

KITTITAS COUNTY

DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Community Development Services

FROM: Kelly Bacon, Engineer Technician I *KB*

DATE: March 15, 2016

SUBJECT: Riste Short Plat SP-15-0007

A Road Variance Application from Shirley Riste, owner, to allow for a reduction in the minimum easement width for a private road and remove the requirement to perform road improvements and a road certification was approved by the Road Variance Committee on September 16, 2015. RV-15-09. The existing access road is owned and maintained by the US Bureau of Reclamation to serve the Roza Dam. The parcels have a 40' easement from the Bureau of Reclamation.

The following shall be conditions of preliminary approval:

1. An access easement for Parcel "A" of the Riste Short Plat needs to be shown on the face of the short plat.
2. No driveway or road shall be constructed within five feet of the side yard boundary, unless the driveway or road is part of an easement shared with the neighboring property owner.
3. Driveways: A driveway shall serve no more than two tax parcels. See Kittitas County Road Standards, 12/15/15 edition.
 - a. New access easements shall be a minimum of 30' wide. The roadway width shall have a minimum width of 12' if the length of the driveway is less than 150', or 16' if the length of the driveway is more than 150'.
 - b. Maximum grade shall be 15%.
 - c. Crushed surface depth per WSDOT standards.
 - d. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - e. Any further subdivision or lots to be served by proposed access may result in further access requirements.
4. Plat Notes: Plat notes shall reflect the following:
 - a. Maintenance of the access is the responsibility of the property owners who benefit from its use.

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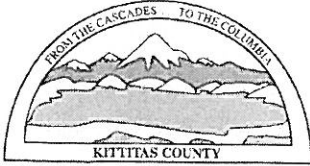
- b. An approved access permit will be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right-of-way.
 - c. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
 - d. A public utility easement 10 feet in width is reserved along all lot lines. The 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation.
5. Plat Approvals: All plats must show the acceptance signature of the County Engineer. The acceptance block shall be as follows (per KCC 16.24.170):

EXAMINED AND APPROVED

This _____ day of _____, A.D., 20____.

Kittitas County Engineer

- 6. Private Road Maintenance Agreement: The applicant shall meet all applicable conditions of any pre-established or required Private Road Maintenance Agreements.
- 7. Lot Closure: It is the responsibility of the Professional Licensed Surveyor (PLS) to ensure the lot closures are correct and accurate.
- 8. Access Permit: An approved access permit shall be required from the Department of Public Works prior to creating any new driveway access or performing work within the county road right of way.
- 9. Addressing: Contact the Kittitas County Rural Addressing Coordinator at (509) 962-7523 to obtain addresses prior to obtaining a building permit. A parcel cannot receive a building permit or utilities until such parcel is identified with a 911 address.
- 10. Fire Protection: Contact the Kittitas County Fire Marshal regarding any additional access requirements for Emergency Response.
- 11. Mailbox Placement: Mailboxes must be approved by U.S. Postal Service. Mailbox locations are site specific. Contact your local Post Office for location and design standards before beginning construction.



KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS

KITTITAS COUNTY
ROAD VARIANCE COMMITTEE

IN THE MATTER OF

RV-15-09
Riste

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**FINDINGS OF FACTS,
CONCLUSIONS AT LAW, AND
DECISION**

FINDINGS

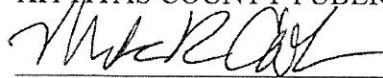
This matter having come before the Road Variance Committee upon the above referenced Road Variance Application submitted by Shirley Riste, owner, the Road Variance Committee makes the following Findings of Facts, Conclusions of Law and Decision related to the above referenced matter:

1. The Road Variance Committee finds that Shirley Riste, owner, submitted a road variance application on August 26, 2015.
2. The subject property is located at 6620 & 6632 SR 821, Yakima WA. Map number: 15-19-33000-0002.
3. The Committee finds that Kittitas County Road Standards requires road serving parcels with an average lot size greater than 5 acres to be within a 60' easement, and the road to be 22' wide.
4. The Committee finds that Kittitas County Road Standards require a road certification prior to issuance of a building permit for new parcel creations.
5. The Committee finds the road serving the subject property is owned and maintained by the US Bureau of Reclamation to serve the Roza Dam.
6. The Committee finds the applicant is requesting a variance from the minimum easement width, and the requirement to upgrade and certify the road prior to receiving a building permit.

