

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

**TUESDAY**

**6:00 P.M.**

**DECEMBER 4, 2018**

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

Others: Julie Kjorsvik, Clerk of the Board; Lindsey Ozbolt, Planning Official; Dan Carlson, CDS Director; Neil Caulkins, Deputy Prosecutor; Chelsea Benner, Staff Planner; Jeremy Johnston, Staff Planner; Dusty Pilkington, Staff Planner; Mark Cook, Public Works Director/Interim Engineer; and 7 members of the public.

**PUBLIC HEARING**

**ANNUAL COMP. PLAN AMENDMENTS**

**CDS**

At 6:00 p.m. **CHAIRMAN OSIADACZ** opened a Public Hearing to consider the 2018 Kittitas County Comprehensive Plan and Code Amendment Proposals. She noted each Docket item would be considered separately and the public would have an opportunity to testify on each item along with a vote by the Board.

**LINDSEY OZBOLT, PLANNING OFFICIAL** noted Docket Item 18-07 had been removed (Critical Areas Ordinance Update). She reviewed the 2018 Docket Amendment process; proposed items and Public Hearing process. She noted final adoption by the Board of County Commissioners must be done by December 31<sup>st</sup>.

**ITEM 18-01**

Change to Kittitas County Code Chapter 14.05.060 to allow for driveway construction by licensed excavation companies.

**MARK COOK, PUBLIC WORKS DIRECTOR/INTERIM ENGINEER** reviewed the proposed amendments and noted how there would be no exception for work in geologically unstable areas. The Planning Commission recommended approval by a vote of 4-0.

**THOSE PRESENT & TESTIFYING: PAT DENEEN** felt the proposal made a lot of sense and was in support of the docket item. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER O'BRIEN** moved to approve Docket Item 18-01, as presented. **COMMISSIONER WRIGHT** seconded. Motion carried 3-0.

**APPROVED**  
12/16/18

**ITEM 18-02**

Amend Title 15A to establish an expiration time limit for land use applications due to applicant inactivity.

**LINDSEY OZBOLT, PLANNING OFFICIAL** reviewed the proposed amendments and said the Planning Commission recommended approval by a vote of 4-0. She recommended striking the extension fee.

**THOSE PRESENT & TESTIFYING: PAT DENEEN** expressed his opposition to the proposed amendments. **JERRY MARTENS** said he concurred with Mr. Deneen and opposed Docket Item 18-02. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**CHAIRMAN OSIADACZ** agreed that the issue needed to be addressed but did not feel comfortable with the current language. She said she'd like to work with the building community to see what effects it could have on them. **MS. OZBOLT** said the proposed timelines could be changed, but they would like to have something in place.

**COMMISSIONER O'BRIEN** moved to amend the proposal by striking the following under #2: "and to include an extension fee, to be determined by Resolution". **COMMISSIONER WRIGHT** seconded. Motion carried 3-0.

**COMMISSIONER WRIGHT** moved to approve Docket Item 18-02, and to amend #1 by striking 90 days and replacing it with 180 days; striking 60 days and replacing it with 120 days; and striking 30 days and replacing it with 60 days. **COMMISSIONER O'BRIEN** seconded. The Board discussed the proposal and felt there was a need for further review. **COMMISSIONER WRIGHT** withdrew his motion and **COMMISSIONER O'BRIEN** concurred. Motion was withdrawn.

**COMMISSIONER WRIGHT** moved to remand Docket Item 18-02 back to Staff for further comments. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

**ITEM 18-03**

Amend Title 15A review and decision procedures to authorize a Hearing Examiner to make final land use decisions.

**DAN CARLSON, CDS DIRECTOR** reviewed the proposed amendments to allow the Hearing Examiner to make final land use decisions. He explained the benefits of allowing a professionally-trained individual with expertise in land use law to make quasi-judicial

decisions. It would also allow the Commissioners to communicate freely with citizens regarding proposed land use projects and reduce the County legal exposure for quasi-judicial decisions. The Planning Commission recommended the Conditional Use Permits (CUP) and Preliminary Plats to remain recommendation by Hearing Examiner and decision by the Board with by a vote of 3-1.

