

# KITTTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTTAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

VA-10-00003

## ZONING STRUCTURAL SETBACK VARIANCE APPLICATION

*(To place a structure closer to the lot line than allowed)*

KITTTAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CALL THE DEPARTMENT IF YOU WOULD LIKE TO SET UP A MEETING TO DISCUSS YOUR PROJECT. INCOMPLETE APPLICATIONS WILL **NOT** BE ACCEPTED.

### Current Zoning Setbacks:

Zone	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	Side (setback for side abutting the street)
Residential	15'	5'	25'	15'
Residential-2	15'	10' on one side and 5' on the other side	25'	15'
Suburban	25'	15'	25'	20'
Agriculture-3, Agriculture-20, and Commercial Ag	25'	5'	25'	15'
Rural-3	25'	15'	15'	-
Forest & Range	25'	10'	10'	15'
Commercial Forest	200'	200'	200'	-

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. PURSUANT TO KCC 15A.03.030, A COMPLETE APPLICATION IS DETERMINED WITHIN 30 DAYS OF RECEIPT OF THE APPLICATION SUBMITTAL PACKET AND FEE. THE FOLLOWING ITEMS MUST BE ATTACHED TO THIS APPLICATION PACKET:

### REQUIRED ATTACHMENTS

- ADDRESS LIST OF ALL LANDOWNERS WITHIN 500 FEET OF THE SITE'S TAX PARCEL. IF ADJOINING PARCELS ARE OWNED BY THE APPLICANT, THE 500 FEET EXTENDS FROM THE FARTHEST PARCEL. IF THE PARCEL IS WITHIN A SUBDIVISION WITH A HOMEOWNERS OR ROAD ASSOCIATION, PLEASE INCLUDE THE ADDRESS OF THE ASSOCIATION.
- SITE PLAN OF THE PROPERTY WITH ALL PROPOSED: BUILDINGS; POINTS OF ACCESS, ROADS, AND PARKING AREAS; SEPTIC TANK AND DRAINFIELD AND REPLACEMENT AREA; AREAS TO BE CUT AND/OR FILLED; AND, NATURAL FEATURES SUCH AS CONTOURS, STREAMS, GULLIES, CLIFFS, ETC.

### FEE:

\$495.00 to Kittitas County Community Development Services

\$65.00 for Fire Marshal

\*One check made payable to KCCDS

**PAID**

MAR 02 2010

KITTTAS CO.  
CDS

### FOR STAFF USE ONLY

APPLICATION RECEIVED BY

SIGNATURE:

NOTES:

DATE:

03-02-10

RECIPT #:

7111

DATE STAMP  
HERE

**1. Name, mailing address and day phone of land owner(s) of record:**

*Landowner(s) signature(s) required on application form.*

Name: Kittitas County Water District #5  
Mailing Address: P.O. Box 262  
City/State/ZIP: Cle Elum, WA 98922  
Day Time Phone: (509) 674-5391  
Email Address: djandjj@cablespeed.com

**2. Name, mailing address and day phone of authorized agent, if different from land owner of record:**

*If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.*

Agent Name: Encompass Engineering & Surveying  
Mailing Address: 108 East 2nd Street  
City/State/ZIP: Cle Elum, WA 98922  
Day Time Phone: (509) 674-7433  
Email Address: wnelsen@encompasses.net

**3. Street address of property:**

Address: 251 Swallow Lane  
City/State/ZIP: Cle Elum, WA 98922

**4. Legal Description of Property:** Portion of Parcel A; Survey B16/P132

**5. Tax parcel number:** 131334 (map number 20-14-27011-0001)

**6. Property size:** 1.31 acres

**7. Narrative project description:** Please include the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):

The proposed project includes construction of an arsenic treatment facility to be located at KCWD#5's existing well house. The new treatment facility is necessary to treat the existing 200 gpm well water supply to remove arsenic to below the maximum contaminant limit. The facility will consist of piping, valves and pressure vessels containing non-regenerative iron-based sorption media. A new 16' x 30' building will be constructed of CMU to house the existing well head and corresponding equipment. The existing well house will be demolished.

