

NOTICE OF APPEAL

RE: SE-21-00006

RECEIVED
JUN 16 2021

Kittitas County CDS

**NUNNALLY ADMINISTRATIVE DETERMINATION
THAT PLAT ALTERATION IS REQUIRED**

A. *Decision Being Appealed.* Nunnally Holdings, LLC (“Nunnally Holdings” or “Appellant”) appeals the administrative interpretation issued by Dan Carlson, AICP, Community Development Services Director, dated June 4, 2021 (“Code Interpretation”) regarding need for a plat alteration application for grading permit to construct private roadway. A true and correct copy of the code interpretation is attached hereto as *Attachment A*. This appeal is filed pursuant to KCC 15A.07.010.

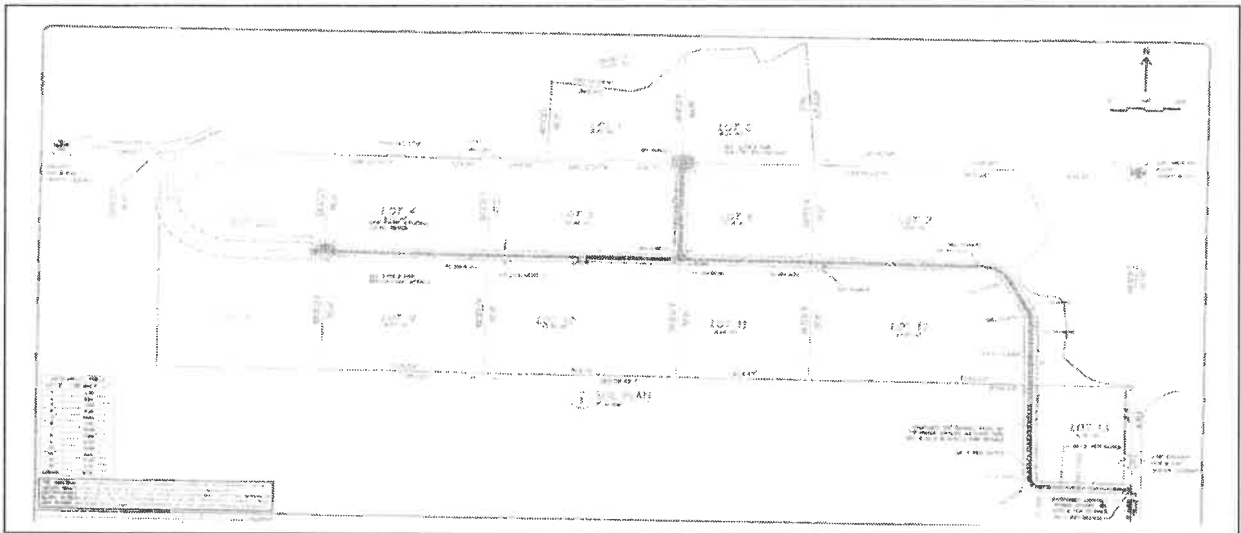
B. *Name and Address of Appellant and Appellant Representative.*

Vic Jansen, Nunnally Holdings, LLC,
P.O. Box 579
Moses Lake, WA 98837

James C. Carmody
Meyer, Fluegge & Tenney P.S.
P.O. Box 22680
Yakima, WA 98907-2680

C. *Factual Background – Grading Permit/SEPA Environmental Review.*

Nunnally Holdings, LLC filed a Grading Permit Application (GP-20-00020) with Kittitas County Department of Public Works on December 4, 2020. The purpose of the grading permit was to construct a private roadway serving thirteen (13) contiguous parcels of rural property.



Lots 1-12 were created through an exempt segregation and boundary line adjustment process and reflected in a Record of Survey filed with Kittitas County Auditor on December 31, 2012 in book 27 of Survey at page 141. Lot 13 was separately created. The land division and boundary line adjustment were not subject to Kittitas County Subdivision Ordinance (KCC Title 16).

