

Buffer Averaging

(The director may average buffer widths on riparian habitat buffers. Buffer width averaging shall be allowed only where the applicant demonstrates the following exist:)

1. That averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;

The lot has the meandering stream cutting the lot in half. No other location offers a reasonable relocating that would not be detrimental both to the stream and ruinous to us as lot owners. It would effectively render the property, a water share that was purchased based on your department's insistence that is all we needed to rebuild, sewer hookup and a bill that we will always have to pay to be of no value. It would be a constitutional taking for which you would have to provide just compensation. We are allowed reasonable use of our land even though there does not appear to be reasonable use provisions in the County code.

2. That the riparian habitat contains variations in sensitivity due to existing physical characteristics;

The existing physical characteristics, which can be easily understood from looking on google maps, county maps or a drive to the summit, demonstrate that more contaminates are entering the water way via every I90 crossing of the stream with no filtration than any possible contamination from our structure/property use ever will. Also, Yellowstone Road crossing's (they are out of compliance and thus the reason for forthcoming upgrades according to Scott Downs WDFW) have no filtration of contaminates. As well, no homes that are built along the stream have any type of filtration of contaminates and many are well inside of the required setbacks. WDFW Scott Downs has made it clear that they are in support of us rebuilding and will provide help in determining what can be done to make characteristics be even better than they are now.

3. That the proposed use would be located adjacent to areas where buffer width is reduced, and that such land uses will not have a significant adverse impact to the habitat and its buffer;

This is easily demonstrable in the fact that the existing foundation, built in 2012, has not had a significant adverse/negative impact on stream health. As well, the cabins adjacent to the south and north have identical proximity to the stream and no adverse impacts have been made by them. Nor the multiple other properties along the stream including Kittitas County and King County buildings, roads and ski resorts.

4. That buffer width averaging will not adversely impact riparian habitat functions and values.

The state, counties and private sector all in close proximity to the stream have no means of stopping, adversely impacting riparian habitat functions and values from any reasonable view point. The multiple encroachments from all above stated would/are adversely impacting the riparian habitat functions and value. The currently permitted development on the south end of Yellowstone Road alone would be exponentially a greater threat to the adverse impact of the stream. The tiny area of a 680 Square Foot cabin with two parking spaces on the north side of the cabin would logically not even add but the smallest adverse impact possible. (Unless of course we remove all structures, roads, parking lots and people from the pass). The remainder of the meandering stream will in no way be an adverse impact as it will remain as it is. With the help of WDFW, any improvements that can be made will be. This includes their bringing up to current standards the collapsing duct that carries the stream under Yellowstone Road at the south edge of our lot. According to WDFW, it will be larger and provide much better flow thus less possibility of adversely impacting anything up stream.