

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

**PRELIMINARY PLAT DENIAL
Big Buck Ridge Preliminary Plat (LP-07-00040)**

RESOLUTION

NO. 2015-_____

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 Hearing Examiner for the purpose of considering a preliminary plat known as the Big Buck Ridge Plat and described as follows:

The division of 25 acres into 14 lots, tax parcel numbers 20-15-26010-0010 and 20-15-26010-0009. Proponent: Wayne Nelson, authorized agent for Becky Andrus, landowner.

WHEREAS, public testimony was heard from those persons present; 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 Hearing Examiner recommended the application be remanded to the Kittitas County Department of Community Development staff for processing according to the laws, rules and regulations in existence as of January 26, 2015.

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on July 7th, 2015 to consider the Hearing Examiner's recommendation on this matter; and,

WHEREAS, the hearing was continued to August 4th, 2015 for additional discussion and deliberation; and

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

1. The Board of County Commissioners finds that Wayne Nelson, authorized agent for Becky Andrus, landowner, submitted an application to Community Development Services on June 20, 2007.

2. The Board of County Commissioners finds that the proposed development is located approximately 1/2 mile north of the Yakima Avenue in the City of Cle Elum at 140 Big Buck Ridge Road (outside city limits), Cle Elum WA, in a portion of Section 26, Township 20N, Range 15E, WM in Kittitas County, bearing Assessor's map numbers 20-15-26010-0010 and 20-15-26010-0009.
3. The Board of County Commissioners finds that the proposed development application included a preliminary plat depicting the division of two parcels totaling approximately 25 acres into 14 one acre lots and approximately eleven acres of open space.
4. The Board of County Commissioners finds that Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on February 9th, 2015. Said notice was mailed to interested jurisdictional agencies and landowners within 500 feet of the subject property, as required by law. The legal notice of application was published in the Daily Record on February 9th, 2015.
5. The Board of County Commissioners finds that a SEPA environmental checklist was submitted with the plat application and that the county in its notice of application indicated that the project was being reviewed in the optional DNS format as provisioned for in WAC 197-11-355.
6. The Board of County Commissioners finds that based upon review of the submitted application materials including an environmental checklist, correspondence received during this 15 day comment period and other information on file with Community Development Services, a Mitigated Determination of Non-Significance (MDNS) was issued on March 25, 2015.
7. The Board of County Commissioners finds that the property was rezoned from Forest and Range to Rural 3 in November of 2006 as part of the Andrus Rezone (file RZ-06-00023, Ordinance No. 2006-57). The current proposed project is required to adhere to all mitigations that came out of SEPA review and the approval ordinance for the Andrus Rezone.
8. The Board of County Commissioners finds that the Mitigated Determination of Non-significance for the Andrus Rezone measure I(C) required that:

“At the time of a project action, the applicant shall submit a stamped traffic analysis from a licensed engineer in the State of Washington considering among other factors, intersection spacing, sight distances, traffic volumes, load bearing capacity of soils, pavement thickness design, etc. Reference Current Kittitas County Road Standards.”

9. The Board of County Commissioners finds that a traffic analysis **was not** submitted with the plat application and SEPA checklist on June 20, 2007.

10. The Board of County Commissioners finds that long plat applications at the time of submittal included among “*Required Attachments*” an:

“Address list of all landowners within 300 feet of the site's tax parcel. If adjoining parcels are owned by the applicant, the 300 feet extends from the farthest parcel...”

11. The Board of County Commissioners finds that an address list of all landowners within 300 feet of the proposed plat **was not** submitted with the application on June 20, 2007.

12. The Board of County Commissioners finds that on July 18, 2007, Kittitas County Community Development Services staff issued a letter to the landowner stating that the application was **deemed incomplete** because the address list **had not** been included with the application materials as required. Staff also stipulated that:

“When the additional information is received and the application is deemed complete, our review of the application will continue.”

13. The Board of County Commissioners finds that on August 16, 2007, Kittitas County Community Development Services staff issued a letter to the landowner stating that because of mitigation measure I(C) of the Andrus Rezone EPA MDNS:

“At the time of a project action, the applicant shall submit a stamped traffic analysis from a licensed engineer in the State of Washington. It further states that the traffic analysis shall consider among other factors, intersection spacing, sight distance, traffic volumes, load bearing capacity of soils, pavement thickness design, etc.”

