

RECEIVED

JUL 31 2008

Kittitas County  
Department of Public Works

KITTITAS COUNTY  
DEPT. OF PUBLICWORKS

VARIANCE REQUEST

To be completed by applicant

Name: Craig and Reesa Duncan

Date of application: July 31, 2008

Developer     Agent for Developer

Address: 6320 Cove Road

Ellensburg, WA 98926

Daytime phone: 925-6191

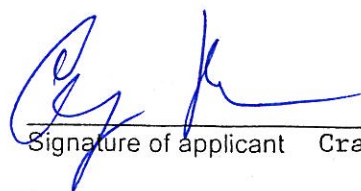
Associated Project/Development: B&J Preliminary Plat (LP-08-21)

Request (be specific): Applicants Duncan request a variance of Kittitas County Road Standard KCRS 12.05.030(2) and the spacing requirements as set forth in Table 5-1 which require access spacing of 1000 feet. The request is to allow a variance to use the existing permitted access.

Reason for request: See attached Exhibit A.

List of supporting documents attached: Copy of Kittitas County Code 12.05 including Table 1; Copy of measurements taken by Craig Duncan in regards to current access spacing; Kittitas County Access Permit 2006-511; Declaration of Craig Duncan

Attach map.

  
Signature of applicant Craig Duncan

## EXHIBIT A

### Variance Request B&J Preliminary Plat (LP-08-21)

Attached hereto and marked **Exhibit 1** is a Kittitas County Department of Public Works permit 2006-511 issued to Craig and Reesa Duncan for the property described in B&J Preliminary Plat (LP-08-21) which permit was issued July 13, 2006 and locates the access to the present location of the road as described in the above-described plat. This road has been in existence since shortly after the issuance of the permit.

This permit was issued at a time when the access spacing requirements as shown on Table 5-1 were as they currently exist. The issued permit and all existing accesses on Cove Road between Hanson and Manastash are not in compliance with the access spacing requirements.

Attached hereto and marked **Exhibit 2** are two sheets pages 1 and 2 which show the spacing between existing accesses between Hanson Road and Manastash Road. Every single access road is not in compliance with Table 5-1 and most would not be in compliance with Table 5-1 even if the speed limit were dropped from 50 mph to 35 mph. The existing accesses all should have required variances, applicant is not aware of any other requirements of compliance with this chapter until this application for preliminary plat submitted by the applicants.

The property to the west of Cove Road is all zoned 3-acre, as are many of the parcels to the east of Cove Road. Three-acre parcels, by definition, do not meet the access spacing requirements.

In order for a 3-acre parcel to have the required spacing on Cove Road, the parcel would have to have at least 750 frontage feet, but therefore could only be 139 feet deep. It is impossible for 3-acre parcels to accommodate the current access spacing requirements. Therefore, the county zoning code is in conflict with the access spacing requirements set forth in Kittitas County Code 12.05.

In light of the fact that none of the existing accesses meet the access spacing requirements of the county code and the County has obviously ignored and not enforced the code, to enforce the code for this applicant would be selective enforcement and arbitrary enforcement, both of which are unconstitutional and illegal.

The county should grant the variance request; and then should review the County's code in regards to access spacing requirements and amend them to conform to existing zoning.

**KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS**

411 N. RUBY, SUITE 1  
ELLENSBURG, WA 98926  
(509) 962-7523

- APPLICATION FOR ACCESS TO RIGHT-OF-WAY
- APPLICATION FOR TO PERFORM WORK IN RIGHT-OF-WAY
- APPLICATION FOR PROPERTY ADDRESS
- APPLICATION FOR DUST CONTROL (Pending Approval)

**PERMIT** 2006-511

Owner/Applicant: Craig and Ree Duncan Date: 07 10 2006  
 Mailing Address: 4730 Weaver Road City: Ellensburg State: WA ZIP: 98926 Phone: (509) 962-1662  
 Agent/Company: \_\_\_\_\_ Corp. \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: WA ZIP: \_\_\_\_\_

Request Access for:

|   |  |
|---|--|
| <input type="checkbox"/> Approved Short plat/Long Plat                | <input checked="" type="checkbox"/> Single Family Dwelling |
| <input type="checkbox"/> Pending Short Plat                           | <input type="checkbox"/> Multi Family Dwelling             |
| <input type="checkbox"/> Pending Long Plat                            | <input type="checkbox"/> Commercial Lot                    |
| <input type="checkbox"/> Number of lots to be served by access: _____ | <input type="checkbox"/> Temporary Access                  |
| <input checked="" type="checkbox"/> Other (Please explain) _____      | <input type="checkbox"/> Ag Access                         |