**8. Provision of zoning code for which this variance is requested and the way in which you wish to vary from the code:**

17.30.050 Yard requirements. There shall be a minimum front yard setback of twenty-five feet. Side and rear yard setbacks shall be fifteen feet. (Ord. 92-4 (part), 1992)

The requested variance is for the front yard setback to be reduced to one foot.



9. **A variance may be granted only when the following criteria are met. Please describe in detail how each criteria is met for this particular request (attach additional sheets as necessary):**

A. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography.

The arsenic treatment facility is necessary and required in order for KCWD#5 to comply with the State Department of Health's maximum contaminant limit. The proposed facility is to be located at the existing well head at the end of Swallow Lane and there are no reasonable alternative locations. Further, Swallow Lane is a dead-end road serving only 10 existing lots and there is no likely opportunity for expansion of service or extension of the roadway.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity.

The variance is necessary in order to allow for the construction of the arsenic treatment facility. Without such facility, the public health, safety and welfare of those served by KCWD#5 would be directly impaired and/or threatened.

C. That authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

As stated above, the arsenic treatment facility is necessary and required to meet the State Department of Health's maximum contaminant limit. Without the facility, the potable water supply may be materially detrimental to the public welfare.

D. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern.

The subject property is located within an area designated as Rural by the Kittitas County Comprehensive Plan. Chapter 8 of the Comprehensive Plan addresses Rural lands and provides for rural governmental services, including domestic water systems associated with rural development. The variance is necessary in order to provide a potable water supply to existing rural residences and to maintain and promote the comprehensive development pattern.

10. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

Signature of Authorized Agent:  
(REQUIRED if indicated on application)

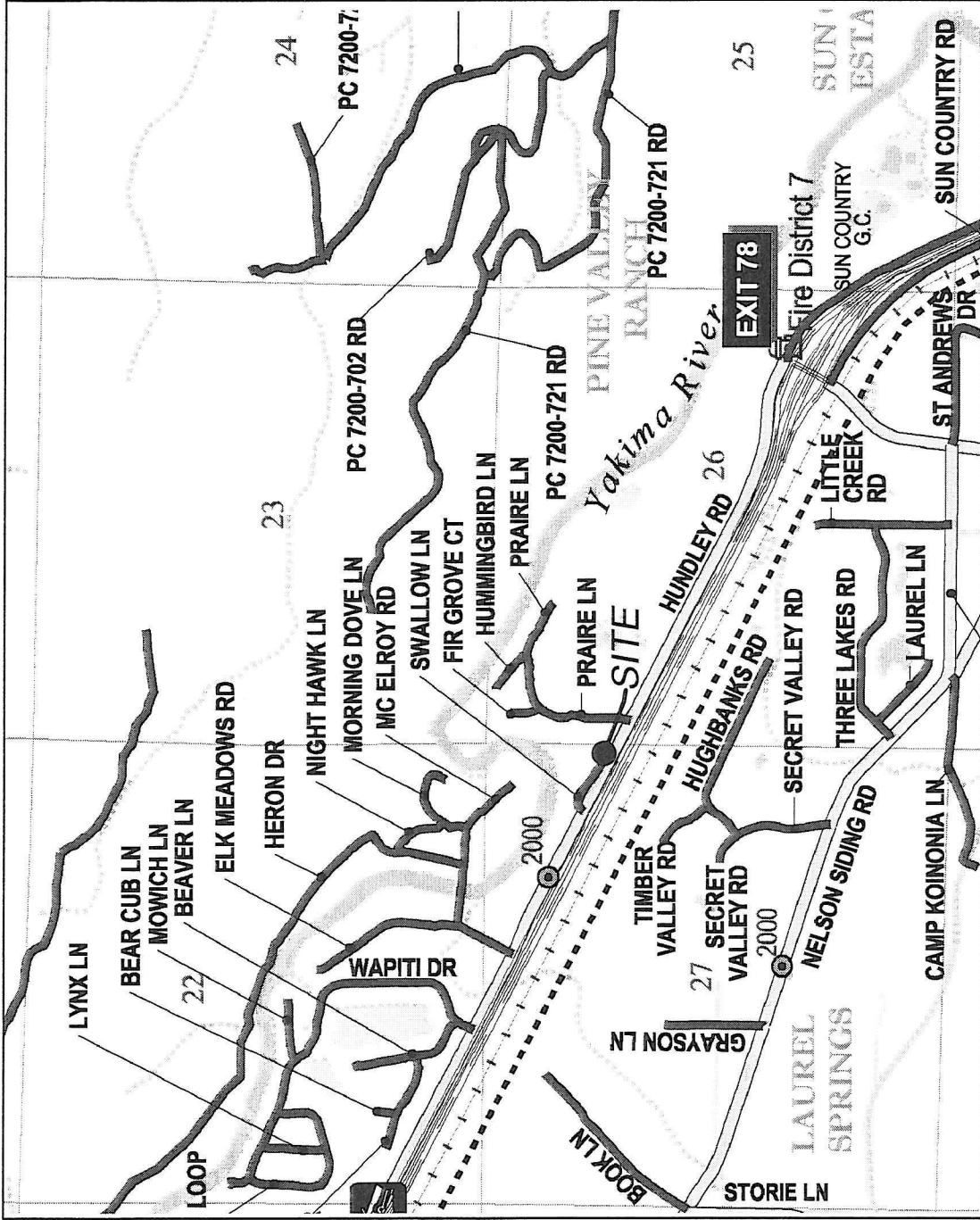
Date:

