

October 20, 2006

Kittitas County  
Board of Commissioners  
205 W 5th AVE Suite 108  
Ellensburg WA 98926

RECEIVED

OCT 20 2006

1ST 2ND 3RD  
BOARD OF KITTITAS COUNTY COMMISSIONERS

Re: Koren Short Plat (SP-06-70) – Appeal of decision.

Dear Honorable Chairman Bowen:

This appeal of the above referenced administrative decision is submitted pursuant to KCC 15A.07.010.

**15A.07.010 Appeal of determination or decision.**

- 1. An appeal of an administrative land use decision shall be filed with the board of county commissioners within 10 working days of the date of the decision.**

*The date of the decision is October 6, 2006. As such, the applicable appeal deadline should be October 20, 2006. However, it should be noted that the subject notice of the decision, as issued by Kittitas County Community Development Services ("CDS"), states, "Approval of the Koren Short Plat may be appealed to the County Commissioners upon request of any aggrieved party within 15 calendar days, and shall accordingly be eligible for final administrative approval after October 23, 2006." In either case, a timely appeal has been filed.*

- 2. Appeals shall contain a written, concise statement identifying:**
  - a. The decision being appealed;**

*The decision being appealed is the administrative decision by CDS to grant conditional preliminary approval of the Koren Short Plat (SP-06-70).*

- b. The name and address of the appellant and his interest(s) in the matter;**

*Appellant: Misty Mountain, LLC  
301 W. 1<sup>st</sup> Street, #B  
Cle Elum, WA 98922*

*Misty Mountain, LLC is an adjacent landowner to the subject property and party of record. Comments were submitted via email to Noah Goodrich, Staff Planner, and Randy Carbary, Planner II, prior to expiration of the September 27, 2006 comment deadline, as noted in the August 12, 2006 notice of application issued by CDS. The referenced email correspondence is attached, dated September 19, 2006.*

- c. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;**

*The decision is wrong as it fails to appropriately condition the preliminary approval to require all applicable road standards pursuant to Kittitas County Code Title 12.*

- 1) KCC 12.01.095(2): At least two ingress-egress routes which are interconnected are required for all roads that serve more than 40 lots.

*The subject property is accessed via USFS Road 3350 (a.k.a. South Cle Elum Ridge Road), which currently serves 181 existing and/or proposed lots (see memo dated July 14, 2006 by Randy Carbary).*

- 2) KCC 12.01.090(G): Contiguous parcels, parcels under the same ownership and/or parcels sharing access easements/roads that submit any land development application, shall be reviewed as one development for transportation and road improvement purposes.

*The subject property is located adjacent to the proposed plat of Tillman Heights, a 12-lot performance based cluster subdivision. Both projects (Koren Short Plat and Tillman Heights) share primary and secondary access easements and roads. Condition 11 of the preliminary plat approval for Tillman Heights states (see Notice of Decision dated September 25, 2006),*

"Secondary Access: Per Kittitas County Code 12.01.095 General Requirements.

2. At least two ingress-egress routes which are interconnected are required for all roads that serve more than 40 lots.

The applicant shall provide a secondary access that meets or exceeds all of the current Kittitas County Road Standards for access to more than 40 lots. The specific road width shall be based on the total number of lots served by the road system and the average size of the lots served by the road system. The total number of lots served and the average size is calculated from the intersection of the nearest County maintained road and includes all lots served by the road system."

- 3) KCC 12.01.095(7): All parcel creations that access property over private lands, public lands, or road easements managed by other agencies must submit an approved easement from the land owners or road/easement managers that specifically address access, maintenance, seasonal restrictions and other restrictions and/or limitations. These easements and permits shall be presented or recorded prior to final approval.

*USFS 3350 is the primary access to the subject property and has recently been improved from the intersection of Westside Road for a distance of approximately 2,600 lineal feet in accordance with the Construction Stipulation by and between Cle Elum's Sapphire Skies and the USDA Forest Service (see attached, dated July 13, 2006). The subject property is located approximately one-half mile from the end of the completed improvements. USFS 3350 road should be improved in compliance with Kittitas County private road standards, subject to review and approval by the USFS, from the end of the existing improvements to the subject property. See also memo dated September 20, 2005 by Randy Carbary (attached).*

**d. The desired outcome or changes to the decision;**

*The desired changes to the decision include the following conditions:*

- 1) *The applicant shall provide a secondary access that meets or exceeds all of the current Kittitas County Road Standards for access to more than 40 lots. The specific road width shall be based on the total number of lots served by the road system and the average size of the lots served by the road system. The total number of lots served and the average size is calculated from the intersection of the nearest County maintained road and includes all lots served by the road system.*
  
- 2) *The applicant shall submit an approved easement from the land owners or road/easement managers that specifically address access, maintenance, seasonal restrictions and other restrictions and/or limitations. These easements and permits shall be presented or recorded prior to final approval. USFS 3350 road shall be improved in compliance with Kittitas County private road standards, subject to review and approval by the USFS, from the end of the existing improvements to the subject property.*

**e. The appeals fee.**

*The appeals fee is attached.*

Thank you for your time and attention to this matter. Please feel free to contact me if you have any questions or require any additional information.

Sincerely,

Misty Mountain, LLC



Wayne A. Nelsen