



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

June 4, 2021

Trav Story
PO Box 745
Moses Lake, WA 98837

RE: SE-21-00006 Nunnally, Administrative Determination that Plat Alteration is Required

Mr. Story:

I have reviewed the record for the above-referenced SEPA application and determined that it is necessary to issue a written administrative interpretation in accordance with KCC 15A.01.040(2)(b) regarding the need for a plat alteration for the proposed project.

KCC 15A.01.040(2)(a) authorizes the Community Development Services (CDS) Director to administer several Titles of Kittitas County Code, including Title 16, Subdivisions. Title 16 was enacted under the authority of RCW 58.17. RCW 58.17 contemplates local subdivision regulations and, indeed, relies upon them. RCW 58.17 and KCC Title 16 supplement each other to such a degree that they are inextricably intertwined. One cannot talk about subdivision in Kittitas County without discussing both RCW 58.17 and KCC Title 16.

The current subdivision code was adopted by ordinance 2005-31 which was expressly adopted to reflect new changes in RCW 58.17. RCW 58.17.030 provides that every subdivision shall comply with it and that short subdivisions comply with local regulations adopted pursuant to RCW 58.17.060. RCW 58.17.033 provides that proposed subdivisions are to be reviewed under the local regulation in effect at the time of application submittal and that a complete application is to be locally defined. RCW 58.17.040(2) contemplates local subdivision regulation and exempts certain division from the applicability of RCW 58.17 unless local regulation requires platting of such divisions, in which case the entire RCW 58.17 would then apply to such divisions. RCW 58.17.060 requires adoption of local regulation for short platting. RCW 58.17.095 allows the municipality to set what is to be a short or long plat (by number of lots created). RCW 58.17.100 provides that the sole authority to adopt and amend platting ordinances shall reside with the local legislative body. RCW 58.17.275 requires Kittitas County to give notice if we are contemplating amending ordinances adopted pursuant to Ch.58.17 RCW. RCW 58.17.320 intertwines enforcement of RCW 58.17 with that of local subdivision regulations. 15A.01.030 Applicability, provides that "The provisions of this title shall apply to all land use permits under KCC Titles 15, 15A, 16, 17, and 17A, county shoreline master program, and to any related regulation or any other ordinance or law implementing these provisions. This would sweep in Ch. 58.17 RCW.

KCC 15A.01.040(2)(b) gives the CDS Director the authority to issue written opinions upon, among other things, "Title 16, Subdivisions" and the application of such regulations upon specific parcels. Such written opinions are appealable to the Kittitas County Hearing Examiner pursuant to KCC 15A.01.040(4)(i). As described above, talking about subdivision regulation in Kittitas County is not possible to do without discussing RCW 58.17 because the two are necessarily intertwined. The state statute itself creates and requires this inextricable link.

The above-referenced SEPA application proposes to develop a new road to access 13 existing lots, including 12 lots that were created via exempt segregation and are shown on the attached record of survey. This new

road would provide access to the 12 lots via Strande Road. The attached record of survey that created the lots through exempt segregation, however, shows a proposed road providing access via Hanson Road. Therefore, the proposed change would alter the proposed access to these 12 lots.

RCW 58.17.020 defines "subdivision" as the division of land into five or more lots. Therefore, even though the exempt segregation process no longer exists, the twelve lots shown on the attached record of survey are considered a subdivision according to RCW 58.17. RCW 58.17.040(2) provides that the entire chapter shall apply to divisions of land creating lots larger than five (5) acres in size if the governing authority adopted a subdivision ordinance requiring plat approval of such divisions. KCC 16.04.010 (adopted in 2005) provides that "*Every division ... within the unincorporated area of Kittitas County shall proceed in compliance with this title and Kittitas County Code.*" That title is denominated as "16, Subdivisions". Therefore, all of Ch. 58.17 applies to this subject property. RCW 58.17.215 states that anyone interested in altering a subdivision *or any portion thereof* shall submit an application for alteration to the county and that the application shall be processed in accordance with the procedures contained therein. The proposed access change would be an alteration to a subdivision as defined by RCW 58.17, because altering the access is altering *any portion of a subdivision*, and therefore a plat alteration application is required.