X Wendy A. Nelson for Encompass Engineering & Surveying - 3/1/10

Signature of Land Owner of Record  
(REQUIRED for application submittal):

Date:

X Jay Jones 3/2/2010



SCALE: 1"=2000'

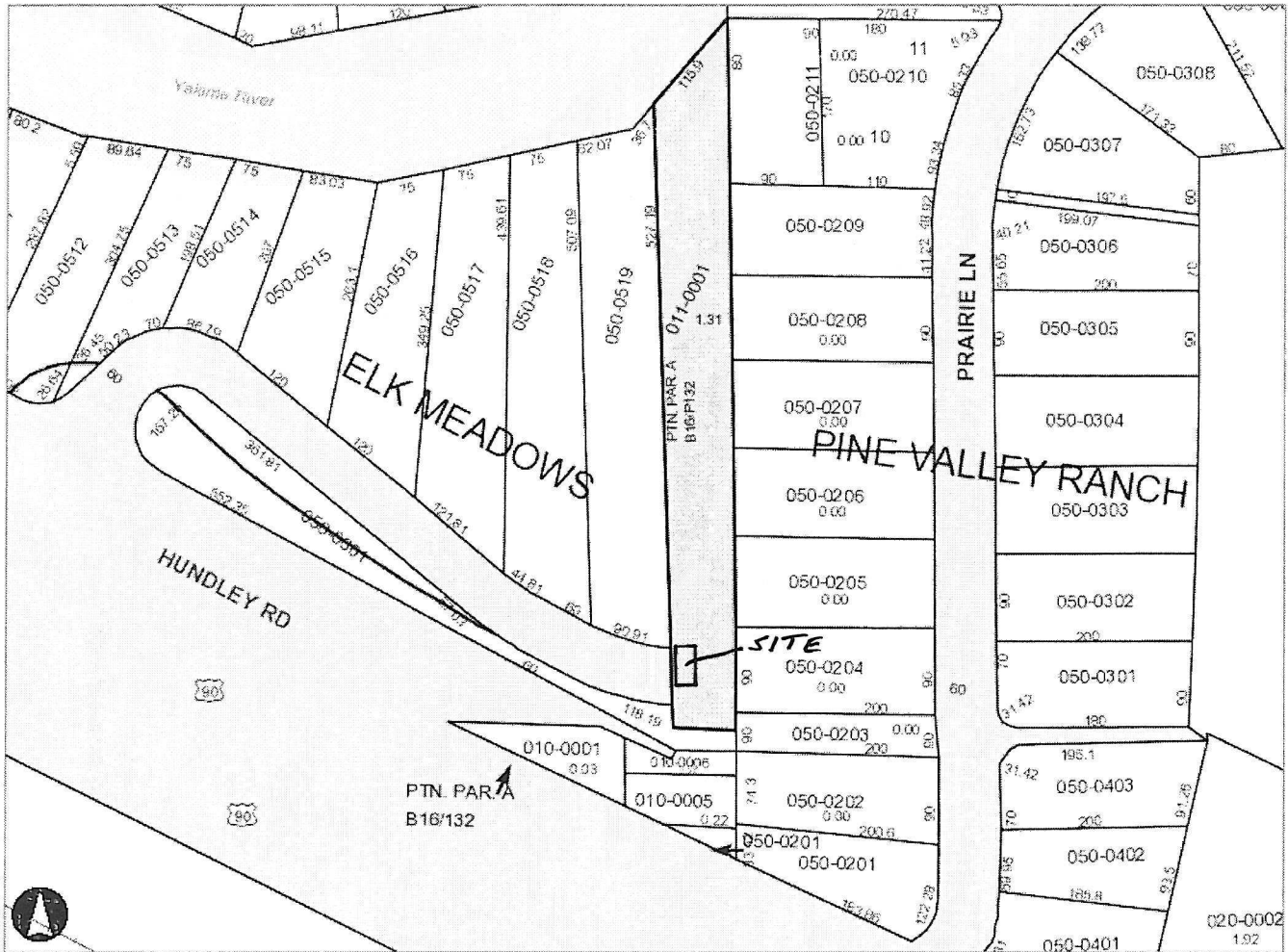


108 EAST 2ND STREET  
 CLE ELUM, WA 98922  
 PHONE: (509) 674-7433  
 FAX: (509) 674-7419

ENGINEERING & SURVEYING

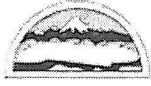
# VICINITY MAP

### KCWD#5 - Setback Variance



Map Center: Township:20 Range:14 Section:27