Kittitas County processed the Grading Permit Application in accordance with established procedures. Department of Public Works provided initial comments on the application and the parties worked on specific design and development considerations with respect to the construction of the private roadway. A Transportation Scoping Analysis was provided by SCJ Alliance at the request of the Senior Transportation Planner on February 2, 2021.

Kittitas County subsequently required the submission of a SEPA Environmental Checklist which was filed on March 4, 2021. Kittitas County neither issued a Notice of Completeness nor requested additional information within the required 28 day review period. KCC 15A.03.040(1). Kittitas County's actions resulted in a determination that the application was complete for processing. RCW 36.70B.070(4) specifically provides as follows:

(4)(a) An application shall be deemed complete under this section if the local government does not provide written determination to the applicant that the application is incomplete as provided in subsection (1)(b) of this section.

Kittitas County did not require any additional applications or information for processing of the grading permit and associated environmental determination. KCC 15A.02.040(1).

A Notice of Application (NOA) was issued on April 6, 2021. The NOA described the proposal as "...the construction of the private access roads to 13 existing tax parcels" and advised that a Mitigated Determination of Non-Significance is expected to be issued. We assume comments were received but have not been provided copies.

On April 20, 2021, Jeremy Johnson (Kittitas County Planning Official) advised Nunnally Holdings that Community Development Services (CDS) had received a legal interpretation that would impact the processing of the project application. *Attachment B*. That legal interpretation was not provided to Nunnally Holdings. Planning Official set forth the following requirement for permit processing:

Compliance with this regulation [RCW 58.17.215] will require CDS to place your SEPA application on hold until a Plat Amendment Application is submitted to approve the change in access. Please note, RCW 58.17.215 has specific submittal requirements for subdivision alterations which will need to be included in your Plat Amendment Application. A copy of this regulation has been included with this letter. Your SEPA Checklist will need to be updated to note the addition of the Plat Amendment

Application and then process concurrently. The SEPA Checklist can be used for both the Plat Amendment and the Grade and Fill Application.

Nunnally Holdings objected to the determination that a Plat Amendment Application is necessary with respect to parcels created under processes exempt from subdivision regulation. Six weeks passed without further processing.

On June 4, 2021, Dan Carlson, Community Development Services Director, issued a written administrative interpretation concluding that the grading permit application constituted a “plat alteration” which required submission of a plat alteration application. It is this interpretation that is the subject of this administrative appeal.

D. *Code Interpretation Requiring Submission Of Plat Alteration Application.* Community Development Services Director interpreted both state and local subdivision regulations and concluded that “...*Every division*...within the unincorporated area of Kittitas County shall proceed in compliance with this title [RCW 58.17] and the Kittitas County Code.” Kittitas County subdivision code does not contain any provisions regarding plat amendment or alteration. And there are no provisions applying the subdivision code to subsequent development activities related to parcels created through exempt processes.

Kittitas County based its written interpretation solely on the state subdivision statute – RCW Chapter 58.17. The *Code Interpretation* was as follows:

Therefore, all of Ch. 58.17 applies to this subject property. RCW 58.17.215 states that anyone interested in altering a subdivision *or any portion thereof* shall submit an application for alteration to the county and that the application shall be processed in accordance with the procedures contained therein. The proposed access change would be an alteration to a subdivision as defined in RCW 58.17, because altering the access is altering *any portion of a subdivision*, and therefore a plat alteration application is required.

Exempt segregations are not subdivisions established under statutory procedures. Kittitas County confirmed that “...[t]he above-referenced SEPA application proposes to develop a new road to access 13 existing lots, *including 12 lots that were created via exempt segregation and are shown on the attached record of survey.*” It was asserted that development of a private roadway was an alteration of a subdivision.

This new road would provide access to the 12 lots via Strande Road. The attached record of survey that created the lots through exempt segregation however, shows a proposed road providing access via Hanson Road. Therefore, the proposed change would alter the proposed access these 12 lots.”

