

**COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
COMMISSIONERS AUDITORIUM
SPECIAL MEETING**

TUESDAY

2:00 P.M.

JANUARY 3, 2017

Board members present: Chairman Paul Jewell; Vice-Chairman Laura Osiadacz; and Commissioner Obie O'Brien.

Others: Julie Kjorsvik, Clerk of the Board; Neil Caulkins, Deputy Prosecutor; Lucas Huck, Engineer; Traci Shallbetter, Attorney; and 5 members of the public.

PUBLIC HEARING ROAD VARIANCE APPEAL-ODEGARD/DAVIS PUBLIC WORKS

At 2:00 p.m. **CHAIRMAN JEWELL** opened a Public Hearing to consider an Administrative Appeal of a decision of the Road Variance Committee in the Matter of RV-16-16 Harlan Odegard and John Davis, filed by Attorney Traci Shallbetter.

TRACI SHALLBETTER, ATTORNEY REPRESENTING THE APPELLANTS explained the history of the preliminary short plat application for a 21 acre parcel submitted filed by her clients John Davis and Harlan Odegard in September of 2005. The location of the property is at 820 Filbert Road Cle Elum, WA. She argued her clients were vested under the Road Standards from 2005 and how there is no rationale that exists for denying the Applicants since the County has granted the same variance requested by similarly situated property owners; there has been no changes in circumstances; and there was no notice provided to the Appellants of a change in the law or policy, violating Equal Protection and is patently unfair. She said there is no evidence in the record that the variance would be detrimental to the public welfare or does it present a risk to public health and safety. She submitted additional information into the record (Exhibits #1 - #3). The Board asked questions of Ms. Shallbetter and for clarification of information she provided during her testimony.

MARK KIRKPATRICK, ENCOMPASS ENGINEERING & SURVEYING said he has been working with the applicant since 2012 and is very familiar with the area. He said he was a member of the County's Road Variance Committee but did not sit in on the matter. He explained how he never had the notion that they would have to apply for a variance until after they had applied for Preliminary Short Plat. He said he was on the Road Variance Committee and felt one of the benefits to being on it was how he could obtain knowledge and share it with his office and clients. He said he relies greatly on input from the Fire Chiefs, Fire Marshal, etc. He submitted a letter into the record from Fire District #7 Chief Jay Wiseman (Exhibit #4). He recommended creating a process to protect clients, himself, and business in

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general. He suggested having something in place to notify people of these types of situations, for example maybe having a pre-application meeting. He felt the application for a variance to the current Road Standards met the public safety, health and welfare. He noted he was unaware of the ownership of the bridge.

LUCAS HUCK, ENGINEER provided background information about himself and answered questions from Ms. Shallbetter. He said once the facts were presented at the Road Variance Committee meeting relating to how many lots could potentially be created, and additional unknowns relating to crossing the bridge, the committee determined the proposal was not in the best interest of the public and that requirements for safety, fire, appearance and maintainability based upon sound engineering judgment were not fully met as required by County Code. He provided a history of the Road Variance Application from Harlan Odegard and John Davis, owners of the Filbert Estates Short Plat (SP-15-0004). He indicated the Road Variance Committee unanimously denied the request based on the number of lots Filbert Road serves and issues with fire, life and safety surrounding the narrow bridge. He said he has not yet run across an issue with unknown ownership of a bridge while working with the County. He stated he had previously visited the site to look at the bridge in the summer and in the winter, but could not get underneath it to do a proper inspection. He answered questions from the Board of Commissioners and provided clarification on issues.

MS. SHALLBETTER said she has not looked into the ownership of the bridge but did not believe it was unique, and it is no different than a road easement. She explained the only thing the applicant is requesting a variance to was the width of the bridge. She suggested the County create an amendment to the variance process or even have special criteria which would provide the County a hard basis for situations like theirs.

COMMISSIONER O'BRIEN explained concerns he had relating to the safety of the general public and by continuing practice of past decisions, as he felt it would be detrimental to the public safety. He said the County has learned a lot from the recent years of wildfires and had concerns of how the bridge has not been inspected for the past 10 years. He stated that although previous land use decisions may have not been proper in past, they must go by the current requirements. **COMMISSIONER OSIADACZ** said the Code is clearly written and that each variance is to be looked at on a case by case basis. She said the County Code, regulations, and what is detrimental to public life and safety seems to be changing and the County has more knowledge relating to wildfires in the recent years. She noted how the Interim Fire Marshal voted to deny the request for a variance based on concerns of fire, life and safety. She also referenced District #7 Fire Chief's letter relating to the current bridge in place and how the water tenders would not be able to cross

it due to weight however, if the water tender is needed for fires it can position without crossing the bridge and supply pumpers by fire hose and pumps operating on either side of the bridge. **CHAIRMAN JEWELL** said he would like additional time for review of the record and information.

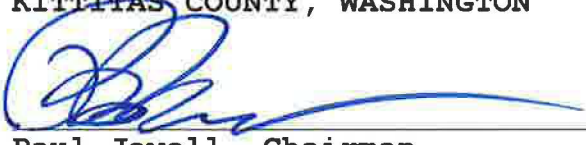
COMMISSIONER OSIADACZ moved to continue the Appeal Hearing to Wednesday January 18, 2017 at 9:00 a.m. in the Commissioners Auditorium, noting the record was closed. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

The meeting was adjourned at 4:06 p.m.

CLERK OF THE BOARD


Julie Kjorsvik

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**


Paul Jewell, Chairman