7. The Committee finds that an open record hearing was held on September 16, 2015 and that testimony was taken from those persons present who wished to be heard.
8. The Committee finds that the proposal **is** in the public interest and that requirements for safety function, fire protection, appearance and maintainability based upon sound engineering judgment **are** fully met, as required by KCC 12.01.130.
9. The Committee finds that additional conditions **are not** necessary to protect the public's interest.

Dated this 16th day of September, 2015.

KITITAS COUNTY PUBLIC WORKS DIRECTOR



Mark Cook

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Issuing Office
OR 134 Wenatchee Field Office

Serial Number
WAOR-067977

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. Other (describe) _____

2. Nature of Interest:

- a. By this instrument, the holder Shirley A. Riste, 6620 State Route 821, Yakima, Washington 98901-9391 receives a right to construct, operate, maintain, and terminate a access road right-of-way on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Willamette Meridian, Kittitas County, Washington

T. 15 N., R. 19 E., section 28: SE $\frac{1}{4}$ SW $\frac{1}{4}$.

- b. The right-of-way or permit area granted herein is 40 feet wide, 2,441.54 feet long and contains 2.242 acres, more or less. If a site type facility, the facility contains _____ acres.
- c. This instrument shall terminate on December 31, 2043 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 180 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A & B, dated 12/10/2013, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Shirley A. Bost
(Signature of Holder)

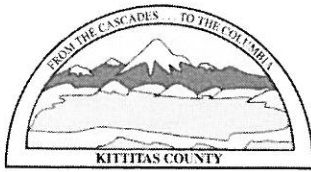
Ronda Carter-M
(Signature of Authorized Officer)

(Title)

Wenatchee Field Mgrs.
(Title)

8-19-2014
(Date)

8.25.14
(Effective Date of Grant)



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

STAFF REPORT

TO: Kittitas County Road Variance Committee
FROM: Christina Wollman, Planner III
DATE: September 16, 2015
SUBJECT: Riste RV-15-09

I. BACKGROUND INFORMATION

Proposal: A Road Variance Application from Shirley Riste, owner, to allow for a reduction in the minimum easement width for a private road and remove the requirement to perform road improvements and a road certification.

History: The road serving this property is owned and maintained by the US Bureau of Reclamation to serve the Roza Dam. There are two residential parcels served by the road, and a total of three residences. The parcels have a 40' easement from the Bureau of Reclamation. The subject parcel is 66.18 acres and is within the Forest & Range zone.

Location: The subject property is located at 6620 & 6632 SR 821, Yakima WA. Map number: 15-19-33000-0002.

II. POLICY AND REGULATORY REQUIREMENTS IN RELATION TO REQUEST

The applicant is planning to subdivide and create one additional parcel, for a total of three residential parcels served by the road. Each parcel will contain one of the existing residences.

The road serving the property is owned and maintained by the US Bureau of Reclamation to serve the Roza Dam. The road is the only access to the dam, and is maintained at a width of more than 20'. At the entrance to the subject property there is an approximately 50' by 50' turnoff area. The easement to the subject property is 40'.

In order to comply with road standards, the easement width must be 60' with a 22' wide low-density private road. A turnaround would be required at the final entrance to the subject parcel, and a road certification required prior to issuance of a building permit.

The applicant is requesting a variance from these requirements due to the ownership and maintenance of the road by the US Bureau of Reclamation. The 20-acre parcel planned to be created in the subdivision will already have a residence, so no new traffic will be generated by the subdivision. The 50' by 50' turnoff also serves as a hammerhead, as well as some large flat areas within the property.

411 North Ruby Street, Suite 1
Ellensburg, WA 98926

TEL (509) 962-7523
FAX (509) 962-7663

III. SUGGESTED FINDING OF FACTS

This matter having come before the Road Variance Committee upon the above referenced Road Variance Application submitted by Shirley Riste, owner, the Road Variance Committee makes the following Findings of Facts, Conclusions of Law and Decision related to the above referenced matter:

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7. The Committee finds that an open record hearing was held on September 16, 2015 and that testimony was taken from those persons present who wished to be heard.
8. The Committee finds that the proposal is/is not in the public interest and that requirements for safety function, fire protection, appearance and maintainability based upon sound engineering judgment are/are not fully met, as required by KCC 12.01.130.
9. The Committee finds that additional conditions are/are not necessary to protect the public's interest.