Kittitas County has no adopted ordinance or policy supporting this position.

Kittitas County relied solely upon RCW 58.17.215 as a basis for requiring a plat alteration application.

RCW 58.17.215 states that anyone interested in altering a subdivision *or any portion thereof* shall submit an application for alteration to the county and that the application shall be processed in accordance with the procedures contained therein. The proposed access change would be an alteration to a subdivision as defined by RCW 58.17, because altering the access is altering *any portion of a subdivision*, and therefore a plat alteration application is required.

Kittitas County cited no adopted policy, procedure or ordinance provision relating to easements and road standards serving exempt rural parcels validly created through processes exempt from subdivision regulation.

The construction of the road does not result in a modification or any change to the existing parcels; meets private roadway standards established by KCC Title 12; utilizes authorized access points from public roads; and is otherwise compliant with applicable regulations and requirements for private roadway easements.

E. *Code Interpretation Requiring Submission of a Plat Alteration Application is Erroneous as a Matter of Law. Administrative Interpretation is erroneous as a matter of law.*

- 1) Construction of private roadway does not involve division of property or boundary line adjustment. Kittitas County Subdivision Ordinance applies to "...[e]very division and boundary line adjustment within the unincorporated area of Kittitas County" KCC 16.04.010(A). "Division" is defined as the creation of a lot through short or long subdivision, large lot subdivision, etc. but not including a boundary line adjustment. KCC 16.08.087. The construction of a private roadway does not involve either a division of property or boundary line adjustment. Stated simply, there is no plat, long or short, that is being altered by construction of a private roadway.
- 2) Kittitas County erroneously interpreted "subdivision". Kittitas County referenced the definition of "subdivision" as a basis for its interpretation. "Subdivision" is defined as follows:

"Subdivision" is the *division or redivision* of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership, except as provided in subsection (6) [which applies to short subdivisions] of this section.

RCW 58.17.020(1) and (6). Kittitas County erroneously interpreted RCW 58.17.020(1). The word "subdivision" applies to divisions of property subject

to RCW 58.17.033. Kittitas County's interpretation is inconsistent with the adopted statutory structure.

- 3) Kittitas County erroneously interpreted RCW 58.17.215. Kittitas County erroneously interpreted and applied RCW 58.17.215 to require submission of an application for plat alteration. RCW 58.17.215 applies to subdivisions created under the statutory structure for five or more parcels. Separate alteration rules applies to short subdivisions adopted by the legislative body of a city, town, or county. RCW 58.17.060(1).
- 4) Parcels created through exempt segregations and boundary line adjustments are not subject to statutory subdivision rules and regulations. Kittitas County acknowledges that the existing parcels were created through exempt segregations and boundary line adjustments. RCW 58.17.040 identifies divisions of land that are exempt from the provisions of the subdivision statute. The provisions of RCW Chapter 58.17 do not apply to:

(2) Divisions of land into lots or tracts each of which is one – one hundred twenty eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval for such divisions:

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create an additional lot, tract, parcel, site, or division or create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site; ...

RCW 58.17.040(2) and (6). Kittitas County acknowledges that the subject parcels were created under the exemption set forth in RCW 58.17.040(2). Parcels created through exempt processes remain exempt from statutory and local subdivision processes.

F. Requested Action by Hearing Examiner.

Nunnally Holdings request that the Hearing Examiner determine that the application and construction of a private roadway serving pre-existing exempt parcels does not require submission of a plat alteration application.

G. *Appeal Fee.*

This Notice of Appeal includes an appeal fee of One Thousand Five Hundred Fifty and 00/100 Dollars (\$1,550.00).

Submitted this 16th day of June, 2021.

