

**KITTITAS COUNTY**  
**DEPARTMENT OF PUBLIC WORKS**

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**MEMORANDUM**

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TO: Mackenzie Moynihan, Community Development Services  
FROM: Christina Wollman, Planner II *cw*  
DATE: July 16, 2007  
SUBJECT: Weber Short Plat SP-07-86

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Our department has reviewed the Short Plat application and has the following comments:

- "Preliminary Approval" has been granted, based on the information provided.
- "Conditional Preliminary Approval"** has been granted, based on the information provided. See below for conditions of preliminary approval:
- "Additional Information Requested". Prior to continuing the approval process for the submitted development, additional information is requested for analysis.
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**The following shall be conditions of preliminary approval:**

1. Private Road Certification: Private roads serving any of the lots within this development shall be inspected and certified by a licensed professional engineer for conformance with current Kittitas County Road Standards, 9/6/05 edition. Kittitas County Public Works shall require this road certification to be completed prior to the issuance of a building permit for any of the structures within the proposed plat.
2. Private Road Improvements: Access from Masterson Road to Lot 1 shall be constructed to meet or exceed the requirements of a High-Density Private Road and serve no more than 14 tax parcels. A cul-de-sac shall be constructed at the end of the private road. See current Kittitas County Road Standards, 9/6/05 edition.
  - a. Access easements shall be a minimum of 40' wide. The roadway shall have a minimum width of 20', with 1' shoulders, for a total width of 22'.
  - b. Minimum centerline radius shall be 60'.
  - c. Surface requirement BST/ACP.
  - d. Maximum grade is 12%.

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411 N. Ruby St. Suite 1  
Ellensburg, WA 98926

TEL (509) 962-7523  
FAX (509) 962-7663

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- e. Stopping site distance, reference AASHTO.
  - f. Entering site distance, reference AASHTO.
  - g. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
  - h. Any further subdivision or lots to be served by proposed access may result in further access requirements.
  - i. All roads located within this development or roads that provide access to this development shall be constructed to current county road standards unless any other maintenance agreements, forest service road easements or state easements require higher road standards. The higher of the road standards shall apply.
  - j. All easements shall provide for AASHTO radius at the intersection with a county road.
  - k. A paved apron shall be constructed at the intersection of the proposed private intersection and the county road right-of-way.
3. Cul-de-Sac: A cul-de-sac turnaround shall be constructed at the end of the private road. The turnaround shall have an outside right-of-way easement diameter of at least 110' (55' radius) at the closed end. See Kittitas County Road Standards, 9/6/05 edition.
- a. Cul-de-sac design, reference 2006 International Fire Code.
  - b. Contact the Fire Marshall regarding any additional cul-de-sac requirements.
4. Joint-Use Driveway: A joint-use access shall serve no more than two tax parcels. See Kittitas County Road Standards, 9/6/05 edition.
- a. Access easements shall be a minimum of 20' wide. The roadway width shall have a minimum width of 12'.
  - b. The surface requirement is for a minimum gravel surface depth of 6".
  - c. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
  - d. Any further subdivision or lots to be served by proposed access may result in further access requirements.

Single-Use Driveway: A single-use access shall serve no more than one lot. See Kittitas County Road Standards, 9/6/05 edition.

- a. The roadway shall be a minimum of 8' wide with gravel surface.
- 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.
5. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
6. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
7. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.
8. Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.
9. Fire Protection: Contact the Kittitas County Fire Marshall regarding any additional access requirements for Emergency Response.
10. Mailbox Placement: Mailboxes must be approved by U.S. Postal Service. Mailbox locations are site specific. Contact your local Post Office for location and design standards before beginning construction.

Current Kittitas County Road Standards, as adopted 9/6/05.

*Chapter 12 – PRIVATE ROADS*

12.12.010 General

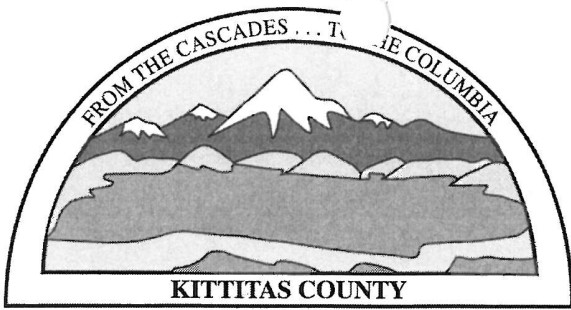
Private roads shall meet the following conditions:

1. Private roads shall meet the minimum access requirements of the International Fire Code as adopted by the County, and
2. Shall be designed and constructed in conformance with AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400) 2001, as now exists or hereafter amended, and
3. Shall be inspected and certified by a licensed professional engineer for conformance with the above referenced standards. In the alternative, an applicant may request the private roadway to be inspected and subject to the approval of the Public Works Director. If certification by the public Works Director/County Engineer is desired, submission of road plans and necessary testing documentation that confirms compliance with Kittitas County Road Standards is required, and services will be performed on a reimbursable basis, and
4. Permanently established by an easement recorded with the Kittitas County Auditor or right-of-way, providing legal access to each affected lot, dwelling unit, or business, and

5. Will not result in land locking of existing or proposed parcels, and
6. Maintained by the developer or legally responsible owner or homeowners' association or other legal entity made up of all benefited property owners, under the provisions of an acceptable and recorded "Private Road Maintenance Agreement", and
7. Clearly described on the face of the plat, short plat, or other development authorization and clearly signed at street location as a private street or road, for the maintenance of which Kittitas County is not responsible and a disclosure statement of the same is filed with the County Auditor, and
8. The following note shall be placed on the face of the plat, short plat, or other development authorization:

"Kittitas County will not accept private roads for maintenance as public streets or roads until such streets or roads are brought into conformance with current County Road Standards. This requirement will include the hard surface paving of any street or road surfaced originally with gravel."

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



## PUBLIC HEALTH DEPARTMENT

[www.co.kittitas.wa.us/health/](http://www.co.kittitas.wa.us/health/)

### **Administration**

**Community Health Services**  
**Health Promotion Services**  
507 N. Nanum Street, Ste 102  
Ellensburg, WA 98926

**Environmental Health**  
411 North Ruby Street, Ste 3  
Ellensburg, WA 98926  
Phone (509) 962-7698  
Fax (509) 962-7052

July 31, 2007

Mackenzie Moynihan, Staff Planner  
Kittitas County Community Development Services  
411 N. Ruby St., Suite 2  
Ellensburg, WA. 98926

RE: Weber Short Plat (SP-07-86)

Dear Ms. Moynihan,

Thank you for the opportunity to comment on the above referenced project. Water availability is needed and the soil logs need to be done.

Thank you for your time.

Sincerely,

Holly Duncan  
Environmental Health Specialist

**Mackenzie Moynihan**

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**From:** Christina Wollman  
**Sent:** Friday, July 20, 2007 12:21 PM  
**To:** 'Eric B Christenson'; Mackenzie Moynihan  
**Subject:** RE: Weber Short Plat

Eric and Susan,

For the record, I would like to clarify that Kittitas County Community Development Services enforces the County's subdivision and zoning code and makes the final decision on whether to approve or deny a subdivision.

Public Works reviews subdivision applications to ensure that the project complies with Kittitas County Road Standards (KCC Title 12).

This clarification, in my opinion, does not change the intent of your comment.

Christina

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**From:** Eric B Christenson [mailto:ericbc@nwlinc.com]  
**Sent:** Thursday, July 19, 2007 9:34 PM  
**To:** Mackenzie Moynihan  
**Cc:** Christina Wollman  
**Subject:** Weber Short Plat

Mackenzie,

Thanks for your help in understanding the process and how I need to proceed with this County approved Subdivision, and referral to Christina Wollman.

Please us this e-mail letter as my comments to the Notice of Application, Weber Short Plat, SP-07-86.

To: Kittitas County Department of Public Works  
411 North Ruby Street, Suite 2  
Ellensburg, Washington 98926

From: Eric and Susan Christenson  
648 Masterson Rd.  
Cle Elum, Washington 98922  
Phone: H 425.746.6855 Cell 206.612.3285

Please be advised that after receiving the Notice of Application in regard to the Weber Short Plat, myself and my wife are in complete disagreement with the Kittitas County Department of Public Works decision, to approve or even consider a change to the five acre home site at 652 Masterson Road in Cle Elum. We have read the excerpt e-mailed to us from Christina Wollman, and after careful thought, we do not disagree with the statement that the County does not enforce covenants. But, we are in opposition to the County "breaking" the legal and binding covenants established by Mr. Harry Masterson on May 18th, 2000, by granting approval to reduce the size of the established five acre home sites. This violates the protective covenant, item 10, of the Declaration of Easements, Auditors File No. 200005240022. Please reconsider this Short Plat Application.

Thank You, Eric and Susan

7/23/2007

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## Mackenzie Moynihan

---

**From:** Eric B Christenson [ericbc@nwlinc.com]  
**Sent:** Thursday, July 19, 2007 9:34 PM  
**To:** Mackenzie Moynihan  
**Cc:** Christina Wollman  
**Subject:** Weber Short Plat

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Please use this e-mail letter as my comments to the Notice of Application, Weber Short Plat, SP-07-86.