Assessor's Parcel No. 17-18-07030-0018 Plat Name CD8027-1 Div \_\_\_\_\_ Blk \_\_\_\_\_ Lot \_\_\_\_\_  
 Road Name of Location of Access Cove Road Road Number \_\_\_\_\_ Road Mile Post 0  
 Distance/Direction of nearest intersection or Adjacent Address: \_\_\_\_\_  
Applicant will stake along right-of-way to mark desired location of access. Applicant agrees to perform the work in compliance with the Kittitas County Road Standards and the requirements stated below. Applicant certifies that the access applied for is only for the purpose indicated. Applicant is responsible for calling for underground utility locates 48 hours prior to construction.

**PERFORM WORK:** The undersigned hereby applies to:

See Attached.

Pursuant to Franchise: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR COUNTY USE:**

Your new Address # is: 6320 Road Name Cove Road  
 City Ellensburg, WA ZIP 98926

Recommend Approval - Subject to the following conditions. (See below for explanation)  Application Denied

Requires a minimum of \_\_\_\_\_" diameter  New Galvanized Steel culvert with beveled ends  New Plastic HDPE pipe(1-2007)  
 A minimum length of \_\_\_\_\_' between ends. Maintain a 4:1 slope from the driveway surface to top of culvert. Pipe to be bedded on a minimum of 4" of 5/8 gravel or equivalent, with a minimum cover of \_\_\_\_\_'.

Culvert Length Calculation: (see below)  Meets min. vertical stopping distance

|  |  |          |   |          |   |          |   |          |   |          |   |       |  |
|--|--|----------|---|----------|---|----------|---|----------|---|----------|---|-------|--|
| $L = W + 8H + 2$ (All Measurements in Feet)  | 3% 6% 7%   |          |   |          |   |          |   |          |   |          |   |       |  |
| L = Equals total Minimum length of culvert   | 25mph 155' 165' 175'   |          |   |          |   |          |   |          |   |          |   |       |  |
| W = Width of Road Top Desired  | 35mph 265' 280' 300'   |          |   |          |   |          |   |          |   |          |   |       |  |
| 8 = (Constant) Angle of Side Slopes (2x4:1)  | 50mph 505' 655' ----'  |          |   |          |   |          |   |          |   |          |   |       |  |
| H = Height of Culvert + Depth of fill above culvert  |  |          |   |          |   |          |   |          |   |          |   |       |  |
| 2 = (Constant) One-foot pipe extension beyond fill ends  | <input type="checkbox"/> Meets min. horizontal stopping distance |          |   |          |   |          |   |          |   |          |   |       |  |
| <table border="0"> <tr> <td>W</td> <td>8</td> <td>H</td> <td>2</td> <td>L</td> </tr> <tr> <td><u>0</u></td> <td>+</td> <td><u>8</u></td> <td>+</td> <td><u>2</u></td> <td>=</td> <td>_____</td> </tr> </table> | W  | 8        | H | 2        | L | <u>0</u> | + | <u>8</u> | + | <u>2</u> | = | _____ | 25mph needs 150 ft<br>35mph needs 250ft<br>50mph needs 450ft |
| W  | 8  | H        | 2 | L        |   |          |   |          |   |          |   |       |  |
| <u>0</u>   | +  | <u>8</u> | + | <u>2</u> | = | _____    |   |          |   |          |   |       |  |

No Culvert Required

Refer to Kittitas County Department of Public Works Road Standards for more information. See Drawing # 3-001

Applicant to provide traffic control during construction per M.U.T.C.D.

Approval for pipe push only. If road cut is needed, contact Kittitas County Department of Public Works prior to road cut

This permit expires on 01/13/2007

Access location is 20729 South from intersection of Cove Road and Thorp Hwy S.  
 Feet Direction

Access must be constructed and completed by: \_\_\_\_\_  
 A landing shall be constructed at a 3% slope for 30 Feet. Match Grade of road. Edge of Driveway shall be 5' minimum from culvert

Other Requirements/ comments

Reviewed By: Vernon Swesey Title: Permit Tech Date: 7/13/2006  
 County Inspector: APPROVED Date: 7/13/2006