Meyer, Fluegge & Tenney, P.S.
Attorneys of Nunnally Holding, LLC



James C. Carmody, WSBA 5205

Attachment A: Code Interpretation

Attachment B: Jeremy Johnson April 20, 2021, letter to Nunnally Holdings, LLC

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ATTACHMENT A



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

June 4, 2021

Trav Story
PO Box 745
Moses Lake, WA 98837

RE: SE-21-00006 Nunnally, Administrative Determination that Plat Alteration is Required

Mr. Story:

I have reviewed the record for the above-referenced SEPA application and determined that it is necessary to issue a written administrative interpretation in accordance with KCC 15A.01.040(2)(b) regarding the need for a plat alteration for the proposed project.

KCC 15A.01.040(2)(a) authorizes the Community Development Services (CDS) Director to administer several Titles of Kittitas County Code, including Title 16, Subdivisions. Title 16 was enacted under the authority of RCW 58.17. RCW 58.17 contemplates local subdivision regulations and, indeed, relies upon them. RCW 58.17 and KCC Title 16 supplement each other to such a degree that they are inextricably intertwined. One cannot talk about subdivision in Kittitas County without discussing both RCW 58.17 and KCC Title 16.

The current subdivision code was adopted by ordinance 2005-31 which was expressly adopted to reflect new changes in RCW 58.17. RCW 58.17.030 provides that every subdivision shall comply with it and that short subdivisions comply with local regulations adopted pursuant to RCW 58.17.060. RCW 58.17.033 provides that proposed subdivisions are to be reviewed under the local regulation in effect at the time of application submittal and that a complete application is to be locally defined. RCW 58.17.040(2) contemplates local subdivision regulation and exempts certain division from the applicability of RCW 58.17 unless local regulation requires platting of such divisions, in which case the entire RCW 58.17 would then apply to such divisions. RCW 58.17.060 requires adoption of local regulation for short platting. RCW 58.17.095 allows the municipality to set what is to be a short or long plat (by number of lots created). RCW 58.17.100 provides that the sole authority to adopt and amend platting ordinances shall reside with the local legislative body. RCW 58.17.275 requires Kittitas County to give notice if we are contemplating amending ordinances adopted pursuant to Ch.58.17 RCW. RCW 58.17.320 intertwines enforcement of RCW 58.17 with that of local subdivision regulations. 15A.01.030 Applicability, provides that "The provisions of this title shall apply to all land use permits under KCC Titles 15, 15A, 16, 17, and 17A, county shoreline master program, and to any related regulation or any other ordinance or law implementing these provisions. This would sweep in Ch. 58.17 RCW.

KCC 15A.01.040(2)(b) gives the CDS Director the authority to issue written opinions upon, among other things, "Title 16, Subdivisions" and the application of such regulations upon specific parcels. Such written opinions are appealable to the Kittitas County Hearing Examiner pursuant to KCC 15A.01.040(4)(i). As described above, talking about subdivision regulation in Kittitas County is not possible to do without discussing RCW 58.17 because the two are necessarily intertwined. The state statute itself creates and requires this inextricable link.

The above-referenced SEPA application proposes to develop a new road to access 13 existing lots, including 12 lots that were created via exempt segregation and are shown on the attached record of survey. This new

road would provide access to the 12 lots via Strande Road. The attached record of survey that created the lots through exempt segregation, however, shows a proposed road providing access via Hanson Road. Therefore, the proposed change would alter the proposed access to these 12 lots.

RCW 58.17.020 defines "subdivision" as the division of land into five or more lots. Therefore, even though the exempt segregation process no longer exists, the twelve lots shown on the attached record of survey are considered a subdivision according to RCW 58.17. RCW 58.17.040(2) provides that the entire chapter shall apply to divisions of land creating lots larger than five (5) acres in size if the governing authority adopted a subdivision ordinance requiring plat approval of such divisions. KCC 16.04.010 (adopted in 2005) provides that "*Every division ... within the unincorporated area of Kittitas County shall proceed in compliance with this title and Kittitas County Code.*" That title is denominated as "16, Subdivisions". Therefore, all of Ch. 58.17 applies to this subject property. RCW 58.17.215 states that anyone interested in altering a subdivision *or any portion thereof* shall submit an application for alteration to the county and that the application shall be processed in accordance with the procedures contained therein. The proposed access change would be an alteration to a subdivision as defined by RCW 58.17, because altering the access is altering *any portion of a subdivision*, and therefore a plat alteration application is required.

