



Kittitas County Office Of The Treasurer

Deanna Jo Panattoni, Treasurer

205 W. Fifth Suite #102

Ellensburg, Wa 98926

Phone (509) 962-7535 Fax (509) 933-8212

Cash Receipts

Receipt Number: 2009-2491 Date: 05/12/2009

Received From: COMMISSIONERS - MANDY

Check Amount: \$0.00

Cash Amount: \$500.00

Eft Amount: \$0.00

Total Amount: \$500.00

Deputy: janetw Receipt Type: CASH

Template:

Comments:

SUSPENSE RECEIPT 2009-1575 Administrative Appeal of Kittias County Community Development Services Conditions Placed upon O. Sieber Short Plat (SP-08-00052)James Denison Jr. on behalf of Otto Sieber

<u>FundCode</u>	<u>GlCode</u>	<u>Description</u>	<u>Amount</u>
001	1634589	APPEALS FEE	\$500.00
Total Amount:			\$500.00

Kittitas County Treasurer's Office

Submitted By: Janet Wilson

RECEIVED

MAY 12 2009

1st 2nd 3rd

KITTITAS COUNTY BOARD OF COMMISSIONERS

Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

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Susan K. Harrel
Jeff Slothower
James T. Denison, Jr.
Christopher P. Taylor

Tel (509) 925-6916
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RECEIVED

MAY 12 2009

May 12, 2009

Kittitas County Board of County Commissioners
205 W 5th Ave., Suite 108
Ellensburg WA 98926

1st 2nd 3rd
KITTITAS COUNTY BOARD OF COMMISSIONERS

PA
CDS

Re: Administrative Appeal of Kittitas County Community Development Services
Conditions Placed upon O. Sieber Short Plat (SP-08-00052)

Dear Commissioners:

Please consider this letter Otto Sieber's (Landowner's) appeal of an administrative decision of the Kittitas County Community Development Services. Mr. Sieber's address is 470 Roza View Drive, Yakima, WA 98901. The administrative decision involves the O. Sieber Short Plat (SP-08-00052). A true and correct copy of the conditional approval of said short plat is attached hereto and incorporated herein by reference. Also submitted herewith is the \$500.00 appeal fee.

The basis of the appeal is that Kittitas County Community Development Services was in error by imposing condition No. 7 as a preliminary condition for approval. Condition No. 8 is sufficient to address any discovery of archeological artifacts, and condition No. 7 is an unnecessary expense. This particular property and surrounding area has been developed for various purposes over the years, with no indication of any probability items of archeological significance would be found on the platter ground. The landowner requests that Condition 7 be removed as a requirement for final approval.

The applicant requests the Board of County Commissioners schedule an appeal hearing on this appeal within the time required by law. I ask that any hearing be set AFTER June 24, 2009.

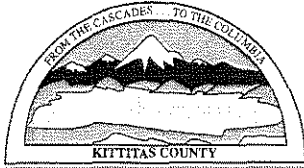
Very truly yours,

James T. Denison, Jr.

cc: Otto Sieber
Dave Nelson

F:\jd\jhsieber\sp appeal\letter to BOCC 5-12-09

COPY



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

"Building Partnerships – Building Communities"

April 28, 2009

Otto Sieber
470 Roza View Drive
Yakima WA 98901

RE: O. Sieber Short Plat (SP-08-00052)

Dear Mr. Sieber:

The Kittitas County Community Development Services Department has determined that the O. Sieber Short Plat (SP-08-00052) is a complete application and hereby grants *conditional preliminary approval* subject to the following conditions:

1. Both sheets of the final mylars shall reflect short plat number SP-08-00052 and an accurate legal description shall be shown on the face of the final plat.
2. Full year's taxes must be paid on all tax parcel numbers per requirement of the Kittitas County Treasurer's Office.
3. The following plat notes shall be recorded on the final mylar drawings:
 - All development must comply with International Fire Code.
 - The subject property is within or near designated natural resource land of long-term commercial significance on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. (RCW 36.70A.060(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances. (RCW 7.48.305)
 - The approval of this division of land includes no guarantee that there is a legal right to withdraw groundwater within the land division. The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.
 - The O Sieber Preliminary Plat No. SP-08-00052 currently has 5000 gallons of water per day for all domestic uses from the domestic well use exemption. According to WAC 173-539A each lot of the O. Sieber Plat is allowed no more than 1666 gallons per day per lot.
 - Metering shall be required on all new residential well connections and metering results shall be recorded in a manner consistent with Kittitas County and Washington State Department of Ecology requirements.
 - 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.
4. If distribution of the available water between parcels is different than listed above, specify the quantity of water in gallons per day by parcel on the final mylar.
5. Any ground water withdrawals in excess of 5,000 gallons per day or for the irrigation of more than 1/2 acre of lawn or noncommercial garden will require a permit from the Department of Ecology.

6. Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in your area becomes limited your use could be curtailed by those with senior water rights.
7. Archaeological resources are protected under state law (RCW (27.53.060), (27.44.040), (27.44.055)). In order to protect the interests of all parties concerned, a cultural resource survey shall be conducted prior to final short plat approval by a *professional archaeologist* as defined by (RCW 27.53.030). The survey shall include background research, a pedestrian survey, and subsurface testing of the project area. The results of the survey shall be submitted by the applicant in a report to the County, who will then forward it to the Washington State Department of Archaeology and Historic Preservation (DAHP) and the Confederated Tribes and Bands of the Yakama Nation. The study and report must meet the DAHP professional standards and guidelines for survey and reporting. Based on the findings of the investigation, additional measures such as project redesign, archaeological monitoring and/or or data recovery may be required in order to protect or to mitigate damage to cultural resources if they cannot be avoided during any type of ground disturbing activities on the building lots that result from this short plat.
8. Should ground disturbing or other activities related to the proposed short plat result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State DAHP. Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.
9. Per Kittitas County Environmental Health, soil logs need to be performed and proof of water availability is needed. Evidence of both shall be provided to Community Development Services prior to final approval.
10. The addresses shall be clearly visible from both directions at the County Road for all properties.
11. The Fire Department access road shall be capable of supporting 75,000 lbs in all weather, be 20' wide, provide 13'6" vertical clearance and provide for adequate turn-around for fire department apparatus.
12. Please see the attached comments from Kittitas County Department of Public Works for plat notes and further issues that must be addressed prior to final approval.

Approval of the O. Sieber Short Plat may be appealed to the Kittitas County Board of Commissioners upon request of any aggrieved party within 10 working days, and shall accordingly be eligible for final administrative approval after May 13, 2009. Administratively approved short plats must be recorded with the County Auditor and shall not be deemed approved until so filed. If you have any questions, please do not hesitate to contact our office.

You may appeal this determination pursuant to KCC 15A.07.010 by submitting specific factual objections and a fee of \$500 to the Kittitas County Board of Commissioners (205 W. 5th, Room 108) by May 13, 2009 at 5:00p.m.

Sincerely,

Jeff Watson
Staff Planner

CC: Applicant
Required parties (KCC 15A)