



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

## STAFF REPORT

### Wagon Wheel Plat Amendment (LP-14-00001)

TO: Kittitas County Hearing Examiner  
FROM: Kittitas County Community Development Services Staff  
RE: Wagon Wheel Plat Amendment (LP-14-00001)  
DATE: July 23, 2015 (Hearing Date)

#### I. GENERAL INFORMATION

Requested Action: Robert Bailey, authorized agent for John Hamel, Chad Hamel, Linda Ammons, Dwight Watson & Joseph Stehle, landowners, submitted an application packet requesting a plat amendment application to dedicate a new location for the alignment of Boondoggle Road and dedicate a new location for a portion of East Boondoggle Road with no new lots to be created, per KCC Title 16 Subdivisions.

Location: The proposal is located in a portion of Section 26, T21N, R15E, WM, in Kittitas County, Assessor's parcel numbers 577435 (Lot 10), 587435 (Lot 11), 657435 (Lot 12), 667435 (Lot 14), 677435 (Lot 15), 687435 (Lot 16), 697435 (lot 17), 857335 (Lot 18), 837335 (Lot 26) & 847335 (Lot 6).

#### II. SITE INFORMA

Total Property Size: 11.67 acres, project on 9 parcels  
Number of Lots: 9; no new lots are being proposed  
Domestic Water: None  
Sewage Disposal: None  
Power/Electricity: none proposed  
Fire Protection: Fire District 7 – Cle Elum  
Irrigation District: None

#### Site Characteristics:

North: Middle Fork Teanaway Road & private properties  
South: Private properties & the Middle Fork Teanaway River  
East: Private Properties  
West: Private Properties

Access: The site is accessed off of Boondoggle Road which is off of the Middle Fork Teanaway Road.

Zoning and Development Standards: The subject property is located within the Forest and Range zone which has a minimum lot size of 20 acres unless the subdivision is within a cluster or conservation plat (KCC Title 17.56.040).

#### III. ADMINISTRATIVE REVIEW

Notice of Application: A plat amendment permit was submitted to Community Development Services on September 8, 2014 and was deemed a complete application on April 30, 2015. The affidavit of site posting in accordance with KCC 15A.03.110 was received by CDS on May 6, 2015. The Notice of Application was issued on May 14, 2015. 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. The last day to submit

written comments was on May 29, 2015. SEPA was not required for this application per RCW 58.17.040(6).

## **COMPREHENSIVE PLAN**

The Kittitas County Comprehensive Plan designates the subject property as Rural Working. Kittitas County has established the following goals and policies to guide activities within the Rural lands. These goals and policies were developed in response to identified needs within the county, and support the County Wide Planning Policies:

GPO 2.4 Encourage urban growth and development in those areas where public roads and services can support such growth, and where development will cause minimal environmental degradation, reduce the conversion of land for development, and concentrate future growth in established cities and urban growth areas.

GPO 2.74 Residential: Residential subdivisions should be consigned (1) so as to adequately protect and/or to improve the area's aesthetic qualities and characteristics of the water and shoreline areas; and (2) at a level of density of site coverage and of occupancy compatible with the physical capabilities of the shoreline and water.

GPO 8.15 Uses common in rural areas of Kittitas County enhancing rural character, such as agriculture uses in Lower Kittitas and rural residential uses and recreation uses in Upper Kittitas shall be protected from activities which encumber them.

GPO 8.16 Give preference to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.

GPO 8.17 Land use development within the Rural area that is not compatible with Kittitas County rural character or agricultural activities as defined in RCW 90.58.065(2)(a) will not be allowed.

GPO 8.18 Limit development in rural areas through density requirements that protect and maintain existing rural character, natural open space, critical areas, and recreation areas. Direct rural development to lands that have adequate public services.

## **V. ENVIRONMENTAL REVIEW**

This request is proposing to move Boondoggle Road alignment and, no new lots were proposed in the application therefore per RCW 58.17.040(6) SEPA was not required on this permit.

## **VI. SHORELINE MASTER PROGRAM**

This proposal is located in and adjacent to a portion of the Middle Fork Teanaway River with a Rural Shoreline Environment. The Rural Environment is characterized by land uses which are intended to protect agriculture land from urban, suburban, commercial or industrial expansion and to restrict intensive developments along undeveloped shoreline areas which might interfere with normal operations or economic viability of an agricultural activity located adjacent and associated shoreline areas.

## **VII. AGENCY AND PUBLIC COMMENTS**

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. No comments were received during the comment, but Kittitas County Public Works submitted a comment after the comment period. All comments have been included in the index file transmitted to the Hearing

Examiner.

## VIII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

### Consistency with the Comprehensive Plan:

The proposal is Consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, this proposal is located within the Rural Working Land Use designation and the following Comprehensive Plan GPOs do not apply to this proposal: GPO 2.4, 2.74, 8.15, 8.16, 8.17 and 8.18. It is clear, based on these GPOs, Kittitas County values its shorelines and the importance of public access to our natural resources while retaining the private property rights of individuals. As conditioned, this project is consistent with the County's Comprehensive Plan.

### Consistency with the provisions of KCC Title 12, Roads and Bridges:

This project is consistent with the provisions of KCC Title 12. (Index #13).

### Consistency with the provisions of KCC Title 14, Buildings and Construction:

This project is consistent with the provisions of KCC Title 14.