The letter further stipulated that:

“... in order to comply with the SEPA mitigation, the review of Big Buck Ridge Cluster Plat will require the submittal of the above mentioned traffic analysis... When the additional information is received, our review of the application will continue.”

14. The Board of County Commissioners finds that a project action as defined in WAC 197-11-704 and a project application are synonymous in the context land use activity.

15. The Board of County Commissioners finds that a performance based cluster plat is a project action.

16. The Board of County Commissioners finds that the applicant was required, by Kittitas County's approval of the Andrus rezone (Ordinance No. 2006-057; RZ-06-00023) to submit a traffic impact analysis at the time of a project action in order to provide for a meaningful analysis of the traffic impacts, by staff, agencies, and the public.
17. The Board of County Commissioners finds that Kittitas County Community development Services did not deem the Big Buck Ridge plat application (LP-07-00040) complete.
18. The Board of County Commissioners finds that Kittitas County Code does not provision for a "de facto" determination of complete application.
19. The Board of County Commissioners finds that On October 23, 2012 Kittitas County Community Development Services (KCCDS) issued a final extension to the applicant stipulating that:

"..the application shall expire after 180 calendar days unless the requested supplemental information is submitted in complete form. To date, 1895 days have elapsed since the County's initial request dated August 16, 2007. Please be advised that Community Development Services not issue any additional extensions due to the language of the code. If the information is not received by the new extension date, the application will be considered "not complete" and will have to be re-filed with the department."
20. The Board of County Commissioners finds that the last date to submit the information required by ordinance 2006-057 as part of the land use action applied for in LP-07-00040 to KCCDS was February 21, 2013, as provisioned in final extension letter from KCCDS dated October 23, 2012.
21. The Board of County Commissioners finds that the applicant submitted a Traffic Analysis on February 20, 2013 to Kittitas County Public Works.
22. The Board of County Commissioners finds that KCCDS did not initiate the processing of the Big Buck Ridge plat application until after the traffic analysis was submitted on February 20, 2013.
23. The Board of County Commissioners finds that the traffic analysis did not address the requirements outlined in ordinance 2006-057. Intersection spacing, sight distance, load bearing capacity of soils, and pavement thickness design were not assessed, analyzed, or reconciled.
24. The Board of County Commissioners finds that their decision making authority is not limited to the acceptance or rejection of the Hearing Examiner's recommendation.

25. The Board of County Commissioners finds that the information submitted regarding the traffic analysis is incomplete and that the expiration date for said materials has passed.

NOW, THEREFORE BE IT HEREBY RESOLVED: by the Board of County Commissioners of Kittitas County, Washington, that said preliminary plat designated as Big Buck Ridge Preliminary Plat LP-07-00040, is hereby **DENIED** with the proposed development configuration, is not vested, and is completely expired under its current form and application number.

DATED this _____ day of _____, 2015 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Gary Berndt, Chairman

Obie O'Brien, Vice Chairman

Paul Jewell, Commissioner

ATTEST:
CLERK OF THE BOARD

Julie A Kjorsvik

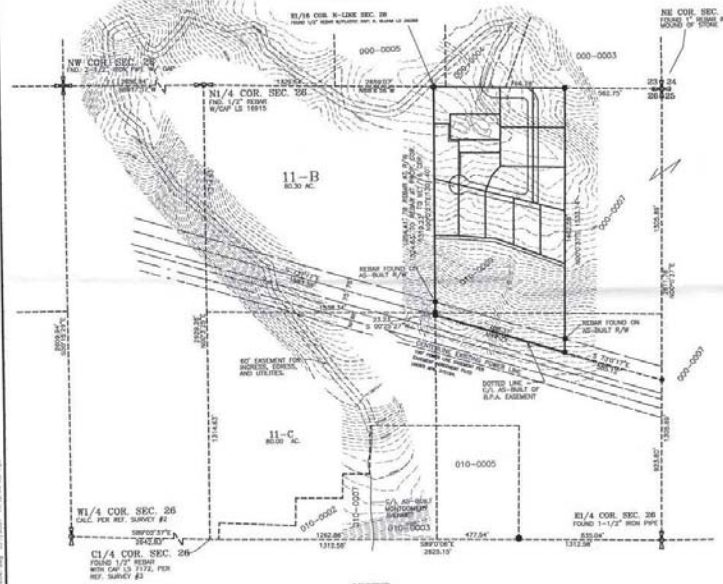
APPROVED AS TO FORM:

Greg Zempel WSBA #19125

Exhibit "A"

KITTITAS COUNTY WASHINGTON PLAT P-07-XX		CERTIFICATE OF COUNTY TREASURER I HEREBY CERTIFY THAT THE TAXES AND ASSESSMENTS ARE PAID FOR THE PRECEDING YEARS AND FOR THIS YEAR IN WHICH THE PLAT IS NOW TO BE FILED. DATED THIS _____ DAY OF _____ A.D., 20__.	RECORDING NO. VOL./PAGE																																				
DECLARATION KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED (OWNERS) IN FEELING SIMPLE OF THE DESCRIBED REAL PROPERTY, DOES HEREBY DECLARE THIS PLAT AND DESCRIPTION AND IN LIEU OF DEDICATION OF ROADS HEREBY GRANTS FOREVER UNTO ALL LESSEES OF LOTS IN THIS PLAT AND ALL FUTURE PLATS IN THIS PLAT AN UNDIVIDED INTEREST IN ALL ROADS SHOWN AS PRIVATE ROADS. IN WITNESS WHEREOF, WE HAVE SET OUR HANDS THIS _____ DAY OF _____ A.D., 20__.		KITTITAS COUNTY PUBLIC WORKS KITITAS COUNTY TREASURER EXAMINED AND APPROVED THIS _____ DAY OF _____ A.D., 20__.	PORTION OF NE 1/4 NE 1/4, SEC 26, T20N, R15E, W.M. VICINITY MAP R15																																				
COUNTY PLANNING DIRECTOR I HEREBY CERTIFY THAT THE PLAT OF _____ HAS BEEN EXAMINED BY ME AND I FIND THAT IT CONFORMS TO THE COMPREHENSIVE PLAN OF THE KITTITAS COUNTY PLANNING COMMISSION. DATED THIS _____ DAY OF _____ A.D., 20__.		CERTIFICATE OF BOARD OF COUNTY COMMISSIONERS EXAMINED AND APPROVED THIS _____ DAY OF _____ A.D., 20__.																																					
ACKNOWLEDGEMENT STATE OF _____) COUNTY OF _____) I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ SIGNED THIS DEDICATION AND ON DATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF _____ TO BE THE FREE AND VOLUNTARY ACT OF SAID PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT. DATED _____ SIGNATURE OF _____ PRINTED NAME OF _____ TITLE _____ MY APPOINTMENT EXPIRES _____.		KITTITAS COUNTY HEALTH DEPARTMENT I HEREBY CERTIFY THAT THE PLAT OF _____ HAS BEEN EXAMINED BY ME AND I FIND THAT THE SEWER AND WATER SYSTEM HEREIN SHOWN DOES MEET AND COMPLY WITH ALL REQUIREMENTS OF THE COUNTY HEALTH DEPARTMENT. DATED THIS _____ DAY OF _____ A.D., 20__.	NEIGHBORING OWNERSHIP GARY ANDRUS PO Box 785 Cle Elum, WA 98922 20-15-26010-0009 Thomas Mulvihill 31403 1/2 16th Place Garfield, WA 98927 20-15-23000-0005 Thomas Flanagan PO Box 3024 Ste Elum, WA 98922 20-15-26058-0001 Cle Elum Homestead LLC PO Box 804 Shel, Orchard, WA 98368 20-15-23051-0003 Highmark Investments LLC 206 West First Street Cle Elum, WA 98922 20-15-25058-0003 Northland Investments LLC PO Box 923 Cle Elum, WA 98922 20-15-26068-0003 Northland Investments LLC PO Box 923 Cle Elum, WA 98922 20-15-26059-0004 Sagehills Shale LLC 206 West First Street Cle Elum, WA 98922 20-15-26057-0003 Alan Pearson 1303 Stewart Dr Sullivan, WA 98294 20-15-23000-0003 Michael Ross 1300 Stewart Dr Sullivan, WA 98294 20-15-23000-0003																																				