KCC 15A.01.040(4)(i) allows for administrative determinations such as code interpretations to be appealed to the Kittitas County Hearing Examiner. Appeals of an administrative decision shall be filed with Community Development Services within 10 working days of the decision in accordance with KCC 15A.07.010.

Please let me know if you have questions.

Sincerely,



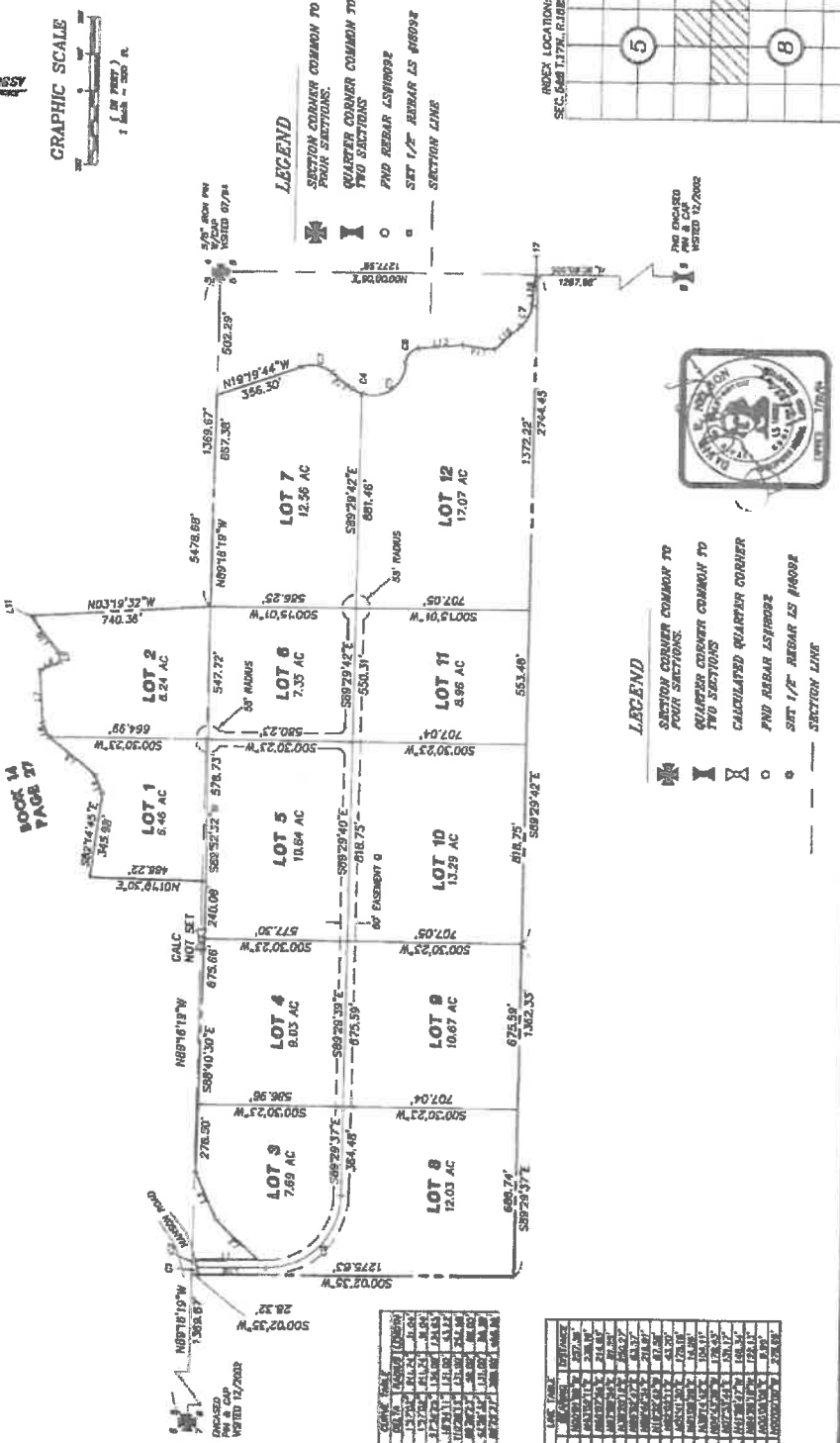
Dan Carlson, AICP
Community Development Services Director