**EXHIBIT** 1

3

Cedar-cave

|    |    |     |     |     |     |     |     |     |    |     |
|----|----|-----|-----|-----|-----|-----|-----|-----|----|-----|
| 65 | 46 | 429 | 394 | 710 | 691 | 628 | 432 | 512 | 42 | 338 |
|----|----|-----|-----|-----|-----|-----|-----|-----|----|-----|

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|-----|----|-----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 412 | 66 | 477 | 45 | 238 | 535 | 560 | 394 | 328 | 420 | 364 | 223 | 389 | 584 |
|-----|----|-----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

our home

3

EXHIBIT 2

~~Q~~ Hansen Rd going S

1-328

2-42

3-204

4-308

5-81

6-223

7-128

8-236

9-176

10-244

11-328

12-56

13-342

14-349

15-210

16-295

17-240

18-154

19-85

20-85

21-255

22-196

23-26

24-60

25-156

26-412 ~~Manastash~~

Out Driveway



**12.04.050 Soils Investigation.**

Shall be investigated and tested in accordance with applicable WSDOT or AASTO Design Manuals. The County Engineer may require additional soils investigation based upon specific site conditions.


Figure 4-1 (  60KB)



Figure 4-2 (  59KB)

Figure 4-3 (  59KB)

(Ord. 2005-30, 2005)

**Chapter 12.5****DRIVEWAYS AND ACCESSES\*****Sections**

12.05.010 Authority.

12.05.020 Purpose.

12.05.030 Implementation.

12.05.040 Obtaining a Permit.

12.05.050 Construction of Access.

12.05.060 Use of Access.

12.05.070 Illegal Access to the County Road.

12.05.080 Conditions for Approval of New Driveways.

\* Formerly 12.30; renumbered by Ord. 2004.13, 2004


**12.05.010 Authority.**

Pursuant to RCW 36.75.130, Local governments are authorized to regulate vehicular access to and from any public highway under their respective jurisdiction from or to property adjoining a public highway. (Ord. 2005-30, 2005)

**12.05.020 Purpose.**

It is the purpose of this section to provide the procedures and standards necessary to protect the public health, safety, and welfare, to maintain smooth traffic flow, to maintain highway right-of-way drainage, and to protect the functional level of the public highways while meeting state, regional, local, and private transportation needs and interests. (Ord. 2005-30, 2005)

**12.05.030 Implementation.**

1. No person shall construct any access providing direct movement to or from any Kittitas County maintained highway from or to property adjoining the highway without an access permit issued by the Kittitas County Department of Public Works, hereinafter call the "Department".
2. Access permit shall be issued only in compliance with the section. In no event shall an access be allowed or permitted if it is detrimental to the public health, welfare, and safety. Spacing requirements for all access points are shown in Table 5-1 (  8KB).
3. Vehicular access to or from property adjoining a Kittitas County road shall be provided to the general street system, unless such access has been acquired by a public authority. Police, fire, ambulance, and other emergency stations shall have a right to direct access to County roads. Direct access from a subdivision to the highway shall be permitted only if the proposed access meets the purpose and requirements of this section.
4. Lots that access State Routes, Forest Service Roads, or access Railroad easements will require

separate access permits from those agencies. The County can not grant access to roads or easements it does not control.

5. All lots created must show proposed access locations that conform to access/spacing requirements on the face of the plat.
6. Parcel creations which are adjacent to a major or minor collector/arterial (as designated by the Board) shall be provided access other than the arterial if available. No more than one access shall be granted to an individual parcel or to continuous parcels under the same ownership unless it can be shown that 1) additional access would be beneficial to the public traveling the public road, or 2) allowing one access would be in conflict with local safety regulations and the additional access would not be detrimental to the public health, safety and welfare. (Ord. 2005-30, 2005)