### Inconsistency with the provision of KCC 17.56, Forest and Range zoning:

This proposal is inconsistent with Kittitas County Zoning Code 17.56. Kittitas County Zoning Code Title 17.56 Forest and Range states:

*The minimum lot size in the Forest and Range Zone shall be:*

- 1. Twenty (20) acres, unless within a cluster or conservation plat as provided for in KCC Chapter 16.09, cluster platting and Conservation Platter;*
- 2. One-half (1/2) acre for lots in a cluster or conservation plat.*

Per RCW 58.17.215 the original plat Wagon Wheel P-66-00000 is not vested to the 1966 land use zoning codes. Ultimately this Plat Amendment is a road vacation and boundary line adjustment therefore per Kittitas County Code Title 16.10.010 also states that:

- 2. No lot that currently conforms to minimum area and dimension regulations shall be adjusted so as to become nonconforming; and*
- 3. No nonconforming lot shall be adjusted in a manner that increases the nonconformity.*

The current configurations of the lots are considered legal-nonconforming. The proposed plat amendment to Lots 10, 11 & 12 makes these lots more nonconforming. Therefore this application is inconsistent with current County Codes. Specifically this project proposes to reduce the size of three (3) lots: Lot 10 from 1.71 acres to 1.63 acres, Lot 11 from 1.69 acres to 1.51 acres and Lot 12 from 1.95 acres to 1.63 acres. The forest and range zone is a 20 acre minimum. The existing lots are legal nonconforming by allowing this amendment we would be creating more nonconforming lots.

### Consistency with the provisions of KCC 17A, Critical Areas:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found that this proposal is located along the northern shoreline of the West Fork of the Teanaway which is a Shoreline of the State. The applicant applied for a shoreline exemption on July 9, 2015 and was is currently under review. As conditioned, this project is consistent with the provisions of KCC 17A.

### Consistency with the Shoreline Master Program:

The proposal is consistent with the Shoreline Master Program. This proposal is exempt from shoreline permitting per WAC 173-27-040 (2) (b) *Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.* Staff determined this exemption appropriate due to the fact that the plat amendment is being applied for so that the lines upon the plat match the road on the ground now. Staff deemed that the movement of the lines upon the plat would have no adverse effects to the shoreline.

Agency Comments:

No comments were received during the comment period. A late comment was received by Kittitas County Public Works. All comments received are included in the Index file.

Public Comments:

No public comments were received during the comment period.

**IX. RECOMMENDATION**

Staff finds that the application meets the basic intent and criteria associated with Title 12, Title 14 & Title 17A of the Kittitas County Code, the Kittitas County Comprehensive Plan and the Kittitas County Shoreline Master Program, but does not meet the intent of Title 17. 56. Staff recommends denial of the Wagon Wheel Plat Amendment, subject to the following findings of fact and conclusions:

**Staff Findings of Fact**

1. Robert Bailey, authorized agent for John Hamel, Chad Hamel, Linda Ammons, Dwight Watson & Joseph Stehle, landowners, submitted an application packet requesting a plat amendment application to dedicate a new location for the alignment of Boondoggle Road and dedicate a new location for a portion of East Boondoggle Road with no new lots to be created, per KCC Title 16 Subdivisions.

The proposal is located in a portion of Section 26, T21N, R15E, WM, in Kittitas County, Assessor's parcel numbers 577435 (Lot 10), 587435 (Lot 11), 657435 (Lot 12), 667435 (Lot 14), 677435 (Lot 15), 687435 (Lot 16), 697435 (lot 17), 857335 (Lot 18), 837335 (Lot 26) & 847335 (Lot 6).

2. Site Information:

Total Property Size:	11.67 acres, project on 9 parcels
Number of Lots:	9; no new lots are being proposed
Domestic Water:	None
Sewage Disposal:	None
Power/Electricity:	none proposed
Fire Protection:	Fire District 7 – Cle Elum
Irrigation District:	None

3. Site Characteristics:

North:	Middle Fork Teanaway Road & private properties
South:	Private properties & the Middle Fork Teanaway River

East: Private Properties  
West: Private Properties

4. The Comprehensive Plan designation is “Rural Working.”
5. The subject property is zoned “forest and range,” which is a 20 acre minimum zoning.
6. A plat amendment application was submitted to Community Development Services on September 8, 2014 and was deemed complete on April 30, 2015. The affidavit of site posting in accordance with KCC 15A.03.110 was received by CDS on May 6, 2015. The Notice of Application was issued on May 14, 2015. 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. The last day to submit written comments was on May 29, 2015. SEPA was not required for this application per RCW 58.17.040(6).
7. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan.
8. This proposal is consistent with the provisions of KCC Title 12, Roads and Bridges as conditioned.
9. This proposal is consistent with the provisions of KCC Title 14, Buildings and Construction as conditioned.
10. This proposal is not consistent with the provisions of KCC Title 17.56, forest and range.
11. Staff has conducted an administrative critical area review in accordance with KCC 17A and found that this proposal is located along the northern shoreline of the West Fork of the Teanaway which is a Shoreline of the State. The applicant applied for a shoreline exemption on July 9, 2015 and is still under review by staff. As conditioned, this project is consistent with the provisions of KCC 17A.
12. The proposal is consistent with the Shoreline Master Program. This proposal is exempt from shoreline permitting per WAC 173-27-040 (2) (b) *Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.* Staff determined this exemption appropriate due to the fact that the plat amendment is being applied for so that the lines upon the plat match the road on the ground now. Staff deemed that the movement of the lines upon the plat would have no adverse effects to the shoreline.
13. No comments were received during the comment period. A late comment was received by Kittitas County Public Works. All comments received are included in the Index file.
14. No public comments were received during the comment period.

**Staff Conclusions:**

1. Kittitas County KCC Title 16 Subdivisions states that no lot within the county can become more nonconforming. This includes lots that are already nonconforming parcels. From this staff concludes that the Wagon Wheel Plat Amendment must be denied based upon the fact that three (3) of the subject parcels are becoming more nonconforming.

Please note that if Wagon Wheel Plat Amendment is recommended approval staff will draft adequate conditions of approval.