

## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

June 16, 2010

Jeff Slothower  
P.O. Box 1088  
Ellensburg, WA 98926

Subject: Plat Extension Approval – Game Farm Performance Based Cluster Plat (P-05-07)

Dear Jeff,

Thank you for your June 14, 2010 letter requesting to extend the time to submit final plat materials for the Game Farm Cluster Plat (P-05-07). Please be advised that the plat extension for the Game Farm Cluster Plat has been approved. The expiration date for the Game Farm Cluster Plat has been extended to August 2, 2011.

If you have any questions, please feel free to contact me.

Sincerely,

Dan Valoff  
Staff Planner

Cc: Jan Ollivier, Public Works

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

*Attorneys at Law*

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

*F. Steven Lathrop, P.S.  
John P. Winbauer  
Susan K. Harrel  
Jeff Slothower  
James T. Denison, Jr.  
Christopher P. Taylor*

*Tel (509) 925-6916  
Fax (509) 962-8093*

June 14, 2010

**Hand Delivered**

Jan Ollivier  
Transportation and Community Planning Manager  
Kittitas County Public Works Department  
411 North Ruby, Suite I  
Ellensburg, WA 98926

RECEIVED  
JUN 14 2010  
Kittitas County  
CDS

**RE: Request to Extend Time to Submit Final Plat Pursuant to KCC 16.12.250 for Plat Approved in Ordinance No. 2005-99**

Dear Jan:

Enclosed please find the original Preliminary Plat Extension Application in the above matter, which has been signed by my client, Laurin Mellergaard. It is my understanding you will be processing this Application, although the fee for the plat extension is unknown at this time. As soon as the amount of the fee is known, please contact me and we will forward that to you.

If you have any questions in this matter or if my understanding of the processing of the application without the fee is incorrect, please contact me.

Very truly yours,

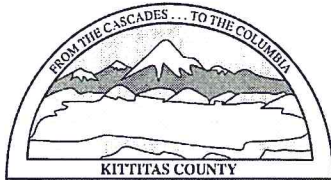


Jeff Slothower

JS:jjj

F:\Slothower\Mellergaard, Laurin\Long Plat Application\Ltr Jan Ollivier Original Plat Extension Appl 6-14-10.doc

cc: Laurin Mellergaard  
Kirk Holmes, Kittitas County  
Alan Crankovich, Kittitas County Commissioner



**KITTITAS COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
**PRELIMINARY PLAT EXTENSION APPLICATION**  
**FEE: \$255.00**

**Applicant**

**Name:** Laurin and Marjorie Mellergaard  
**Mailing Address:** 751 Mellergaard Road, Ellensburg, WA 98926  
**Daytime Phone:** (509) 925-9155

**Land Owner of Record (if different from applicant)**

**Name:** Same as Applicant.  
**Mailing Address:** Same as Applicant.  
**Daytime Phone:** Same as Applicant.

**Preliminary Plat Information**

**File Number:** P-05-07  
**Plat Name:** Game Farm Cluster Plat  
**Assessor's Map/Tax Number(s):** 18-19-32058-0001; 18-19-32058-0002; 18-19-32010-0002;  
18-19-32058-0003  
**Number of Lots:** 28 lots  
**Location and site address of preliminary plat:** Game Farm Road, Kittitas County, Washington

**Schedule**

**Date Preliminary Plat Received Approval:** August 2, 2005  
**Date Final Plat Extension Submission Required:** August 2, 1010  
**Date Previous Extension Request(s) Granted:** No previous extensions.

**Justification for requesting Preliminary plat extension and good faith efforts to submit final plat**

As indicated above, preliminary plat approval was obtained on August 2, 2006. (Ordinance 2005-99 is attached hereto as Exhibit 1).

Final plat approval was conditioned upon the use of a Group A water system (See plat condition 10). Mr. Mellergaard, the owner of the property, had a ground water right for the property. After obtaining the plat application, the applicant began discussions with the Department of Ecology. The Department of Ecology took the position that the purpose of use under water right needed to be changed. Mr. Mellergaard then filed an application to change the purpose of use of the water right. That application was ultimately approved by the Department

of Ecology on June 2, 2008. In addition to the Department of Ecology's approval on the water right change, Mr. Møllergaard had to obtain the Washington State Department of Health approval on a Class A water system. That approval was initially obtained on August 9, 2006 and then, after the water right transfer was approved, the water system approval was modified to increase the number of residential connections from 2 to 30. The amendment was submitted to the Department of Health on November 13, 2008 and was ultimately approved. It was not until Mr. Møllergaard received the modification that he was in a position to determine what type of water system improvements he would need to make to the property. Those water system improvements are currently being engineered.

Contemporaneously with that approval, the real estate market in the area collapsed and, as a result of that, the financing available for plat improvements has become very difficult to obtain. Mr. Møllergaard continues to work towards obtaining financing while he has the final design of the water system engineered; however, the delay associated with completing the transfer of the water right put Mr. Møllergaard in a position where he missed a favorable financing environment and now faces the financing of these plat improvements in an unfavorable financing environment.

Given the fact it is now the beginning of June 2010, it would be difficult, if not impossible, to complete the plat improvements and file final plat by August 2, 2010. As a result, Mr. Møllergaard hereby requests a 1-year extension of the time within which to submit final plat approval under KCC 16.12.250.