**THOSE PRESENT & TESTIFYING:** **JEFF SLOTHOWER** encouraged the Board to adopt the proposed amendments without the Planning Commission's recommendation. He reviewed examples of the benefits of having a professionally trained Hearing Examiner make the determinations who is free of any political influence. **JERRY MARTENS** said he has firsthand experience of seeing how a Hearing Examiner would be beneficial to the citizens by allowing them to make final land use decisions. He felt the Commissioners job was to set policy and not determine projects. **PAT DENEEN** expressed his support of the proposed amendment. He felt the Commissioners should be the ones who make the policy decisions and set rules. He encouraged them to allow a Hearing Examiner make the final land use decisions. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC COMMENT PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER O'BRIEN** spoke in favor of the proposed amendment for a Hearing Examiner who is professionally trained and could lessen the risks of litigation.

**COMMISSIONER WRIGHT** moved to amend Docket Item 18-03, as presented by Staff. **COMMISSIONER O'BRIEN** seconded.

**COMMISSIONER WRIGHT** said he is not an expert in land use and was not hired to be one. He felt the Board of County Commissioners were to develop strategy and policy. He provided an example of an appeal earlier in the day where the County was the applicant of a project; made a determination; and then made the decision on the appeal. He felt the Board could be using their time in other areas which would benefit the community and fully supported the proposal. **CHAIRMAN OSIADACZ** said she was not in favor of the recommendation. She explained when the citizens elected her to the position of a County Commissioner; it was to allow her to make the decisions and not a Hearing Examiner. She was unsure if the Hearing Examiner shared the values of Kittitas County.

Motion carried 2-1 (Chairman Osiadacz opposed).

**ITEM 18-04**

Title 16 Housekeeping Amendments.

**LINDSEY OZBOLT, PLANNING OFFICIAL** reviewed Docket Item 18-04, which included amendments to Title 16.12. She said the Planning Commission recommended approval by a vote of 4-0.

**THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER O'BRIEN** moved to approve Docket Item 18-04, as recommended. **COMMISSIONER WRIGHT** seconded. Motion carried 3-0.

**ITEM 18-05**

Title 17 Housekeeping Amendments.

**LINDSEY OZBOLT, PLANNING OFFICIAL** reviewed Docket Item 18-05, which included amendments to Title 17. She said the Planning Commission recommended approval with one change, all commercial uses for nurseries in KCC Tables 17.15.070 LAMIRD's and 17.15.080 Urban Lands shall be "permitted" instead of "conditional uses" by a vote of 4-0.

**THOSE PRESENT & TESTIFYING: LARRY LEACH, DEPARTMENT OF NATURAL RESOURCES** thanked Staff for the proposed language and felt it was a benefit to the recreating public so they know what to expect. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER O'BRIEN** moved to approve Docket Item 18-05, as recommended by the Planning Commission. **COMMISSIONER WRIGHT** seconded. Motion carried 3-0.

**ITEM 18-06**

Amend KCC 17.16.080 to allow raising of 4-H/FFA pigs in Urban Growth Areas.

**LINDSEY OZBOLT, PLANNING OFFICIAL** reviewed Docket Item 18-06, which included language to allow for raising 4-H/FFA pigs in the Urban Growth Areas. The Planning Commission amended the proposal to allow 2 pigs per household on a lot size of one (1) acre or more by a vote of 4-0. She indicated the Prosecutors office had a concern relating to enforcement of the proposed amendment, specifically to limiting the exemption only being allowed for FFA and 4-H participants.

**THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER WRIGHT** moved to remand Docket Item 18-06 back to Staff for further analysis and to bring it back next year for the Boards consideration. **CHAIRMAN OSIADACZ** seconded.

**COMMISSIONER WRIGHT** said he was in favor of the 4-H and FFA programs and how they were a benefit to the community, but there needed to have additional research conducted. He said there were families who have multiple children involved in those programs and they end up getting 2 pigs for each child, so there is a potential to have a lot of pigs on one lot. He explained how there are some families who live in town and are still able to be involved with the programs without having pigs in town. He said he's not against it but needs to be well thought out.