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# Kittitas County Parcel Report Printout



### Parcel Info

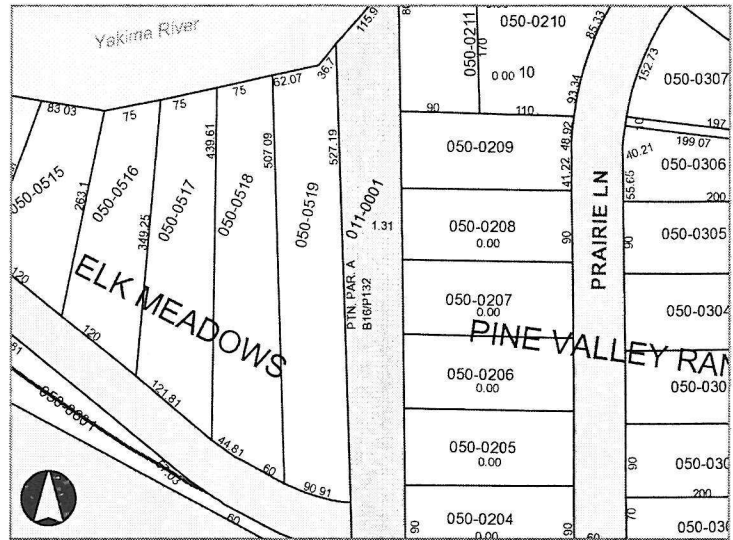
<b>Parcel #</b>	131334
<b>Map #</b>	20-14-27011-0001
<b>Acres Recorded</b>	1.31000000
<b>Situs Address</b>	00251 SWALLOW LN CLE ELUM
<b>Owner Name</b>	MANKE, JEFF ETUX
<b>Mailing Address</b>	
<b>Address Cont.</b>	24917 13TH PL S
<b>City/State</b>	DES MOINES WA
<b>Zipcode</b>	98198