#### **12.05.040 Obtaining a Permit.**

1. Persons wishing to apply for direct access to a County highway should contact the Kittitas County Department of Public Works. The Department may require any of the following items, when relevant to the evaluation of an access:
  - a. Highway and driveway plan and profile
  - b. Complete drainage plan of the site that impacts the road right-of-way
  - c. Map and letters detailing utility locations before and after development in and along the highway
  - d. A subdivision zoning or development plan
  - e. Property map indicating other access and abutting public roads and streets, and
  - f. Proposed access design.
  - g. See standard drawing.
2. Upon receiving the request for access, the Department shall use this section for evaluation of the request. The Department shall work cooperatively with the applicant and attempt to resolve all difficulties prior to taking final action on the request. The Department shall act upon the request within 15 days by transmittal of a completed permit or of a denied request.
3. A completed access permit shall conform to all sections of this section. Before denying an access request, the Department shall discuss the reasons for the denial with the applicant and attempt to resolve the reasons for the denial. Where the access design standards are not entirely applicable, the Department shall consider site specific and local conditions. Any appeal by the applicant because of denial of an access permit shall be according to the Kittitas County Public Works Division Appeals Procedures.
4. If the Department approves the request, a permit shall be prepared and transmitted to the applicant for signature. After receiving a signed permit and any required fee payment, the Department shall mark the permit paid, sign the permit and return a copy to the applicant. If the applicant does not agree to all the terms and conditions of the permit, the permit shall be deemed denied. (Ord. 2005-30, 2005)

#### **12.05.050 Construction of Access.**

1. The permit shall be deemed expired and null and void if the access is not under construction before the expiration of any time limits noted on the permit. When the permittee is unable to begin construction within the authorized time limits of the permit, he may request an extension from the Department. Any request for an extension must be submitted to the Department before the permit expires.
2. The expected dates of construction and use of the access shall be included on the request for an access. The permittee shall notify the Department at least 48 hours prior to any construction in highway right-of-way. The access shall be completed in an expeditious and safe manner and shall be finished within the time limits established on the permit.

- Page 30 of 63
3. The Department shall inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met.
  4. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee.
  5. It is the responsibility of the permittee to complete the construction of the access according to the terms and conditions of the permit. The Department may order a halt to any unauthorized construction or use.
  6. Adequate construction signing, in conformance with the Manual on Uniform Traffic Control Devices for Streets and Highways, prepared by the U.S. Department of Transportation, Federal Highway Administration, is required at all times during access construction. This may include, but is not limited to, the use of signs, flashers, barricades and flaggers. The Department and its duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.
  7. The hours of work on or immediately adjacent to the highway may be restricted due to peak hour traffic demands and other pertinent roadway operating restrictions.
  8. A copy of the permit shall be available for review at the construction site. If necessary, minor changes and additions may be ordered by the Department to meet unanticipated site conditions.
  9. For commercial or industrial driveways with heavy traffic volumes or a significant number of trucks, the Engineer may require construction of the access as a road intersection. This requirement will be based on a traffic engineering analysis submitted by the applicant that considers, among other factors, intersection spacing, sight distances and traffic volumes. (Ord. 2005-30, 2005)

#### **12.05.060 Use of Access.**

1. Where, in the course of construction by any Kittitas County Department it is necessary to reconstruct, relocate, or bring into conformance with this section an existing access, that Department shall initiate the appropriate procedures and agreements.
2. It is the responsibility of the property owner to ensure that the use of the access to the property is not in violation of the section, permit terms and conditions. The terms and conditions of the permit are binding upon all assigns, successors-in-interest and heirs.
3. When there are changes in property use which result in changes in the type of access operation and the access is not in conformance with the section, the reconstruction, relocation, and conformance of the access to this section may be required. (Ord. 2005-30, 2005)

#### **12.05.070 Illegal Access to the County Road.**

The property owner shall be sent written notice of any illegal access location, or use. The Owner shall be given ten (10) days notification of pending actions, after which the Department may install barriers across or remove any access not conforming to the section. (Ord. 2005-30, 2005)

#### **12.05.080 Conditions for Approval of New Driveways.**

1. Driveways directly giving access onto arterials and major collectors may be denied if alternate access is available.
2. All abandoned driveways shall be removed at the Owners cost.
3. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
4. Maintenance of driveway culvert shall be the responsibility of the owner whose property they serve. Damaged or failing culverts must be replaced by the owner whose property they serve. If the culvert is in need of replacing the county may give the property owner 30 days notice to replace the culvert. After such time the County may replace the culvert and charge the owner the cost of the replacement. The County will not maintain accesses. The county may clear the



- culvert to allow water to pass.
5. For driveways crossing an open ditch to carry anticipated storm water flows, culverts shall be 15 inches in diameter or larger, with tapered ends. The culvert type, diameter and length shall be as required by the County and noted on the Access Permit. Approved materials for culverts are CMP and HDPE. Any other substitute requires the approval of the Director of Public Works.
  6. No driveway or road shall be constructed within 5 feet of the side yard boundary, unless the driveway or road is shown to be part of an ingress/egress easement. (Ord. 2005-30, 2005)
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## **Chapter 12.6**