Enclosure: Record of Survey Creating 12 Lots

CC: James Carmody, Attorney at Law *(via email)*
Neil Caulkins, Deputy Prosecuting Attorney *(via email)*
Mark Cook, Public Works Director *(via email)*
Jeremy Johnston, Planning Official *(via email)*
Kelly Bacon, Planner *(via email)*

RECORD OF SURVEY

A PORTION OF SECTIONS 5 & 8, T.17N., R.18E., W.M. KITITAS COUNTY, WASHINGTON.



LINE	BEARING	DISTANCE
1	N89°18'18"W	5478.88'
2	S89°29'42"E	681.46'
3	S89°29'42"E	681.46'
4	N89°18'18"W	5478.88'
5	S89°29'42"E	681.46'
6	S89°29'42"E	681.46'
7	N89°18'18"W	5478.88'
8	S89°29'42"E	681.46'
9	S89°29'42"E	681.46'
10	N89°18'18"W	5478.88'
11	S89°29'42"E	681.46'
12	S89°29'42"E	681.46'

LINE	BEARING	DISTANCE
1	N89°18'18"W	5478.88'
2	S89°29'42"E	681.46'
3	S89°29'42"E	681.46'
4	N89°18'18"W	5478.88'
5	S89°29'42"E	681.46'
6	S89°29'42"E	681.46'
7	N89°18'18"W	5478.88'
8	S89°29'42"E	681.46'
9	S89°29'42"E	681.46'
10	N89°18'18"W	5478.88'
11	S89°29'42"E	681.46'
12	S89°29'42"E	681.46'

RECORD OF SURVEY

DATE: 12/2002

DRAWN BY: T. ROLETTO

CHECKED BY: D. NELSON

SCALE: 1"=300'

JOB NO.: 01550

SHEET: 1 of 2

EASTSIDE CONSULTANTS, INC.

1000 11th Street, SE, Everett, WA 98201

PH: 425-796-1111

FAX: 425-796-1112

WWW.EASTSIDECONSULTANTS.COM

RECORDER'S CERTIFICATE

I, the undersigned, County Auditor for Kittitas County, Washington, do hereby certify that the foregoing is a true and correct copy of the original Record of Survey filed for record in my office on this 12th day of December, 2002.

DAVID B. BROWN
County Auditor

DAVID P. NELSON
Certificate No. 12992

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in accordance with the requirements of the Recording Act of the State of Washington, Chapter 65A RCW, effective October 1, 2001.

DAVID P. NELSON
Certificate No. 12992

RECORD OF SURVEY A PORTION OF SECTIONS 5 & 8, T.17N., R.18E., W.M. KITITITAS COUNTY, WASHINGTON.