To: Kittitas County Department of Public Works

411 North Ruby Street, Suite 2

Ellensburg, Washington 98926

From: Eric and Susan Christenson

648 Masterson Rd.

Cle Elum, Washington 98922

Phone: H 425.746.6855 Cell 206.612.3285

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Thank You, Eric and Susan

7/23/2007

**Mackenzie Moynihan**

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**From:** marla gall [marlalee@hotmail.com]  
**Sent:** Friday, July 20, 2007 4:48 PM  
**To:** Mackenzie Moynihan  
**Cc:** Christina Wollman  
**Subject:** Weber Short Plat #07-86

First to identify ourselves. We are the owners of the 5 acres located at 644 Masterson Rd., Cle Elum, WA. It recently came to our attention that our neighbor to the south of us, Darin Weber, has submitted the above referenced short plat application. Unfortunately, we were not sent a copy of the application, even though we will be directly impacted, as the easement to the short plat is through our property. Please accept this email as evidence of our grave concern regarding this application. The original parcels that Darin is attempting to subdivide are protected under a covenant, which was recorded under the original sale of the property from Harry Masterson. Unfortunately, I do not have the filing # of that document, but can furnish you with a copy if necessary. It clearly states in number 10 of that document that "there shall be no further subdivision or boundary line adjustment of any Parcel, except that a boundary line adjustment may be used to combine Parcels or make a Parcel larger."

This covenant covers parcels B,C, and D of which Darin is subdividing parcel D. We live on Parcel B. We would like to see this application declined.

Could you please also make sure that we are notified as to any other action on this application.

Thank you for your help in this matter and please respond as to the next course of action on this application.

Sincerely,

Kelly and Marla Gall

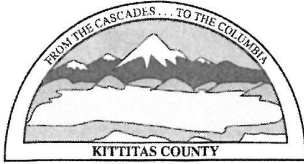
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See what you're getting into before you go there

7/23/2007

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## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

June 12, 2007

Cruse & Associates  
Chuck Cruse  
PO Box 959  
Ellensburg, WA 98926

RE: Weber SP-07-86

Dear Mr. Cruse,

Review of the referenced application is contingent upon the processing of an existing application which has not yet received final approval from our department. The review of the referenced application will continue upon finalization of Dowdell/Weber BLA-07-56.

Sincerely,

Mackenzie Moynihan  
Staff Planner

cc: Darrin Weber

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DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

**Mackenzie Moynihan**

**From:** Christina Wollman  
**Sent:** Monday, July 16, 2007 11:59 AM  
**To:** 'ericbc@nwlinc.com'  
**Cc:** Mackenzie Moynihan  
**Subject:** Weber Short Plat

Eric,

During our phone conversation on July 12<sup>th</sup>, we discussed the covenants associated with your property. Kittitas County does not have the ability to enforce the restrictions of the Declaration of Protective Covenants and Road Easement (AFN 200005240022). Here is an excerpt from a CDS Administrative Appeal Staff Report on an issue very similar to yours:

Private protective covenants are a separate and distinct form of land use regulation from the County's subdivision, zoning and other development regulations. Covenants are enforced through private civil action. The County does not have the jurisdiction to enforce private protective covenants and restrictions. Restrictive covenants are a contract between the landowners in a specific area and the developer and Kittitas County is not a party to this contract. Ordinarily, a private attorney or homeowners association is consulted regarding the enforcement of private protective covenants. (Callaway Short Plat Appeal).

Specific to road maintenance, your covenants include a maintenance agreement, which the County also does not have the ability to enforce. Kittitas County Road Standards do require all private roads to be "Maintained by the developer or legally responsible owner or homeowner" association or other legal entity made up of all benefited property owners, under the provisions of an acceptable and recorded "Private Road Maintenance Agreement." (KCRS 12.12.010(6)). Again, this is to be enforced by the landowners.

After subdivision of property, private roads must be improved and certified by an engineer to meet Kittitas County Road Standards prior to the issuance of a building permit. From my preliminary review, it appears that the road will need to be improved to have a 22' wide gravel surface, paved apron at the intersection of the county road, and an emergency turnaround constructed at the end of the road, among other requirements.

If you have any other questions, please contact me or Mackenzie.

