

Minutes of  
Community Development Services Study Session  
February 3, 2003

RECEIVED  
FEB 10 2003  
BOARD OF WITTIAS COUNTY COMMISSIONERS

Those Present: Perry Huston, Bruce Coe and Max Golladay

Also Present: Jim Hurson, Derald Gaidos, David Taylor, Catherine Dunn and Alexis Draper and Jennifer Diaz of Zilkha representing the public

Perry Huston introduced Alexis Draper, an observer from Central Washington University.

**CDS Fees**

**Derald Gaidos** explained that these compression systems are for commercial kitchens. The permit would be for upgrades or new installations but not for existing systems. These fire suppression systems do not fall under normal inspections and there are no established fees. As the county receives more commercial building plans, it is necessary to initiate these permits and fees.

**Max Golladay** asked if these were installed without building permits. **Gaidos** replied that the systems fall under the mechanical permit process but not any thing specific.

**Golladay** remarked that this system is a big ticket item for commercial kitchens. **Gaidos** said that with that investment it is important for the applicants to have a specific permit for these systems for their insurance or future fire investigations.

**David Taylor** said that they would send the resolution amending the building permit fees to the Board for their consideration on February 18, 2003.

**EFSEC**

**Jim Hurson** said that Zilkha had hired an attorney, Darrel Peeples, to help get their project through the EFSEC process.

**Perry Huston** said that the Board was supposed to pick a replacement member for the EFSEC board. He did not want to reappoint the former member. The member before that was the Fire Marshal and it was not appropriate to appoint him.

APPROVED  
2/18/03

**Hurson** said that he had drafted a letter to Mr. Peebles stating that their project was not currently consistent with Kittitas County regulations and outlining the State regulations regarding this.

**Perry Huston** said that he wants Zilkha to agree that they have not become consistent or state that they would not be coming into compliance.

**Hurson** said that was what he intended with his letter. He gave the options as Zilkha can obtain a rezone of the property they wish to have as wind farm to become consistent with County regulations or they can show EFSEC that they have made an effort to become consistent. If they get the rezone through the county, it would shorten their EFSEC time. Zilkha said that the reason they had applied to EFSEC was that their appeal time would be shorter.

**Bruce Coe** said that the question is not to approve or deny but the conditions that the county may put on the project being more than Zilkha may be willing to adhere to. He said that his worry was that the county was just putting off the fight that will ultimately need to be fought.

**Dave Taylor** said that EFSEC requires their applicants to apply to the local government for consistency.

**Huston** said that the county needed to establish the record for EFSEC the same way as for the Hearings Boards. The county can then show EFSEC what the flags are for the county that way.

**Huston** went on to say that there were three bills coming out of committee this legislative session limiting or eliminating the Growth Management Hearings Boards.

**Jim Hurson** said that if you pass a comprehensive plan amendment first then apply for a rezone, the rezone would remain valid if the amendment were appealed. He said that if the EFSEC project is not consistent with the designation of the proposed site, then the applicant needs to seek consistency through a rezone. If they get consistency, they will have to adopt a mitigation plan similar to the Trendwest process.

He said that he had approached Dennis Reynolds, who has represented the county on previous EFSEC projects, about developing and negotiating the mitigation plan. **Dave Taylor** asked him to consider other attorneys for this.

**Taylor** went on to say that this was the right way to go. He said that to put Zilkha on notice that the county has been through this process before and know what happens during it. He agreed about the importance of building a good record.

**Max Golladay** said that he was afraid to appear to be telling Zilkha how to run their business. He said that this letter just states the facts instead of directing them.

**Hurson** said that even Olympic Pipeline Co. achieved consistency within the county. This strategy would get the decision back at the local level.

**Taylor** said that the record would show why mitigation measures would be necessary and why these issues are important to the county.

**Perry Huston** said that EFSEC is just a bunch of government hacks and they need to be reminded that local governments have requirements.

**Taylor** then said that this is the 13<sup>th</sup> Legislative session since the inception of the Growth Management Act and the legislators have not seen fit to add any wording giving EFSEC the right to pre-empt local process.

There was more discussion along these lines.

**Bruce Coe** asked what is the weakest part of the process that Hurson's letter outlined. What damage control would be needed in 6 months time. Hurson replied that the letter would just be outlining the process needed for any application.

**Coe** asked if Hurson and Taylor were confident that this letter would accomplish what they wanted.

**Perry Huston** said that he wanted Zilkha to work with the local process or state definitely that they will not be working through the local process. He said that all the Board can do is give them a chance.

There was some discussion on using outside counsel, which Huston said he had no issue with.