### Critical Areas

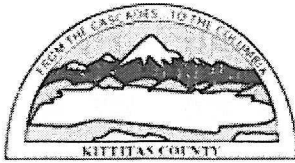
<b>Contains &gt; 30% Slope</b>	No
<b>DOE G.W. Moratorium</b>	Yes
<b>PHS Site Name</b>	UPPER YAKIMA RIPARIAN AREA
<b>Roof Hazard</b>	MODERATE HAZARD RATING
<b>Roof Class</b>	CLASS B
<b>Seismic Category</b>	D1
<b>Flood Zone</b>	100 YEAR,FLOODWAY
<b>Shore Line</b>	YAKIMA RIVER
<b>Wetland Code</b>	U
<b>FEMA Flood Map</b>	5300950229B
<b>FIRM Zone</b>	100 YEAR,ZONE C
<b>Coalmine Shaft</b>	
<b>Airport Zone</b>	
<b>Zone Name</b>	Rural 3
<b>Land Use</b>	RURAL
<b>Max Elevation</b>	2042
<b>PG</b>	127
<b>ISO</b>	0.062

### Districts

<b>Commissioner District</b>	2
<b>Hospital District</b>	HOSPITAL DISTRICT 2
<b>School District</b>	Cle Elum-Roslyn School District
<b>Irrigation District</b>	KRD
<b>Voting District</b>	EASTON,WESTSIDE
<b>Weed District</b>	WEED DISTRICT # 5
<b>Fire District</b>	Fire District 7 (Cle Elum)



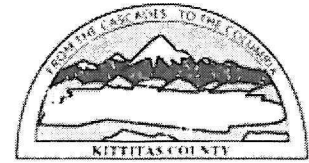
**Disclaimer**  
 Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.



Marsha Weyand  
Assessor

# Kittitas County Assessor

205 W 5th Ave Suite 101  
Ellensburg, WA 98926  
Phone: (509)962-7501  
Fax: (509)962-7666



## Property Summary (Appraisal Details)

### Parcel Information

Parcel Number: 131334  
Map Number: 20-14-27011-0001  
Situs: 00251 \SWALLOW LN CLE ELUM  
Legal: ACRES 1.31, CD. 5927-A; SEC. 27, TWP. 20, RGE. 14; PTN. NE1/4 (PTN. PARCEL A, SURVEY B16/P132)

### Ownership Information

Current Owner: MANKE, JEFF ETUX  
Address: 24917 13TH PL S  
City, State: DES MOINES WA  
Zipcode: 98198

### Assessment Data

Tax District: 43  
Open Space:  
Open Space Date:  
Senior Exemption:  
Deeded Acres: 1.31  
Last Revaluation  
for Tax Year:

### Market Value

Land: 85,000  
Imp: 201,030  
Perm Crop: 0  
Total: 286,030

### Taxable Value

Land: 85,000  
Imp: 201,030  
Perm Crop: 0  
Total: 286,030

### Sales History

Date	Book & Page	# Parcels	Grantor	Grantee	Price
06-16-2004	2004-1280	2	HARKER, DOUGLAS	MANKE, JEFF ETUX	89,000
07-01-1990	3013900	5	OLER ETUX, LEO GENE	HARKER, DOUGLAS	99,500

### Building Permits

Permit No.	Date	Description	Amount
2004-11077	11/24/2004	RNEW SFR 2280 SQFT	104,198

### 5 Year Valuation Information

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable	Taxes
2010	MANKE, JEFF ETUX	85,000	201,030	0	286,030	0	286,030	<a href="#">View Taxes</a>
2009	MANKE, JEFF ETUX	85,000	201,030	0	286,030	0	286,030	<a href="#">View Taxes</a>
2008	MANKE, JEFF ETUX	85,000	201,030	0	286,030	0	286,030	<a href="#">View Taxes</a>
2007	MANKE, JEFF ETUX	85,000	201,030	0	286,030	0	286,030	<a href="#">View Taxes</a>
2006	MANKE, JEFF ETUX	87,330	0	0	87,330	0	87,330	<a href="#">View Taxes</a>
2005	MANKE, JEFF ETUX	54,830	0	0	54,830	0	54,830	<a href="#">View Taxes</a>

### Photos/Sketches

File date: 2/25/2010 10:00:36 PM

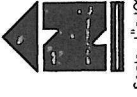








# Part of the N 1/2 of Sections 26 and 27 Township 20 North, Range 14 East, W.M.



Scale 1" = 100'

### LEGEND

- FOUND 1/2" PIPE
- FOUND 5/8" PIN
- SET 3/4" REBAR WITH SURVEY CAP
- FENCE
- RECORD DATA

### LEGAL DESCRIPTIONS

ORIGINAL PARCEL - Deeds recorded under A.F.N.'s 491473, 495009 and 495443.