**COMMISSIONER O'BRIEN** said he had asked for the proposal and would still be in favor of the proposal. Motion carried 2-1 (Commissioner O'Brien opposed the motion).

**ITEM 18-07**

Critical Areas Ordinance Update.

**LINDSEY OZBOLT, PLANNING OFFICIAL** noted Docket Item 18-07 had been removed.

**ITEM 18-08**

Amend KCC Chapter 19.02 to allow for notice to title for code violations.

**DAN CARLSON, CDS DIRECTOR** reviewed Docket Item 18-08, which would allow another tool for the enforcement of violations. The Planning Commission recommended approval of the proposal by a vote of 4-0.

**THOSE PRESENT & TESTIFYING: JEFF HUTCHINSON, ELLENSBURG CEMENT PRODUCTS** spoke in favor of the proposed amendments to Kittitas County Code Chapter 18.02. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER O'BRIEN** moved to approve Docket Item 18-08, as presented. **COMMISSIONER WRIGHT** seconded. Motion carried 3-0.

**ITEM 18-09**

Comp Plan Tables & Zoning Map updates.

DUSTY PILKINGTON, STAFF PLANNER reviewed Docket Item 18-09, which are changes to the Comprehensive Plan Land Use Tables and updates to the Zoning Maps. The Planning Commission recommended approval by a vote of 4-0.

**THOSE PRESENT & TESTIFYING: JEFF SLOTHOWER REPRESENTING HARRELL/ELLSON, LLC** clarified corrections to the scrivener's error near the Thorp Highway Interchange. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER O'BRIEN moved to approve Docket Item 18-09, as recommended by the Planning Commission. **COMMISSIONER WRIGHT** seconded. Motion carried 3-0.

The Board recessed at 8:35 p.m. for 5 minutes.

The Board reconvened the Public Hearing at 8:40 p.m.

**ITEM 18-10**

Citizen Request - Non-Project Rezone (CP-18-00001 & RZ-18-00001).

CHELSEA BENNER, STAFF PLANNER reviewed Docket Item 18-10, which is for a Non-Project Rezone request (CP-18-00001 & RZ-18-00001) from Hutchinson Properties, LLC. She said it was for a 58 acre piece of property currently zoned Urban Residential to Forest and Range to match the surrounding properties. She read the comments into the record that was received from the City of Ellensburg. The Planning Commission recommended approval by a vote of 4-0. **JEFF SLOTHOWER, ATTORNEY REPRESENTING HUTCHINSON PROPERTIES, LLC** provided information on the proposal and said they were trying to clean up the zoning on the property for consistency. He said there is no present intention to annex it into the City of Ellensburg and does not know why it's in the Urban Growth Area.

**THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER O'BRIEN moved to approve Docket Item 18-10, as recommended. **COMMISSIONER WRIGHT** seconded. Motion carried 3-0.

**ITEM 18-11**

Citizen Request - Text amendment regarding explosives, explosives magazines, and explosives, storage and manufacture in Title 17 (CP-18-00002).

**JEREMY JOHNSTON, STAFF PLANNER** reviewed Docket Item 18-11, which is a Citizen's request to amend explosives, explosives magazine, and explosives, storage and manufacture. He said the Planning Commission recommended approval of Staff's recommendations of the proposal by a vote of 4-0. He noted the applicant was not in attendance at the Public Hearing.

**THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER O'BRIEN** moved to approve Staff's recommendation for Docket Item 18-11. **COMMISSIONER WRIGHT** seconded. Motion carried 3-0.

Staff was directed to look into a possible scrivener's error on whether or not to capitalize "Department of Transportation" under Title 17.08.225.

Staff was directed to prepare enabling documents to be considered at the 10:00 a.m. December 18, 2018 Agenda Session.

The meeting was adjourned at 9:18 p.m.

**CLERK OF THE BOARD**

  
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**Julie Kjorsvik**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

  
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**Laura Osiadacz, Chairman**