Signature of Applicant: Margorie Møllergaard by Laurin Møllergaard P.O.A. Date: 6/10/2010  
Signature of Landowner of Record: Laurin Møllergaard Date: 6/10/2010

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*For Official Use Only*

Referred to Public Works \_\_\_\_\_ Approved by DPW \_\_\_\_\_

Date Extension Granted: \_\_\_\_\_ By \_\_\_\_\_

Notes/Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Exhibit 1

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON  
  
PRELIMINARY PLAT APPROVAL  
Game Farm Cluster Preliminary Plat (P- 05-07)

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RESOLUTION NO. 2005-99

WHEREAS, according to Kittitas County Code Chapter 16, relating to the Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing was held by the Kittitas County Planning Commission on June 27, 2005 for the purpose of considering a preliminary plat known as the Game Farm Cluster and described as follows:

Division of one approximately 74.53 acre parcel into a total of twenty seven (27) building lots submitted by Jeff Slothower, authorized agent for the landowner Laurin Møllergaard, landowner. APN # 18-19-32010-0008, 18-19-32010-0009, 18-19-32058-0001, 18-19-32058-0002 and 18-19-32058-0003.

WHEREAS, testimony was taken from those persons present who wished to be heard; and,

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such platting; and,

WHEREAS, the Planning Commission recommended approval of said proposed subdivision; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on July 19, 2005 to consider the Planning Commission's recommendation on this matter; and,

WHEREAS, the Kittitas County Board of Commissioners make the following FINDINGS OF FACT and CONCLUSIONS AT LAW concerning said proposed preliminary plat:

1. Jeff Slothower, authorized agent for the landowner Laurin Møllergaard, submitted a complete application to Community Development Services March 31, 2005.
2. The preliminary plat is located in the Agriculture 3 Zone where the intent is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly.
3. Lands within the Agriculture 3 Zone may be platted under the Cluster Subdivision provisions contained within the Kittitas County Zoning Code. The purpose and intent of this section is to concentrate residences in agricultural areas without undue removal of potential agricultural lands from production and enhance the retention of all types of open spaces by concentrating development and reducing the consumption of land devoted to housing.
4. The comprehensive plan designation of the property is rural. The Game Farm Cluster Preliminary Plat (P- 05-07) complies with and implements the Kittitas county comprehensive plan and specifically implements and carries out GPO 8.9, 8.11, 8.13, 8.46, 8.48 and 8.51.

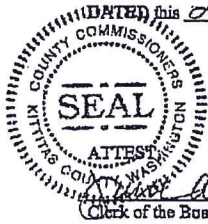
5. Because the Game Farm Cluster Preliminary Plat (P- 05-07) is in conformance with the applicable zoning code and the comprehensive plan it satisfies the requirements of KCC 16.12.040.
6. The development application included a preliminary plat depicting the division of one parcel into 27 approximately one (1) acre building lots for a total of 28 acres including roads. Based on the Cluster Subdivision formula, the original parcel is eligible for up to 29 lots, which represents a 20% density bonus to the 24 lots which could be created under the Agriculture 3 zoning.
7. The Community Development Services Department issued a Notice of Application pursuant to KCC 5A.03 on March 31, 2005. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law.
8. Community Development Services issued a Notice of Action pursuant to KCC 15A.04 and Chapter 43.21 CRCW on May 20, 2005. Said notice solicited comments from jurisdictional agencies, parties of record and landowners within 300 feet of the subject properties as required by law.
9. The MDNS required mitigations in the following categories for approval of the preliminary plat: dust and emissions reduction and control; potable water; irrigation water; and transportation.
10. Inclusion of plat notes for final approval require proof that a valid water right from the Department of Ecology has been obtained and that approval for a Group A water system through the Washington State Department of Health has been granted.
11. The open record hearing before the Planning Commission was held on June 27, 2005, to consider this matter and that testimony was taken from those persons present who wished to be heard. Due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed subdivision. There was testimony in support of the plat and there was testimony in opposition to the plat.
12. The Kittitas County Right to Farm Ordinance is in effect for this area. Those provisions will serve to help protect and harmonize any conflicts between neighboring agricultural uses and the residential uses arising as a result of the plat.
13. Prior to final plat approval, Kittitas County will require the roads to be built or be bonded for in compliance with Title 12 of the Kittitas County Code.
14. Roads proposed with in the plat satisfy the requirements of KCC 16.12.050 and Kittitas County Road Standards.
15. The lot configuration allows for development consistent with applicable county development and design standards which have been established to promote the public health, safety and general welfare of the county and its citizens.
16. Based on the evidence presented and the record the appropriate provisions have been made for the public health, safety, and general welfare and the public interest will be served by the subdivision.
17. Kittitas County plans under the Growth Management Act of Washington State. In compliance with the GMA, Kittitas County developed an innovative development tool known as the "Cluster Plat" under RCW 36.70A.177.

18. A closed record hearing before the Kittitas County Board of Commissioners was held on July 19, 2005 2005 to consider this matter. Due notice of this public meeting has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed subdivision.

NOW THEREFORE,

BE IT HEREBY RESOLVED by the Board of County Commissioners of Kittitas County, Washington, that said preliminary plat designated as Game Farm Cluster Plat and the same hereby is, approved with the proposed development configuration and mitigation measures attached hereto.

DATED this 2nd day of August, 2005, at Ellensburg, Washington.



[Signature]  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON

[Signature]  
Ferry D. Huston, Chairman

[Signature]  
David B. Bowen, Vice-Chairman

APPROVED AS TO FORM:

[Signature]  
Gregory L. Zempel  
Prosecuting Attorney  
WSBA #19125

[Signature]  
Alan Crankovich, Commissioner