REFERENCE SURVEYS #1) SURVEY FILED IN VOL. 27, PAGE 111 BY LS 29269 #2) SURVEY FILED IN VOL. 28, PAGES 48-50 BY LS 29269 #3) SURVEY FILED IN VOL. 11, PG. 79 BY LS 7177 #4) REVISED BLSA SURVEY FILED IN VOL. 28, PG. 44-45 BY LS 29268 #5) LARGE LOT SUB. NO. SP-2003-09 AS FILED IN BK. 6, PG. 229-230 BY LS 29268 #6) BOUNDARY LINE ADJUSTMENT AS FILED UNDER AFD. 200507280218 BY LS 29268 #7) SHORT PLAT FILED IN BOOK N, PAGES 167 & 168 BY LS 29268		CERTIFICATE OF COUNTY ASSESSOR I HEREBY CERTIFY THAT THE PLAT OF BELL CREEK HAS BEEN EXAMINED BY ME AND I FIND THE PROPERTY TO BE IN ACCEPTABLE CONDITION FOR PLATING. DATED THIS _____ DAY OF _____ A.D., 20__.		Original Parcel Description PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 26, TOWNSHIP 20 NORTH, RANGE 15 EAST, W.M., KITTITAS COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE NORTH 88°28'56" WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 962.75 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°28'56" WEST ALONG SAID NORTH LINE A DISTANCE OF 766.78 FEET; THENCE SOUTH 02°22'27" WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 1,310.23 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE CONTINUING SOUTH 02°22'27" WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 14.40 FEET; THENCE SOUTH 72°18'17" A DISTANCE OF 788.37 FEET; THENCE NORTH 02°47'39" EAST PARALLEL TO THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 1,033.14 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE TRUE POINT OF BEGINNING. TAX PARCEL NO. 20-15-26010-0010 OWNER: CORY W. & BEBECCA L. ANDRUS P.O. BOX 785 CLE ELUM, WA 98922																																			
BASIS OF BEARINGS BASIS OF BEARING: SURVEY FILED IN VOL. 28, PAGES 48-50, RECORDS OF KITTITAS COUNTY, WASHINGTON.		CERTIFICATE OF COUNTY ASSESSOR I HEREBY CERTIFY THAT THE PLAT OF BELL CREEK HAS BEEN EXAMINED BY ME AND I FIND THE PROPERTY TO BE IN ACCEPTABLE CONDITION FOR PLATING. DATED THIS _____ DAY OF _____ A.D., 20__.	Public Benefit Analysis System Chart <table border="1"><thead><tr><th>Category</th><th>Major Public Benefit</th><th>Minor Public Benefit</th><th>Comments</th></tr></thead><tbody><tr><td>Development</td><td>0</td><td>0</td><td></td></tr><tr><td>Water</td><td>0</td><td>0</td><td></td></tr><tr><td>Waste</td><td>0</td><td>0</td><td></td></tr><tr><td>Public Works</td><td>0</td><td>0</td><td></td></tr><tr><td>Health and Safety</td><td>0</td><td>0</td><td></td></tr><tr><td>Recreation</td><td>0</td><td>0</td><td></td></tr><tr><td>Other</td><td>0</td><td>0</td><td></td></tr><tr><td>TOTAL</td><td>0</td><td>0</td><td></td></tr></tbody></table>	Category	Major Public Benefit	Minor Public Benefit	Comments	Development	0	0		Water	0	0		Waste	0	0		Public Works	0	0		Health and Safety	0	0		Recreation	0	0		Other	0	0		TOTAL	0	0	
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Development	0	0																																					
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RECORDER'S CERTIFICATE FILED FOR RECORD THIS _____ DAY OF _____ 2006 AT _____ M IN BOOK _____ OF SURVEYS PAGE _____ AT THE REQUEST OF GEODATUM, INC.		SURVEYOR'S CERTIFICATE THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF CORY & BECKY ANDRUS IN JANUARY 2007. CERTIFICATE NO. 31976	BIG BUCK RIDGE PLAT CORY & BECKY ANDRUS P.O. BOX 785 CLE ELUM, WA 98922 GeoDatum Inc. SURVEY-CIVIL-STRUCTURAL 1505 NW Mall Street Issaquah, WA 98027 (425) 837-0883 2006-047 OF 8																																				

KITTITAS COUNTY
WASHINGTON
PLAT
P-07-XX



RECORDING NO.	VOL./PAGE
PORTION OF NE 1/4 NE 1/4, SEC 26, T20N, R15E, W1M.	