### PARCEL A

Parcel A of this section survey as recorded April 25, 1990 in Book 16 of Surveys at page(s) 137 under Auditor's File No. 328,467. Records of Kittitas County, Washington, being a portion of the Northeast Quarter of Section 27, Township 20 North, Range 14 East, W.M., Kittitas County, Washington.

### NOTES:

1. This survey was performed using a Topcon GTS-3C total station. The controlling monuments and property corners shown hereon were located, staked and checked from a closed field traverse in excess of 100,000 feet. The survey was performed on the ground. The monumentation placed as a result of the Pine Valley Ranch and Elk Meadows plats, when recovered in good condition, were tied within 0.20 feet or less of their calculated positions and accepted as shown.

2. Coats necessary to relocate the section line between Sections 26 and 27, and monuments to the location of the east line of Parcel A as shown hereon and the west line of Lot 17, shown hereon.

### AUDITOR'S CERTIFICATE

Filed for record this 25th day of April, 1990, at 9:17 A.M., in Book 16 of Surveys at page(s) 137, at the request of CRUSE & NELSON.

BEVERLY M. ALLENBAUGH by: *B. Williams*  
KITITAS COUNTY AUDITOR

### SURVEYOR'S CERTIFICATE

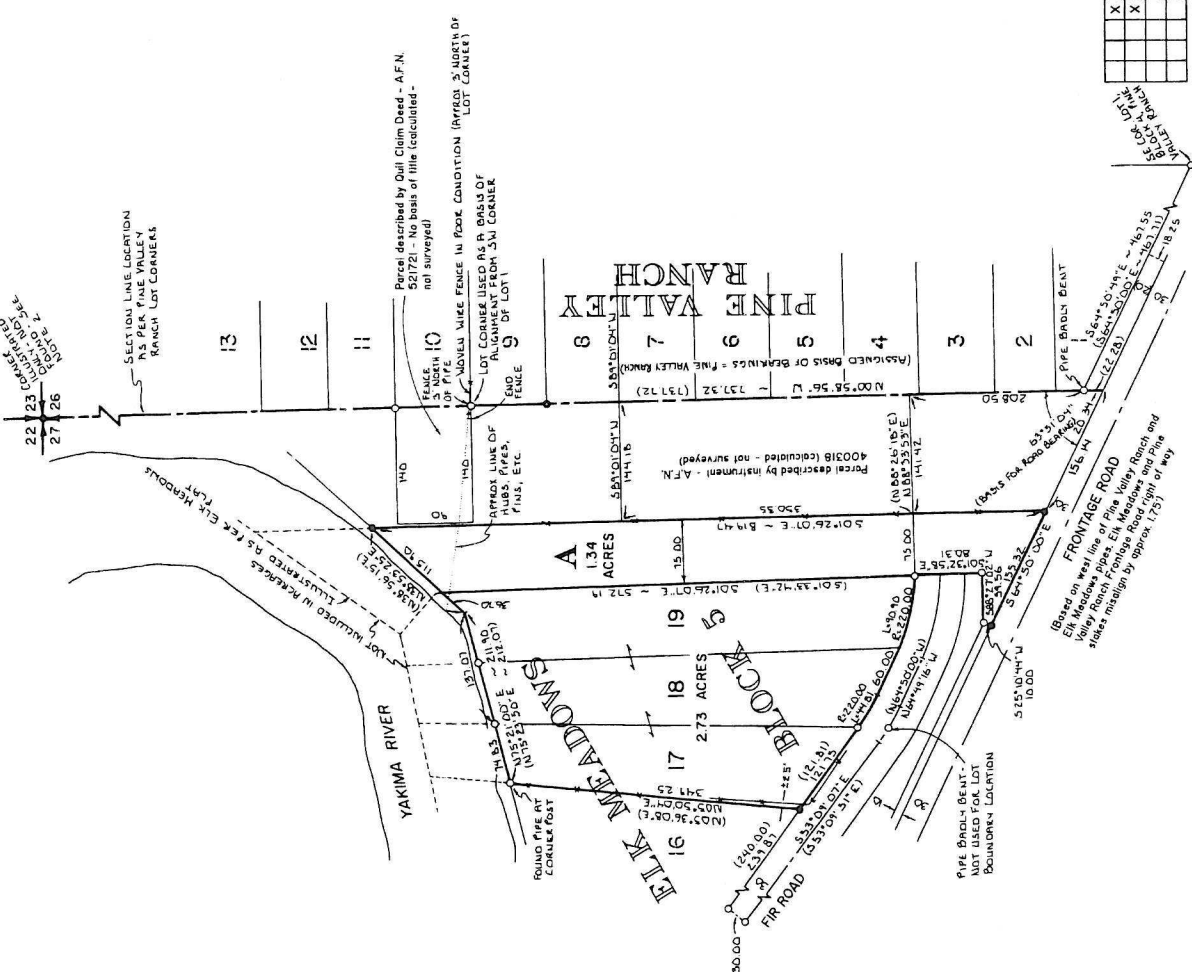
This map correctly represents a survey made by me or under my direction in conformity with the requirements of the Survey Recording Act at the request of Jean Oler in March of 1990.

