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NORTHERN CASCADES

KITTITAS COUNTY

CENTRAL WASHINGTON

EASTERN WASHINGTON

June 29, 2016

Mr. Jeff Watson
Kittitas County Community Development
411 N Ruby St., Suite 2
Ellensburg WA 98926

RE: Mitchell SP-16-00001 Response to Public Comments

Dear Mr. Watson,

We have reviewed the public comments that were submitted with respect to the simple four-lot short plat application proposing to divide 82.14 acres into three 20-acre lots and one 22.14-acre lot. While the short plat application is unexceptional and does not garner any unique public sentiment, swift approval is of sufficient import to the applicant to justify leaving no stone unturned. Hence, we address each substantive comment as follows, regardless of whether such comments merit response.

1. Hidden Valley Terrace Owners (including Vancil Law Offices, Hamerlink, et.al).

The applicant has complied with, and will comply with all privately applicable covenants and regulations of record with respect to the property. Each lot/lot owner will be responsible for contributing to road maintenance costs as required under the Declaration recorded under Kittitas County AFN 551776. That Declaration governs the process for allocating and determining how easement roads are maintained and costs are shared, and these lots will be covered by that Declaration, just as all other lots in the development (including any that have been platted, or lots owned by any of you that may be platted in the future). These lots will also contribute equally to the costs of gate maintenance.

Easement rights are of record and to the extent any of the newly created lots are burdened by easements, they will be required by law to respect the legal rights of easement holders.

The property is being platted in accordance with the standards of Kittitas County and applicable law—including compliance with all applicable standards for critical areas, water, septic, roads, zoning, and the like.

The applicant's surveyor has identified all critical areas of which it is aware, based on County maps and records, and all of these will be independently verified and evaluated by the County. Any proposed development will be sited in compliance with applicable critical area setbacks. The presence of any jurisdictional wetland would not impact suitability of the subject property for the four-lot preliminary plat.

The applicant will comply with all applicable laws and show the same sort of respect for construction time frames and methods as would be expected of any builder of a single family residence in Hidden Valley.

The applicant is under contract for senior mitigation rights, with applicants for water budget neutrality currently pending with the Department of Ecology, and as such the proposed plat, even if ultimately built-out, will have no adverse impact on the water availability for any existing development.

The applicant's four-lot short plat proposes a total of four (4) lots, all of which are at least twenty acres in size, and completely consistent with the minimum lot sizes, layouts, plans, and policies for Kittitas County's applicable land use and zoning in the subject area. Density, use, and location are insufficient to support denial of a plat where the comprehensive plan and zoning authorize the proposed use and density. *Levine v. Jefferson County*, 116 Wn.2d 575, 580, 807 P.2d 363 (1991).

2. Department of Ecology.

Based on official critical area maps of record, no jurisdictional wetlands exist on site, and none are believed to exist. As noted by Ecology, even were a discrete and insignificant wetland to exist on site, that would not impact suitability of the subject property for the four-lot preliminary plat. The applicant's surveyor has identified all critical areas of which it is aware, based on County maps and records, and all of these will be independently verified and evaluated by the County. The applicant fully supports the identification of any critical areas prior to any actual construction of improvements on the subject property. Appropriate investigation or analysis will be performed prior to any sitework or development, in compliance with any applicable law.

3. Kittitas County Public Health.

The applicant is under contract for senior mitigation rights, with applicants for water budget neutrality currently pending with the Department of Ecology, and as such the proposed plat, even if ultimately built-out, will have no adverse impact on the water availability for any existing development.

4. Kittitas County Fire Marshall.

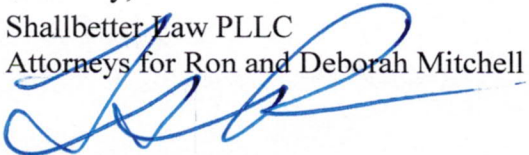
The four-lot plat is consistent with all applicable law, and any proposed development will comply with the applicable provisions of the fire code, including all those suggested by the Kittitas County Fire Marshall.

5. Department of Fish and Wildlife.

The proposed short plat which would create four lots, all over 20-acres in size is completely consistent with the density and site location requirements of applicable law.

As supported by the WDFW, all lots will be 20 acres or more in size, and, as such, the vast majority of the property, and of each lot, will be available as undeveloped habitat.

The application for a four-lot short plat fully complies with the criteria of KCC 16.20 and 16.32 and we look forward to the County's prompt approval. We remind the County and the neighbors that density, use, and location are insufficient to support denial of a plat where the comprehensive plan and zoning authorize the proposed use and density. *Levine v. Jefferson County*, 116 Wn.2d 575, 580, 807 P.2d 363 (1991) (impacts that are the result of zoning, not the owner's plat, are inappropriate grounds for denial); *Kenart & Assoc. v. Skagit County*, 37 Wn.App 295, 302-03, 680 P.2d 439 (1984) (disapproval of plat on basis of disruption of rural lifestyles is insufficient to support denial of plat where comprehensive plan authorizes the density). We look forward to approval of the four-lot short plat and development of the property consistent with all applicable laws and regulations.

Sincerely,
Shallbetter Law PLLC
Attorneys for Ron and Deborah Mitchell

Traci Shallbetter