- NOTES**
1. THIS SURVEY IS BASED ON THE CHICAGO TITLE INSURANCE COMPANY COMMENT FOR TITLE INSURANCE, POLICY NO. 72030-4368 DATED JANUARY 31, 2006 AT 8:00 A.M.
 2. INSTRUMENTATION FOR THIS SURVEY WAS A 3-SECOND NIKON DTM 521 TOTAL STATION. PROCEDURES USED IN THIS SURVEY MEET OR EXCEED STANDARDS SET BY WAC 332-130-090.
 3. THE TOPOGRAPHY SHOWN IS BASED UPON CONTOURS PROVIDED BY GEORGS AERIAL MAPPING AND ARE NOT BASED ON AN ON THE GROUND SURVEY.
 4. ENTIRE PLAT ROAD SHALL ACHIEVE 95% COMPACTION AND SHALL BE INSPECTED AND CERTIFIED BY A LICENSED ENGINEER IN THE STATE OF WASHINGTON SPECIFYING THAT THE ROAD MEETS CURRENT KITTITAS COUNTY ROAD STANDARDS PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR THIS PLAT.
 5. KITTITAS COUNTY WILL NOT ACCEPT PRIVATE ROADS FOR MAINTENANCE AS PUBLIC STREETS OR ROADS UNLESS SUCH STREETS OR ROADS ARE BROUGHT INTO CONFORMANCE WITH CURRENT KITTITAS COUNTY ROAD STANDARDS. THIS REQUIREMENT WILL INCLUDE THE HARD SURFACE PAVING OF ANY STREET OR ROAD SURFACED ORIGINALLY WITH GRAVEL.
 6. MAINTENANCE OF THE ACCESS IS THE RESPONSIBILITY OF THE PROPERTY OWNERS WHO BENEFIT FROM ITS USE. THE COUNTY WILL NOT MAINTAIN THE ACCESS.
 7. ANY FURTHER SUBDIVISION OF LOTS TO BE SERVED BY PROPOSED ACCESS MAY RESULT IN FURTHER ACCESS REQUIREMENTS. SEE KITTITAS COUNTY ROAD STANDARDS.
 8. MARKERS SHALL BE "BREAK-AWAY" DESIGN AND BE APPROVED BY THE U.S. POSTAL SERVICE. DRAWINGS H-12, SHEET 1-3.
 9. KITTITAS COUNTY RELIES ON ITS RECORD THAT A SUPPLY OF POTABLE WATER EXISTS. THE APPROVAL OF THIS DIVISION OF LAND INCLUDES NO GUARANTEE OR ASSURANCE THAT THERE IS A LEGAL RIGHT TO WITHDRAW GROUNDWATER WITHIN THE ZONE DIVISION.
 10. ALL PARCELS WITHIN THIS SUBDIVISION ARE CURRENTLY ZONED RURAL-3.
 11. ACREAGE IS COMPUTED TO THE CENTERLINE OF THE ROADS EXCEPT WHERE SHOWN OTHERWISE.
 12. EACH LOT TO BE SERVED BY ON SITE SEPTIC SYSTEM
 13. NO KNOWN CRITICAL AREAS EXIST ON SITE.

LEGEND

- = FOUND 1/2" RESIN W/PLASTIC CAP; B. BLUM IS 20089, ON REFERENCE SURVEY #1
- = FOUND 1/2" RESIN W/CAP LS 7172, PER REF. SURVEY #3
- = FOUND 1/2" RESIN W/PLASTIC CAP; J. BENTLEY LS 20048
- = FOUND AS NOTED

BASIS OF BEARINGS
METHOD OF BEARING SURVEY FILED IN VOL. 28, PAGES 28-30, RECORDS OF KITTITAS COUNTY, WASHINGTON.

