

MINUTES OF  
KITTTITAS COUNTY BOARD OF ADJUSTMENT

OCTOBER 13, 1993  
ELLENSBURG, WA

THOSE PRESENT: KEN CROSS, ANDY DYK, STAN BOSSART, PAUL CHARLTON, KEITH ESLINGER

ALSO PRESENT: DEBBIE RANDALL, HEATHER DOUGLASS, ROBIN ANDERSON AND APPROXIMATELY 8 PERSONS REPRESENTING THE PUBLIC

AGENDA: Emmans variance  
Ford variance  
D.O.T. conditional use  
AER-EX conditional use

1. Call to Order

KEITH ESLINGER introduced the Board of Adjustment members and the planning staff.

2. Minutes

The minutes of the September 8, 1993 meeting were approved.

3. Correspondence

Distributed for respective agenda items.

PUBLIC HEARINGS

4. New Business

A. Emmans variance, V-93-09

HEATHER DOUGLASS summarized this request as a 6 ft. front yard variance from the required 25 ft. in Hyak Estates (Forest & Range zone) to build a duplex. There is currently no structure. (Slides of the property were shown.) She described the parcel including soils and surface water caused by drainage ditches bordering the parcel. The Dept. of Wildlife responded the existing pond extends 31 ft. and a wetland extends 41 ft. into the lot. She stated concern for unseasonable substantial water. The Building Dept. recommended a soil analysis. The Dept. of Wildlife recommended the proposed duplex and, possibly, a retaining wall be located at least 41 ft. from the east property line. They also recommended a hydraulics permit for any storm water removal methods. The Dept. of Public Works recommended the owner sign a no fault agreement for Kittitas County and the Hyak Home Owners Association in case of damage as a result of road maintenance. Staff recommends approval with conditions.

PAUL CHARLTON inquired whether obtaining a hydraulics permit was a standard request. DOUGLASS answered it would be required due to the proposed French drains on the site. She added there

is a beaver dam blocking one culvert as well as culvert damage which occurred when the lot was cleared. The dam can be removed, and the culvert will need to be replaced or repaired.

ANDY DYK asked the need for a setback. DOUGLASS explained it was to include a porch (with a cement foundation) extending from a single entry to the duplex. The proposal is already at the minimum 10 ft. rear setback. She cited overall lot configuration problems.

ESLINGER asked if lots 1-7 all have surface water and, if so, would lots 1-6 each have a similar variance request. DOUGLASS answered they do have wetlands and some water from the blocked culvert, however, a variance would depend on proposed structures. She felt single family construction would not have a problem.

DYK asked if perc tests had been done. DOUGLASS said they will use the Snoqualmie Pass Sewer District. She concluded the only options to a variance would be to change the entry orientation or remove the porch.

KEN CROSS moved to approve the Emmans variance, V-93-09, with the following conditions:

1. The applicant applies for the Hydraulic permits for the replacement of culverts or the addition of any storm water management system.
2. The applicant signs a release from liability for the County and the Home Owners Association for any damage related to road work on Keechelus Drive West and Hyak Drive East.
3. The applicant applies for approach permits for both of the proposed driveways to the duplex.

STAN BOSSART seconded the motion which passed 3-2.

Findings of fact:

1. A variance of 6 ft. to the required 25 ft. has been requested.
2. The parcel exceeds the minimum lot size of 1/2 acre or 6,000 sq. ft. but has significant soil conditions which restricts the total amount of buildable space.
3. Such a variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.
4. Such variance will not adversely affect the realization of the comprehensive development plan.

B. Ford variance, V-93-08

DEBBIE RANDALL explained the request as a 7 ft. side yard setback variance to the required 15 ft. to construct a shop in Pine Loch Sun. (Slides of the site were shown.) The lot was created before the current Rural3 zone when the setback was 10 ft. She continued the drainfield behind the current residence prohibits placement, and pointed out a propane gas tank at the rear of the proposed shop. The

Dept. of Public Works requested a single driveway access be maintained. Staff recommends approval.