*Charles A. Cruse, Jr.*  
CHARLES A. CRUSE JR.  
Professional Land Surveyor  
License No. 8808  
4-25-90  
DATE



**CRUSE & NELSON**  
PROFESSIONAL LAND SURVEYORS  
P.O. Box 959  
217 East Fourth Street  
Ellensburg, WA 98926 Ph. (509) 925-4747

**Oler Property**



X			
X			



Real Estate Excise Tax  
Exempt  
Kittitas County Treasurer  
By K. Hill  
10-18-00

WHEN RECORDED, RETURN TO:

KITTITAS COUNTY WATER DISTRICT #5  
PO BOX 262  
CLE ELUM WA 98922

DOCUMENT TITLES: WELL SITE EASEMENT, RESTRICTIVE COVENANT,

GRANTOR(S): DOUG & SHARON HARKER

GRANTEE(S): KITTITAS COUNTY WATER DISTRICT #5

LEGAL DESCRIPTION (lot, block, plat or section, township, range):

SECTION 27, TOWNSHIP 20 N., RANGE 14 E., W.M.

Additional legal description on page EX. A of document

ASSESSOR TAX PARCEL NUMBER: 20-14-27011-0001

REFERENCE NUMBERS OF DOCUMENTS ASSIGNED OR RELEASED:

NONE

WELL SITE EASEMENT

The undersigned GRANTORS, Doug Harker and Sharon Harker and their successors and assigns (hereinafter together referred to as "GRANTOR", for and in consideration of the sum of One Dollar (\$1.00), and other valuable consideration, the receipt of which is hereby acknowledged, hereby conveys and grants to KITTITAS COUNTY WATER DISTRICT #5, a municipal corporation, its successors and assigns (hereinafter together referred to as "DISTRICT"), an exclusive easement over, across, along, in, upon and under the GRANTOR'S property for the purposes hereafter described, said easement described as follows:

See attached Exhibit A

This easement is necessary in order that DISTRICT may construct, repair, maintain, own and operate a well and water system facilities, appurtenances and additions to furnish water service to property within and without DISTRICT boundaries; and for such purpose, DISTRICT may, at such time as DISTRICT determines it necessary to do so, install, construct, maintain, operate, repair and/or remove and replace and/or make addition to water system facilities located within said easement.

The GRANTOR shall have the right to use the surface of said easement area so long as GRANTOR'S use does not interfere with the work of repairing and/or removing and replacing and/or adding to the water system facilities and appurtenances, provided that no permanent building or structure of any kind shall be erected on said easement which would conflict with the provisions of the restrictive covenant. The construction and installation of asphalt and/or gravel driving surfaces by GRANTOR shall be a permitted use.

GRANTOR shall not interfere with the DISTRICT'S use of this easement and shall not use the easement for any incompatible or unlawful use.

DISTRICT agrees to indemnify and hold GRANTOR harmless from and against any claim, demand, obligation, liability or cause of action for any damage to or loss or destruction of property suffered by GRANTOR or by any persons, firms or corporations arising out of the construction, repair or maintenance of said facilities, provided this undertaking shall not apply to any such claims, demands or actions attributable substantially to the fault or negligence of the GRANTOR, their agents, contractors or employees.