### **STORM WATER MANAGEMENT STANDARDS AND GUIDELINES\***

#### **Sections**

- 12.06.010 Purpose.
- 12.06.020 Definitions.
- 12.06.030 When Storm Water Plan or Storm Water Review is Required.
- 12.06.040 When Plans Are Not Required.
- 12.06.050 General Requirements.
- 12.06.060 Basic Requirements.
- 12.06.070 Drafting Standards and Contents.
- 12.06.080 Design Criteria.
- 12.06.090 Review and Approval of Plan.
- 12.06.100 Bonds and Liability Insurance.
- 12.06.110 Standard Storm Water System Maintenance.
- 12.06.120 County Assumption of Maintenance.
- 12.06.130 Appeal Procedure.
- 12.06.140 Variances.
- 12.06.150 Retroactivity Relating to County Maintenance of Subdivision Facilities.

\* Formerly 12.70: renumbered by Ord. 2004.13. 2004

#### **12.06.010 Purpose.**

Kittitas County has found that future storm water drainage problems may be reduced or avoided if future developers, both private and public, provide for storm and surface water drainage of their respective properties. Storm Water Management Standards and Guidelines are set forth to protect life and property from loss and damage by flooding, to protect streams, creeks, and lakes from pollution and excessive flows.

The following Storm Water Management Standards and Guidelines are intended to reduce and prevent adverse storm water impacts. They represent the minimum design standards for the construction of storm water facilities and stream channel improvements within Kittitas County. Compliance with these standards does not relieve the designer, owner or developer of the responsibility to apply conservative and sound professional judgment to protect the health, safety and welfare of the general public. Special site conditions and environmental constraints and considerations, and Federal and State regulations, may require a greater level of protection than would normally be required under these standards. (Ord. 2005-30, 2005)

#### **12.06.020 Definitions.**

**Table 5-1  
Access Spacing Requirements<sup>(1,2)</sup>**

| <b>Road Classification<br/>(FFC<sup>(3)</sup>)</b> | <b>Speed</b> | <b>Access<sup>(4)</sup> Spacing</b> |
|--|--------------|-------------------------------------|
| Rural Major Collector                              | Above 35     | 1,000 ft.                           |
|  | 35 and below | 500 ft.                             |
| Rural Minor Collector                              | Above 35     | 300 ft.                             |
|  | 35 and below | 150 ft.                             |
| Rural Local Access<br>All Urban Classifications    | Above 35     | 100 ft.                             |
|  | 35 and below | 100 ft.                             |

<sup>(1)</sup> Any access that cannot meet applicable spacing will require a request for a variance

<sup>(2)</sup> Residential & Urban zones will be evaluated on a case by case basis

<sup>(3)</sup> Federal Function Class - Refer to KCC 12.03.030

<sup>(4)</sup> Includes public and private roads and all other access points

Declaration of Craig Duncan

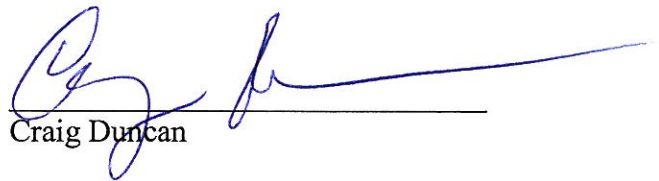
Variance Request B&J Preliminary Plat (LP-08-21)

1. I am one of the owners of the property described in LP-08-21, am over the age of 18, and am competent to testify herein.

2. Attached hereto and marked Exhibit A is a copy of the measurements which I personally measured all driveways which access on Cove Road between Hanson Road to the north and Manastash Road to the south. They are accurate and represent the spacing between driveways entering onto Cove Road between Hanson Road and Manastash Road.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: July 31/08

  
\_\_\_\_\_  
Craig Duncan

3

Cedar-cave

|     |    |     |     |     |     |     |     |     |    |     |
|-----|----|-----|-----|-----|-----|-----|-----|-----|----|-----|
| 654 | 46 | 429 | 394 | 710 | 691 | 628 | 432 | 512 | 42 | 338 |
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|-----|----|-----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

our home

3

~~Q~~ Hansen Rd going S

1-328

2-42

3-204

4-308

5-81

6-223

7-128

8-236

9-176

10-244

11-328

12-56

13-342

14-349

15-210

16-295

17-240

18-154

19-85

20-85

21-255

22-196

23-26

24-60

25-156

26-412 — ~~A~~ Manastash

Out Driveway