REFERENCE SURVEYS

- 1) SURVEY FILED IN VOL. 27, PAGE 111 BY LS 20088
- 2) SURVEY FILED IN VOL. 28, PAGES 48-50 BY LS 20089
- 3) SURVEY FILED IN VOL. 11, PG. 79 BY LS 7172
- 4) RESECT RUN SURVEY FILED IN VOL. 28, PG. 42-45 BY LS 20048



BIG BUCK RIDGE PLAT
CORY & BECKY ANDRUS
P.O. BOX 785
CLE ELUM, WA 98922

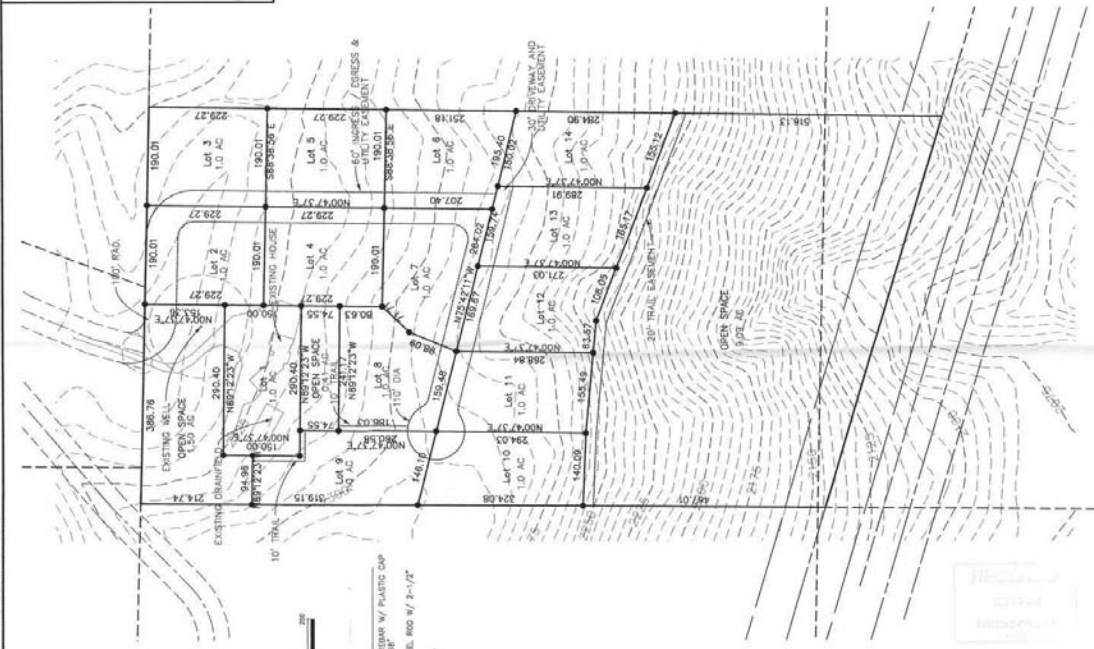


GeoDatum Inc
SURVEY-CIVIL-STRUCTURAL
1505 NW Mall Street
Issaquah, WA 98027
(425) 837-8983

BOOK/SHEET	0007-389	SHEET	3
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KITTITAS COUNTY
WASHINGTON
PLAT
P-07-XX

RECORDING NO. VOL./PAGE
PORTION OF
NE 1/4 NE 1/4, SEC 26, TWN 20, RGE 15E, W.M.



LEGEND
 O FOUND 1/2" x 24" REBAR W/ PLASTIC CAP
 • 2" BENTLEY LS 2008"
 SET 3/4" x 24" STEEL ROD W/ 2-1/2"
 GEODATUM, INC.
 200804 / 201076



BIG BUCK RIDGE PLAT
CORY & BECKY ANDRUS
 P.O. BOX 785
 CLE ELUM, WA 98922

GeoDatum Inc
 SURVEY-CIVIL-STRUCTURAL
 1505 NW Mall Street
 Issaquah, WA 98027
 (425) 837-8063

DATE	2007-380	SHEET	3
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