NOTES:

1. THIS SURVEY WAS PERFORMED USING A TOPCON GTS-3C TOTAL STATION, THE CONTROLLING HORNS AND PROPERTY CORNERS WERE RELOCATED AND CHECKED FROM A CLOSED FIELD TRAVERSE IN EXCESS OF 110,000 LINEAR FEET AFTER ADJUSTMENT.
2. FOR SECTION SUBORDINATE CORNER DOCUMENTATION AND ADDITIONAL SURVEY INFORMATION, SEE BOOK 14 OF SURVEYS, PAGE 77, AND BOOK 13 OF SURVEYS, PAGE 57, AND THE SURVEY REFERENCED THEREIN. THE BARS OF BEARING, BEARING, BEARING, AND BEARING AS THE SURVEY OF RECORD IN BOOK 15, PAGE 57.
3. THIS SURVEY WAS PERFORMED USING A TOPCON GTS-3C TOTAL STATION, THE CONTROLLING HORNS AND PROPERTY CORNERS WERE RELOCATED AND CHECKED FROM A CLOSED FIELD TRAVERSE IN EXCESS OF 110,000 LINEAR FEET AFTER ADJUSTMENT.
4. THE COURSE OF CONTROLLING MARKERS IS THE COURSE OF ALL ADJACENT STREETS, ALLEYS AND ALLEYS WITHIN THIS PLAT SHALL BE THE OBLIGATION OF ALL OWNERS OF THE LOTS OF THE PLAT AND OF ANY ADDITIONAL LOTS THAT MAY BE SERVED BY THESE ROADS, STREETS AND ALLEYS.
5. THIS SURVEY MAY NOT SHOW ALL EASEMENTS WHICH MAY PERTAIN TO THIS PROPERTY.
6. MAINTENANCE OF THE ACCESS IS THE RESPONSIBILITY OF THOSE WHO BENEFIT FROM ITS USE.
7. THE PURPOSE OF THIS SURVEY IS FOR THE LOT SEPARATION AND BOUNDARY ADJUSTMENT. IT WAS NOT WITHIN THE SCOPE OF THIS PROJECT TO SET LOT CORNERS OR BOUNDARY ADJUSTMENTS.

LEGAL DESCRIPTION

ORIGINAL FILE NO.: 2001-002-0003

LOT 1 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 21, 2002, IN BOOK 28 OF SURVEYS AT THE OFFICE OF THE COUNTY CLERK OF KITITITAS COUNTY, STATE OF WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., COUNTY OF KITITITAS, STATE OF WASHINGTON.

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LOT 25 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 21, 2002, IN BOOK 28 OF SURVEYS AT THE OFFICE OF THE COUNTY CLERK OF KITITITAS COUNTY, STATE OF WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., COUNTY OF KITITITAS, STATE OF WASHINGTON.

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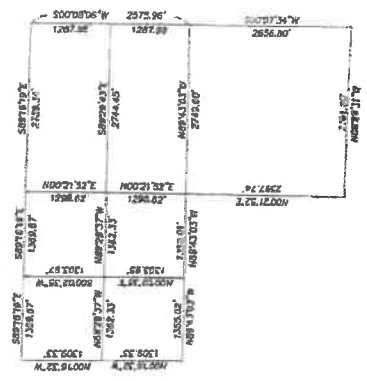
LOT 27 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 21, 2002, IN BOOK 28 OF SURVEYS AT THE OFFICE OF THE COUNTY CLERK OF KITITITAS COUNTY, STATE OF WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., COUNTY OF KITITITAS, STATE OF WASHINGTON.

LOT 28 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 21, 2002, IN BOOK 28 OF SURVEYS AT THE OFFICE OF THE COUNTY CLERK OF KITITITAS COUNTY, STATE OF WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., COUNTY OF KITITITAS, STATE OF WASHINGTON.

LOT 29 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 21, 2002, IN BOOK 28 OF SURVEYS AT THE OFFICE OF THE COUNTY CLERK OF KITITITAS COUNTY, STATE OF WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., COUNTY OF KITITITAS, STATE OF WASHINGTON.

LOT 30 OF THAT CERTAIN SURVEY AS RECORDED DECEMBER 21, 2002, IN BOOK 28 OF SURVEYS AT THE OFFICE OF THE COUNTY CLERK OF KITITITAS COUNTY, STATE OF WASHINGTON, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 18 EAST, W.M., COUNTY OF KITITITAS, STATE OF WASHINGTON.