ESLINGER inquired about comments from neighbors. RANDALL answered there were none. CHARLTON asked whether the shop could be closer than 8 ft. to the existing residence. RANDALL said yes, including attachment to the residence.

HARRY FORD, RONALD, applicant, concurred with the staff report. He stated he did not want to adjoin the shop and residence due to roof structure differences and increased insurance rates. BOSSART asked him if there would be a problem moving the shop 2 ft. closer to the residence (complying with the original zoning setbacks). FORD answered no.

BOSSART moved to approve the Ford five (5) ft. variance, V-93-08, to meet the original Forest & Range zoning setbacks. DYK seconded the motion which passed 5-0.

Findings of fact:

1. A variance to the required 15 ft. has been requested.
2. The parcel was created prior to the present setbacks and is well below the present minimum lot size of three acres on which application of the building setbacks are based.
3. The present layout of the lot restricts placement of future buildings and access.
4. Such a variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.
5. Such a variance will not adversely affect the realization of the comprehensive development pattern.

RANDALL notified the applicant there is a 30-day appeal period before which a building permit will be issued.

C. Dept. of Transportation conditional use, C-93-18  
DOUGLASS stated the request was for a temporary asphalt batch plant and temporary concrete plant for repair work on I-82 for the next 2 years. The location is mile marker 17.43, southbound I-82, approximately .7 mile on a private road. She described the site characteristics and added the site has been used in recent years for mining and stockpiling aggregate for highway construction. She explained that temporary asphalt plants are listed as conditional uses in Forest & Range. Concrete batch plants are not listed, however, are nearly identical to a permitted use.

A DNS was issued originally in 1982 (no plants included) with a subsequent DNS addendum (plants included) issued in 1993, and no appeals were filed. She said a reclamation plan was submitted to the DNR and work is being done on an addendum reclamation plan. The work will be done by a contractor who must abide by the latter. Staff

recommends approval with one condition. (Slides were shown of the site.)

CHARLTON asked if comment was received from the Dept. of Wildlife, and DOUGLASS answered no.

RODNEY JOHNSON, YAKIMA, representing the Dept. of Transportation, concurred with the staff report. He stated the site would be used in 1994 and 1995 depending on federal funding. If funding were split, DOUGLASS asked whether the project would proceed partially and the D.O.T. return for an additional conditional use permit. JOHNSON answered it could result in a 3-year project. (Slides of the site were shown.)

CHARLTON moved to approve the conditional use permit for a Dept. of Transportation temporary asphalt batch plant, C-93-18 with the following condition:

1. Compliance with all applicable local and state agency permitting processes before production of asphalt or concrete from the proposed batch plants begin.

DYK seconded the motion which passed 5-0.

Findings of fact:

1. The proposal complies with the County's goals and policies of the County Comprehensive Plan for Open Range Land use.

2. The proposed use of an "Asphalt plant (temporary only)" is explicitly listed as a conditional use of the Forest and Range Zone.

3. The proposed use of a Concrete batch plant (temporary only) is a use not listed, yet is nearly identical to a permitted use in the Forest and Range zone so, therefore, can be considered permissible in the Forest and Range zone.

4. The State Environmental Policy Act (SEPA) was complied with and an Addendum Determination of Non-Significance was filed on July 7, 1993 to which there was no known appeal.

5. The Board of Adjustment has determined that the proposed temporary asphalt and concrete batch plant are essential or desirable to the public convenience and not detrimental or injurious to the public health, peace, or safety or the character of the surrounding neighborhood.

6. The Board of Adjustment has determined the proposed temporary asphalt and concrete batch plants at the North Umptanum Ridge will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public costs for facilities and services by finding that it will be adequately serviced by existing facilities or that the WA State Dept. of Transportation shall provide such facilities.

DOUGLASS informed the applicant there is a 30-day appeal period before a conditional use permit will be issued.