KCC 15A.01.040(4)(i) allows for administrative determinations such as code interpretations to be appealed to the Kittitas County Hearing Examiner. Appeals of an administrative decision shall be filed with Community Development Services within 10 working days of the decision in accordance with KCC 15A.07.010.

Please let me know if you have questions.

Sincerely,

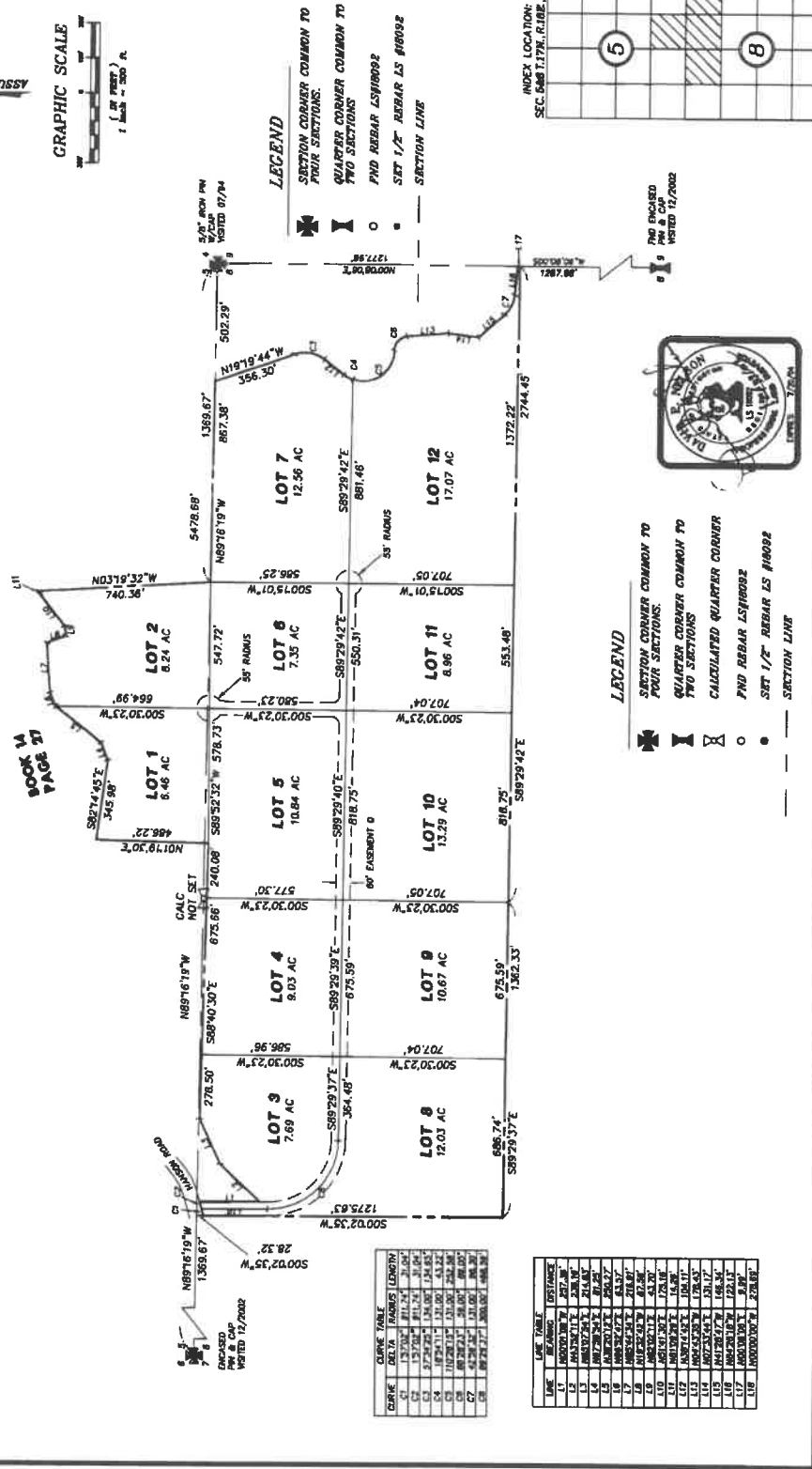


Dan Carlson, AICP
Community Development Services Director

Enclosure: Record of Survey Creating 12 Lots

CC: James Carmody, Attorney at Law *(via email)*
Neil Caulkins, Deputy Prosecuting Attorney *(via email)*
Mark Cook, Public Works Director *(via email)*
Jeremy Johnston, Planning Official *(via email)*
Kelly Bacon, Planner *(via email)*

RECORD OF SURVEY
A PORTION OF SECTIONS 5 & 8,
T.17N., R.18E., W.M.
KITITITAS COUNTY, WASHINGTON.



BOOK 1A
PAGE 21

CURVE TABLE

LINE	BEARING	DISTANCE
1	N89°16'19"W	1369.67
2	S00°02'35"W	28.32
3	S89°29'37"E	364.48
4	S89°29'37"E	364.48
5	S89°29'37"E	364.48
6	S89°29'37"E	364.48
7	S89°29'37"E	364.48