*Christina Wollman*

Planner II  
 Kittitas County Department of Public Works  
 411 N Ruby Suite 1  
 Ellensburg WA 98926  
 509.962.7051

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**From:** Mackenzie Moynihan  
**Sent:** Thursday, July 12, 2007 8:54 AM  
**To:** Christina Wollman  
**Subject:** Weber Short Plat

First of all, do you have north of I-90 or does Randy? I think this short plat is yours.

I took a phone call from an adjoining landowner this morning who has questions about the proposed access to these two lots (specifically the south lot). Could you call him back? His name is Eric Christenson and phone is 206-612-3285.

Let me know....

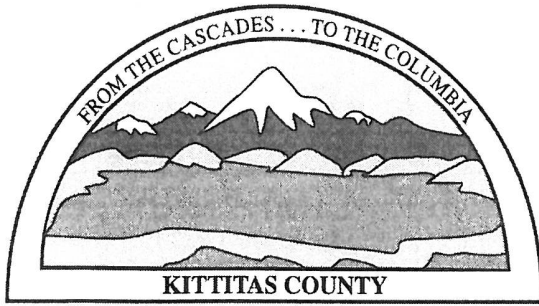
7/16/2007

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Mackenzie Moynihan, Staff Planner  
Kittitas County Community Development Services  
411 North Ruby Street, Suite 2  
Ellensburg, WA 98926  
Phone: 509.962.7024  
Email: [mackenzie.moynihan@co.kittitas.wa.us](mailto:mackenzie.moynihan@co.kittitas.wa.us)

7/16/2007

**PUBLIC HEALTH DEPARTMENT**[www.co.kittitas.wa.us/health/](http://www.co.kittitas.wa.us/health/)

**Administration**  
**Community Health Services**  
**Health Promotion Services**  
 507 N. Nanum Street, Ste 2  
 Ellensburg, WA 98926  
 Phone: (509) 962-7515  
 Fax: (509) 962-7581

**Environmental Health**  
 411 N. Ruby Street, Ste. 3  
 Ellensburg, WA 98926  
 Phone: (509) 962-7698  
 Fax: (509) 962-7052

June 3, 2007

Cruse & Associates  
 217 E Fourth St  
 Ellensburg WA 98926

Dear Mr. Cruse,

We have received the proposed Weber Short Plat, located in Section 33, Township 20 N, Range 16E, off of Masterson Rd Road. We have also received the \$376.88 plat submission fee (receipt #051458).

For plat approval both sewage and water availability must be satisfactorily addressed. Refer to WAC 246-272-20501 and 246-272-09501 for septic and well setbacks.

For sewage disposal you have two options:

1. **PUBLIC UTILITY SEWER**

Submit a signed letter of agreement between the responsible public utility official and the developer/owner or other documentation that provides proof of connection to public sewer.

2. **ON SITE SEWAGE**

Soil logs will need to be scheduled and dug at a mutually convenient time. The developer/owner shall provide soil logs as per Chapter 246-272 WAC or as amended. The information obtained will be recorded and placed in the plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and does not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.

Prior to receiving final approval for subdivisions (short and long plats) in Kittitas County, applicants shall be required to show the adequacy of potable water supplies proof of potable water supply can be demonstrated four ways:

1. **PUBLIC UTILITY WATER SUPPLY APPLICANTS** – shall submit a signed letter of agreement with the responsible public utility official and the developer/owner, granting delivery of potable water for the entire development.
2. **GROUP "A" PUBLIC WELL** – if you have an existing well and a Department of Ecology issued "water right" for potable usage of the well, Washington State Department of Health (DOH) is the regulatory authority for approving Group A systems. We require written verification that DOH has approved the system prior to final plat approval (see contact information below). If you have not secured a water right for potable use you must contact the Washington State Department of

Ecology (Central Region Office) located in Yakima, Washington to begin the process of obtaining a water right. Their contact number is: (509) 575-2800.

3. GROUP "B" PUBLIC WELLS – As of January 11, 2007, Washington State Department of Health is the regulatory authority for approving Group B Water Systems in Kittitas County. The process for approval includes a source site inspection to approve the location of the proposed well or if the well exists to ensure that it meets the criteria for approval; drilling of the well and/or ensure that the well is located within the subdivision boundaries; completion of the well infrastructure, the workbook and all related documentation including testing and satisfactory results. After all of the aforementioned information is submitted, reviewed, and approved by Washington State DOH, final issuance of the well ID number completes the requirement.

Washington State Department of Health  
1500 W. 4<sup>th</sup>, Suite 305  
Spokane, WA 99204  
(509) 456-2453  
ATTN: Tom Justus, Regional Engineer

4. INDIVIDUAL WELLS – the submittal of well logs or a hydrogeological report with documentation/evidence to support the claim regarding adequate availability of groundwater for the proposed number of potable water wells. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed Hydrogeologist. According to Critical Areas Ordinance 17A.08.25, individual wells must be located 50 feet from all property lines.