This easement shall be a covenant running with the land and shall be binding upon the GRANTOR and its successors and assigns.

Dated at BELLEUE, Washington this 1<sup>st</sup> day of OCTOBER, 1999.

IN WITNESS WHEREOF, said GRANTOR has caused this instrument to be executed as of the date set forth above.

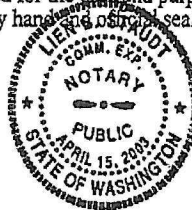
Doug Harker  
Grantor  
Sharon Harker  
Grantor Spouse

STATE OF WASHINGTON )  
COUNTY OF KITTITAS }

On this 1<sup>st</sup> day of Oct, 1999, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared

Doug + Sharon Harker  
to me known to be the individual<sup>s</sup> described in and who executed the foregoing instrument, and acknowledged to me that ~~he~~ signed and sealed the said instrument as ~~their~~ free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



Tim B. Stand  
Notary Public in and for the State of Washington, residing at Belleue  
My Commission expires 4/15/2003  
LIEN STATE



EXHIBIT "A"

EASEMENT DESCRIPTION

That portion of Tract "A" of that certain Survey as recorded in Book 16 of Surveys at Page 132 under Auditor's File Number 528681 Records of Kittitas County, Washington lying south of the easterly prolongation of the northerly right of way margin of Swallow Lane and north of Hundley Road.



Return Address:  
Kittitas County Water District #5

P.O. Box 262  
Cle Elum, WA 98922

RESTRICTIVE COVENANT

The grantor(s) herein is (are) the owner(s) of (an interest in) the following described real estate situated in  
Kittitas County, State of Washington:

Tract A of that certain survey as recorded in Book 16 of Surveys  
at Page 132 under Recording No. 528681, Records of Kittitas County  
Washington

The grantee(s) herein, Kittitas County Water District #5, own(s) and operate(s) a well and waterworks supplying water for public-use, located upon the following described real estate situated in  
Kittitas County, State of Washington:

Said well is located on an easement approximately 132' North and  
53' West of the Southeast corner of above described Tract A

which well and waterworks is ON the land of the grantor(s), and said grantee(s) is (are) required to keep the water supplied from said well free from impurities which might be injurious to the public health.

It is the purpose of these grants and covenants to prevent certain practices hereinafter enumerated in the use of the said grantor(s) land which might contaminate said water supply.

NOW, THEREFORE, the grantor(s) agree(s) and covenant(s) that said grantee(s), its successors and assigns said covenants to run with the land for the benefit of the land of the grantee(s), that said his (her) grantor(s), (their) heirs, successors and assigns will not construct, maintain, or suffer to be constructed or maintained upon the said land of the grantor(s) and within 50 (Fifty) feet of the well herein described, so long as the same is operated to furnish water for public consumption, any potential source of contamination, such as septic tanks and drainfields, sewerlines, underground storage tanks, railroad tracks, vehicles, structures, barns, feed stations, grazing animals, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazardous waste, or garbage of any kind or description.

These covenants shall run with the land and shall be binding to all parties having or acquiring any right, title, or interest in the land described herein or any part thereof, and shall inure to the benefit of each owner thereof.

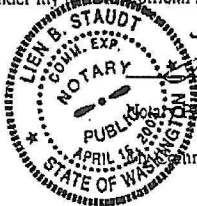
WITNESS \_\_\_\_\_ hand this 15<sup>th</sup> day of Oct, 1999

Doug Harker (Seal)  
Sharon Harker (Seal)  
Grantor(s)

State of Washington )  
County of Fris )

I, the undersigned, a Notary Public in and for the above-named County and State, do hereby certify that on this 15<sup>th</sup> day of Oct, 1999, personally appeared before me Doug + Sharon Harker to me known to be the individual described in and who executed the within instrument, and acknowledge that he (they) signed and sealed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.



Lien B. Staudt  
Notary Public in and for the State of Washington, residing at Bellevue, WA  
Commission Expires: 4/15/2003