SECTION CLOSURE



RECORDED'S CERTIFICATE *2002/12/02/0003*
 Filed for record this 21st day of December, 2002, at 10:11 AM in book *28* of *Surveys* at page *14* of *18* at the request of *DAVID P. NELSON*
DAVID P. NELSON
 County Auditor
David P. Nelson
 Deputy County Auditor

SURVEYOR'S CERTIFICATE
 This map correctly represents a survey made by me or under my supervision in accordance with the requirements of the Surveyors Act, Chapter 20A, RCW, as amended, and I am a duly licensed Surveyor in the State of Washington.
 I, *DAVID P. NELSON*
 Certificate No. *18092*

RECORD OF SURVEY
 LARRY ANGELO
 ELLensburg

DATE	12/20/2002	JOB NO.	01550
OWN BY	J. ROLETTI	SCALE	1"=300'
CHECK BY	D. NELSON	SHEET	2 OF 2

EASTSIDE CONSULTANTS, INC.
 600 EAST FIRST
 CLE ELUM, WASHINGTON 98825
 PHONE: (509) 425-1118
 FAX: (509) 425-1119

ATTACHMENT B



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

4/20/2021

Trav Story
PO Box 745
Moses Lake, WA 98837

Vic Jansen
PO Box 579
Moses Lake, WA 98837

RE: SE-21-00006 Nunnally, Application on Hold-Plat Amendment Approval Required

Mr. Story and Mr. Jansen:

CDS recently received a legal interpretation that will impact the processing requirements for your project. Under RCW 58.17.020(1) the associated group of parcels established through the segregation process are subject to consistency with local and State subdivision regulations.

The SEPA review noted in the subject line is associated with a Grade and Fill application (GP-20-00020) to accommodate an access easement alteration. Under RCW 58.17.215,

"When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located."

Compliance with this regulation will require CDS to place your SEPA application on hold until a Plat Amendment application is submitted to approve the change in access. Please note, RCW 58.17.215 has specific submittal requirements for subdivision alterations which will need to be included in your Plat Amendment application. A copy of this regulation has been included with this letter. Your SEPA checklist will need to be updated to note the addition of the Plat Amendment application and then processed concurrently. This SEPA checklist can be used for both the Plat Amendment and the Grade and Fill application.

I have enclosed the Plat Amendment application for your convenience. Please submit this application with an updated SEPA Checklist to continue processing.

If you have any questions regarding this matter, please feel free to contact me at 509-962-7065 or by email at jeremy.johnston@co.kittitas.wa.us.

Sincerely,

Jeremy Johnston
Kittitas County Planning Official

CC:

Mark Cook, KC Public Works Director
Dan Carlson, KC CDS Director
Kelly Bacon, CDS Staff Planner

RCW [58.17.215](#)

Alteration of subdivision—Procedure.

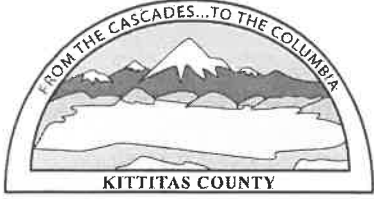
When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW [58.17.040](#)(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW [58.17.080](#) and [58.17.090](#). The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.



**KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES**

Receipt Number: CD21-02060

411 N. Ruby St., Suite 2
Ellensburg, WA 98926
509-962-7506 / <https://www.co.kittitas.wa.us/cds/>

Payer/Payee: MEYER, FLUEGGE, & TENNEY
PO BOX 22680
YAKIMA WA 98907

Cashier: KATHY BOOTS
Payment Type: CHECK (076444)

Date: 06/16/2021

SE-21-00006 SEPA

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
Appeal	\$1,550.00	\$1,550.00	\$0.00
SE-21-00006 TOTALS:	\$1,550.00	\$1,550.00	\$0.00
TOTAL PAID:		\$1,550.00	