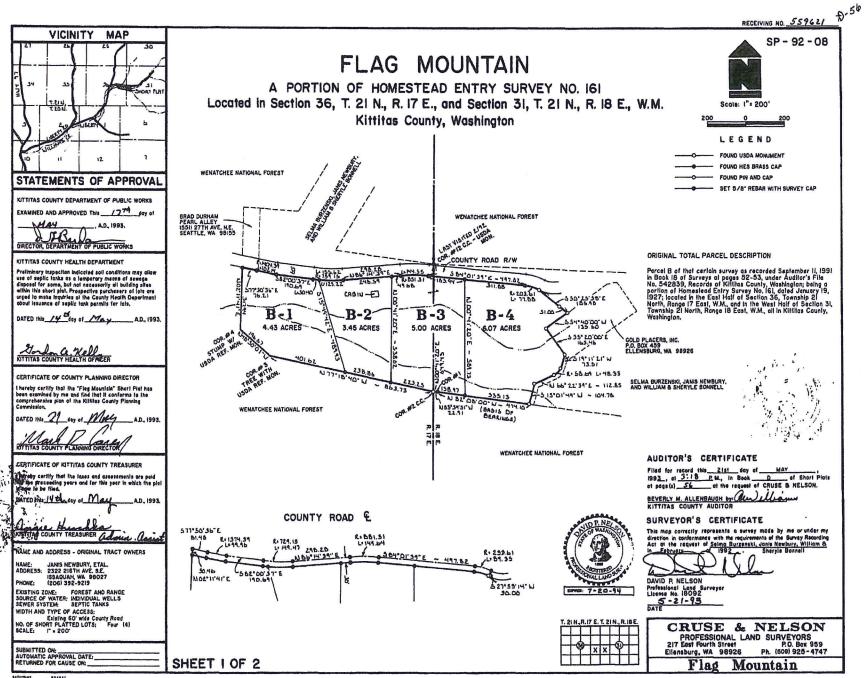
525 85 Proposed 845.96 587.28 G MOUNTAIN SHORT 000-0008 12.56 12.63 050-0004 000-0003 -2.00 1.93 PARCEL C Adjust Boundary to match existing 6.07 SURVEY #542839 B18/P52-53 B-4driveway 1201.28 PLAT 92-08 20' Strip owned by Fitterer per AFN 200707160029. Equal Area exchange 000-0009 ---<u>- 335</u>_13 13.88 PARCELD SURVEY #542839 1382.55 B18/P52-53

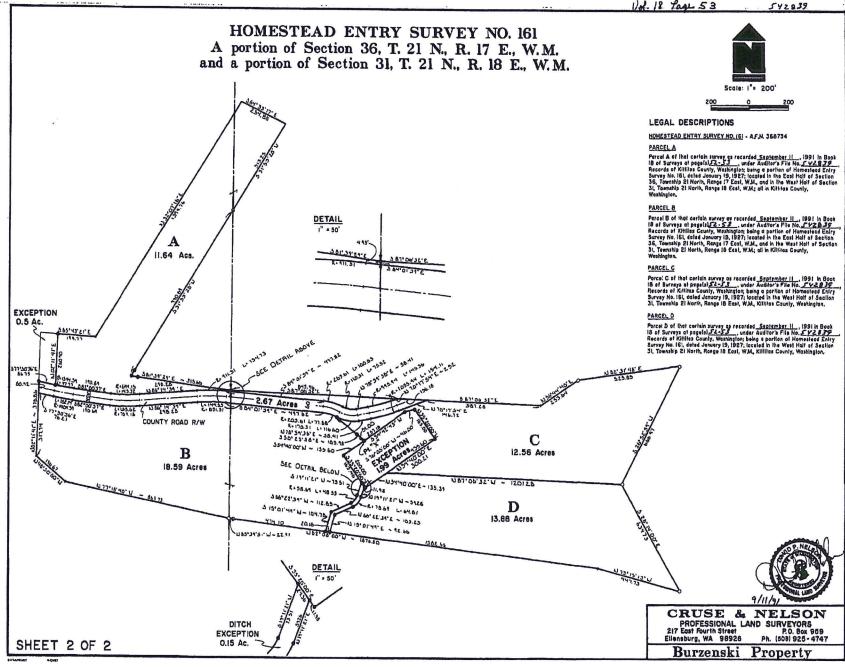
000**-**0005



FITTERER AND PHIPPS BOUNDARY ADJUSTMENT EXHIBIT









KITTITAS COUNTY PERMIT CENTER 411 N. RUBY STREET, ELLENSBURG, WA 98926

RECEIPT NO.:

00017223

COMMUNITY DEVELOPMENT SERVICES

(509) 962-7506

PUBLIC HEALTH DEPARTMENT

(509) 962-7698

DEPARTMENT OF PUBLIC WORKS

(509) 962-7523

Account name:

026814

Date: 5/6/2013

Applicant:

FITTERER, JON F ETUX

Type:

check

5707

Permit Number	Fee Description	Amount
BL-13-00009	BOUNDARY LINE ADJUSTMENT MAJOR	225.00
BL-13-00009	BLA MAJOR FM FEE	65.00
BL-13-00009	PUBLIC WORKS BLA	90.00
BL-13-00009	ENVIRONMENTAL HEALTH BLA	205.00
	Total:	585.00