All applicants for subdivision (short and long plats) utilizing wells shall have a note placed on the face of the final mylars that states:

*“Kittitas County relies on its record that a supply of potable water exists. The approval of this division of land includes no guarantee or assurance that there is a legal right to withdraw groundwater within the land division.”*

Once we have received and reviewed complete information, we will notify Community Development Services through our Environmental Health Checklist that you have satisfactorily addressed health department requirements.

Sincerely,



Cathy Bambrick  
Kittitas County Environmental Health Manager

cc: Community Development Services  
Darrin Weber / Frank Dowell

**Mackenzie Moynihan**

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**From:** Christina Wollman  
**Sent:** Monday, July 16, 2007 10:12 AM  
**To:** Scott Turnbull; Mackenzie Moynihan  
**Subject:** FW: Weber Short Plat

Scott – I was asked to document a phone conversation last week. Is what I have written here correct or should it be worded differently?

Eric,

During our phone conversation on July 12<sup>th</sup>, we discussed the covenants associated with your property. Kittitas County does not have the ability to enforce the restrictions of the Declaration of Protective Covenants and Road Easement (AFN 200005240022). Here is an excerpt from a CDS Administrative Appeal Staff Report on an issue very similar to yours:

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*Christina Wollman*

Planner II  
 Kittitas County Department of Public Works  
 411 N Ruby Suite 1  
 Ellensburg WA 98926  
 509.962.7051

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**Sent:** Thursday, July 12, 2007 8:54 AM  
**To:** Christina Wollman  
**Subject:** Weber Short Plat

First of all, do you have north of I-90 or does Randy? I think this short plat is yours.

I took a phone call from an adjoining landowner this morning who has questions about the proposed access to these two lots (specifically the south lot). Could you call him back? His name is Eric Christenson and phone is 206-612-3285.

7/16/2007

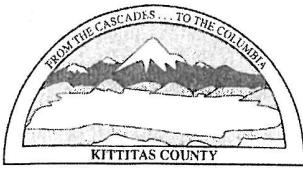
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Let me know....



Mackenzie Moynihan, Staff Planner  
Kittitas County Community Development Services  
411 North Ruby Street, Suite 2  
Ellensburg, WA 98926  
Phone: 509.962.7024  
Email: [mackenzie.moynihan@co.kittitas.wa.us](mailto:mackenzie.moynihan@co.kittitas.wa.us)

7/16/2007



# KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITITITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

June 12, 2007

Cruse & Associates  
Chuck Cruse  
PO Box 959  
Ellensburg, WA 98926

RE: Weber SP-07-86

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Sincerely,

Mackenzie Moynihan  
Staff Planner

cc: Darrin Weber

*per Chuck Cruse - they will finish BLA upon receipt of conditional preliminary approval of SP. 07-86.*

---

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION



BERGSTROM MARY JEAN  
800 MASTERSON RD  
CLE ELUM WA 98922

STEPHENSON JIM D. ETUX  
PO BOX 485  
CLE ELUM WA 98922

GAVIN MICHAEL T ETUX  
PO BOX 843  
CLE ELUM WA 98922

CHRISTENSON ERIC B ETUX  
1204 164TH AVE SE  
BELLEVUE WA 98008

BERGSTROM MARY JEAN  
800 MASTERSON RD  
CLE ELUM WA 98922

DOWDELL FRANKLIN ETUX  
480 MASTERSON RD  
CLE ELUM WA 98922

WEBER DARRIN ETUX  
652 MASTERSON RD  
CLE ELUM WA 98922

WANECHKE LARRIN G. ETUX  
5903 HIGHWAY 970  
CLE ELUM WA 98922

CRUSE & ASSOC.  
PO BOX 959  
ELLENSBURG, WA 98926

Irrigation District (send early Notice, labels next to color printer)

Fire District # (Paste from List)

School District (Paste from List)

Kittitas County Public Works

City  
(If in or near Urban Growth Area)

Bonneville Power Administration  
(If applicable paste from list)

Kittitas County Enforcement and Investigation

Kittitas County Environmental Health

Kittitas County Sheriff's Department

(if applicable)  
Washington State DOT  
Rick Holmstrom  
PO Box 12560  
Yakima, WA 98909

Fairpoint Communications  
Tom Stevens  
208 W. Third  
Ellensburg, WA 98926

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