### **Application and Design Policies**

**Dave Taylor** explained the policy handout developed by the Plans Examiners, Rob Omans and Dan Davis. He explained the policies concerning engineered plans.

**Bruce Coe** asked about the thinking on engineering log homes. **Rob Omans** replied that log homes were extremely hard to do plan review on. They were complex structures.

**Dan Davis** said that the nature of the beast requires engineering to protect the county's liability.

**Taylor** said that ultimately the department is trying to get to the two track plans review system outlined last week in the other handouts.

**Coe** asked if the plans examiners are requiring engineering on everything. **Taylor** replied that those permits listed on the handout are the ones that will require engineering starting March 1, 2003 (log structures, steel, concrete and masonry structures and those over 150 lb. snowload). **Dan Davis** remarked that the Uniform Building Code lists those instances where engineering is needed.

**Coe** asked if there was a lack of engineering in the County. **Taylor** replied that as he understood from the Building Inspectors and Plans Examiners there was a need for more engineering on plans. **Coe** asked if there were a great number of building failures to show this need.

**Perry Huston** said that from his point of view, it is more of a time use problem. **Taylor** added that the plans examiners have been doing design on the plans and that takes a great deal of their time. **Coe** remarked that this news was a surprise to him. **Taylor** said that historically the policy was that it was faster to do the design themselves than to send it back and require changes.

**Dan Davis** said that the code says that the plans examiners are supposed to check "yes it works" or "no it doesn't" not how to make it work. **Coe** agreed that the county wanted to stay out of the designing of plans. **Davis** said that potentially the plans might be in the system longer waiting for information to be returned but the examiners time will be better spent.

**Huston** said that quick turnaround would be the incentive to turning the right information in at the start.

**Taylor** said that he would put this subject on for discussion again on the next study session.

### Watershed plan

**David Taylor** reported that Jim Milton, Tri-County Water Resource Agency had dropped off the Watershed Plan and Executive Summaries of the Plan.

**Max Golladay** said that for the adoption of this plan a public hearing would be necessary. The planning unit members who worked on the plan could attend the hearing to help with questions.

**Taylor** discussed the land use implication of the plan and whether it would need to go through the Planning Commission. It was discussed that there was not sufficient land use implication to require the Planning Commission to hear it.

**Perry Huston** remarked that the board could set up the hearing process any way they wanted, as this was the first of these to go through the process. The Planning Commission could review the plan but not have the hearing.

**Max Golladay** said that they weren't sure it would ever be adopted by all three counties. There was some discussion on how the Tri-County Agency felt the adoption process should be accomplished.

**Bruce Coe** said that he did not want to see the Watershed plan end up as part of the Comprehensive Plan. **Taylor** said that it was his opinion that the document was a Growth Management Act document and therefore appealable to the Growth Management Hearing Board.

**Golladay** said that the county has requested its share of the monies left over after the plan to be returned to the county.

It was decided that Community Development Services would request a public hearing on April 1, 2003. **Taylor** said that he would send a memo to the planning unit members and inform the Daily Record of the availability of the plan.

### **PERC Hearing**

**David Taylor** reported the success of negotiations before the PERC hearing, which resulted in a settlement with the Union before the PERC hearing. The Administrative Supervisor position was removed from the Courthouse Union while the Office Assistant position was put into the Union.

### **Changes in SEPA rules**

**David Taylor** reported that some changes are being made to the SEPA rules. Categorical exemptions on water rights are changing from 50 cfs/5000 yards per minute to 1 cfs/2250 yards per minute.

**Taylor** was asked if this was retroactive but replied that it was his understanding that it was for new appropriations. He speculated that it would be applied to Water Conservancy Boards.

He said that the Forest Practice Applications were being changed and Watershed Restoration Projects would no longer be exempt.

**Taylor** was asked to make comments on behalf of the county.

### **Miscellaneous**

**Taylor** reported that the county had received the 2002 State of the Salmon report.

He asked the Board whether they wished for him to participate in a round table discussion at the request of Rep. Bill Hinkle. **Perry Huston** said that he also had received an invitation to this and they decided to go to Olympia together on Monday, Feb. 10.

**Huston** said that he has been having discussion with David Gerth about Conversion Harvest Option Plans and asked what the county's role was in the review of these plans. **Taylor** said that the county checked for zoning consistency. **Huston** asked what the county would have to do to review these. **Taylor** said that the county would have to adopt a forest planning ordinance, set a fee, review and run SEPA on these COHP's. **Coe** asked if it was the standard SEPA process. **Taylor** said that it was.

The meeting adjourned.