8	S89°29'37"E	364.48
9	S89°29'37"E	364.48
10	S89°29'37"E	364.48
11	S89°29'37"E	364.48
12	S89°29'37"E	364.48

LEGEND

- SECTION CORNER COMMON TO FOUR SECTIONS
- QUARTER CORNER COMMON TO TWO SECTIONS
- CALCULATED QUARTER CORNER
- PND REBAR L5#8002
- SET 1/2" REBAR L5 #8002
- SECTION LINE

RECORDER'S CERTIFICATE

I find to record this day of December 12, 2002 in book 1A, page 21, at the request of DAVID P. NELSON.

DAVID B. BOWEN
County Auditor

SURVEYOR'S CERTIFICATE

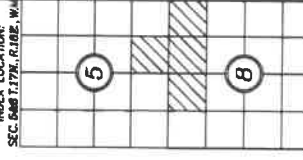
This map correctly represents a survey made by me or under my direction in conformance with the request of DAVID P. NELSON on 12/12/2002.

DAVID P. NELSON
Certificate No. 18992

EASTSIDE CONSULTANTS, INC.
150 EAST PINE, WASHINGTON
PHONE: (206) 835-3333 FAX: (206) 835-3334

RECORD OF SURVEY
LARRY ANDERSON
ELLENSBURG

INITIAL COUNTY WASHINGTON
DWN BY T. ROLETTO
DATE 12/2002
SCALE 1"=300'
CHD BY D. NELSON
JOB NO. 01550
SHEET 1 of 2



RECORD OF SURVEY

A PORTION OF SECTIONS 5 & 8, T-17N., R-18E., W.M. KITKITAS COUNTY, WASHINGTON.

NOTES:

1. THIS SURVEY WAS PERFORMED USING A TOPCON GTS-30 TOTAL STATION, THE CONTROLLING MONUMENTS AND PROPERTY CORNERS WERE RECONSTRUCTED AND CHECKED FROM A CLOSED FIELD TRAVEL IN EXCESS OF 1:10,000 LINEAR CLOSURE AFTER ADJUSTMENT.
2. FOR SECTION SUBDIVISION CORNER DOCUMENTATION AND ADDITIONAL SURVEY INFORMATION, SEE BOOK 14 OF SURVEYS, PAGE 27, AND BOOK 13 OF SURVEYS, PAGE 37, AND THE SURVEYS REFERENCED THEREIN. THE BASIS OF BEARINGS SHOWN IS EITHER TRUE OR MAGNETIC, AS SHOWN IN THE SURVEY RECORD IN BOOK 13, PAGE 37.
3. ANY INTERFERING EASEMENTS OR ENCUMBRANCES MAY RESULT IN FURTHER ACCESS REQUIREMENTS. SEE KITKITAS COUNTY ROAD STANDARDS (SEC. 22.01.010).
4. THE COSTS OF CONSTRUCTING MARKERS AND SHOW BOUNDARIES FOR ALLEYS, STREETS, ACCESSORS AND ALLEYS WITHIN THIS PLAT SHALL BE THE OBLIGATION OF ALL OF THE OWNERS OF THE LOTS OF THE PLAT AND OF ANY ADJACENT LOTS THAT MAY BE SERVED BY THESE ROADS, STREETS AND ALLEYS.
5. THIS SURVEY MAY NOT SHOW ALL EASEMENTS WHICH MAY PERTAIN TO THIS PROPERTY.
6. MAINTENANCE OF THE ACCESS IS THE RESPONSIBILITY OF THOSE WHO BENEFIT FROM ITS USE.
7. THE PURPOSE OF THIS SURVEY IS FOR TAX LOT SUBDIVISION AND BOUNDARY LINE ADJUSTMENT. IT WAS NOT WITHIN THE SCOPE OF THIS PROJECT TO SET LOT CORNERS OR REVEAL PROPERTY BOUNDARIES.

LEGAL DESCRIPTION

ORIGINAL PARCEL: 2001-0202-0000

LOT 1 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 31, 2002, IN BOOK 28 OF SURVEYS AT PAGE 14 UNDER AUDITOR'S FILE NO. 200212310006, RECORDS OF KITKITAS COUNTY, WASHINGTON, BEING A PORTION OF THE NORTH HALF OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., COUNTY OF KITKITAS, STATE OF WASHINGTON.

LOT 2 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 31, 2002, IN BOOK 28 OF SURVEYS AT PAGE 14 UNDER AUDITOR'S FILE NO. 200212310006, RECORDS OF KITKITAS COUNTY, WASHINGTON, BEING A PORTION OF THE NORTH HALF OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., COUNTY OF KITKITAS, STATE OF WASHINGTON.

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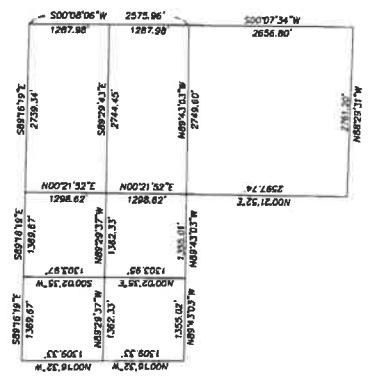
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EASEMENT 0 AS DEFINED ON THAT CERTAIN SURVEY AS RECORDED DECEMBER 31, 2002, IN BOOK 28 OF SURVEYS AT PAGE 14 UNDER AUDITOR'S FILE NO. 200212310006, RECORDS OF KITKITAS COUNTY, WASHINGTON, BEING A PORTION OF THE NORTH HALF OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., COUNTY OF KITKITAS, STATE OF WASHINGTON.

SECTION CLOSURE



RECORDER'S CERTIFICATE: 200218370006
 Filed for record this 21st day of November 2004, at 2:58 PM in book 18, page 2 of this volume at the request of David P. Nelson.
 D.A.M. B. BOWEN
 County Auditor

SURVEYOR'S CERTIFICATE
 This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Recording Act at the request of LARRY ANKERSON.
 I, DAVID P. NELSON, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown to me on 11/18/04.
 Certificate No. 18092

EASTSIDE CONSULTANTS, INC.
 ENGINEERS-SURVEYORS

509 EAST FIRST
 CLE ELUM, WASHINGTON 98822
 TEL: 206-465-1111
 FAX: 206-465-1118

RECORD OF SURVEY

KITKITAS COUNTY
 DWR 57
 LARRY ANKERSON
 ELLensburg

DATE: 12/20/02
 SCALE: 1"=300'
 SHEET: 2 OF 2