

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

THURSDAY

1:30 P.M.

NOVEMBER 18, 2004

Board members present: Chairman Perry D. Huston and Vice-Chairman Bruce Coe. Absent - Commissioner Max Golladay.

Others: Julie Kjorsvik, Clerk of the Board; Marco Rains, CDS Staff Planner; John Wolpers, Environmental Health Director; Nancy Goodloe, Public Health Administrator; Darryl Piercy, CDS Director; Joanna Valencia, CDS Staff; and approximately seven members of the public.

APPEAL HEARING

DEER HAVEN SHORT PLAT

CDS

At approximately 1:30 p.m. **CHAIRMAN HUSTON** called to order the special meeting to consider an administrative appeal of the Deer Haven Short Plat. He said an appeal had been filed of the administrative decision of the conditional preliminary approval submitted by James L. Sanders for a short subdivision of 11.09 acres into 3 lots consisting of 4.50, 3.30, and 3.29 acres each, located West of Casassa Road and South of Upper Peoh Point Road, in Cle Elum. He reviewed the hearing process and asked for any disclosures. **COMMISSIONER COE** and **CHAIRMAN HUSTON** had no disclosures and there were no objections made to them hearing the matter. **MR. PIERCY, MR. RAINS AND MR. WOLPERS** were sworn in by the Chairman.

MARCO RAINS, CDS STAFF PLANNER read his staff report dated November 17, 2004. He reviewed general site information and commented on the appeal issues. He explained that consistent with requirements set forth in Kittitas County Code Chapter 15A.03, Project Permit Application Review, and prior to conditional preliminary approval of the proposed Deer Haven short plat, the required correspondence was received from the Department of Public Works and Department of Environmental Health. Proof of potable water in addition to soil logs for on-site sewage and approved access, etc. are required prior to final approval of a short subdivision or short plat, therefore the process for administrative review of the Deer Haven short plat was carried in accordance with the County Code. He indicated the County did not have the jurisdiction to require detailed aquifer information for approval of a short subdivision, but does acknowledge the effect of low snow pack and other natural occurrences may affect well production in Kittitas County. **MR. RAINS** called **JOHN WOLPERS, ENVIRONMENTAL HEALTH DIRECTOR** as a witness. **MR. WOLPERS** reviewed the history of the Deer Haven Short

Plat and explained that proof of water availability an on-site sewage must be provided after conditional preliminary approval, but before final approval.

CHAIRMAN HUSTON swore in the appellants to testify. **PAUL FINLEY** explained that there was not adequate water supply in the area for any other subdivisions. He felt taking more water from the Casassa aquifer would create greater issues in the area. He noted that in the summer of 2003, a third lot hooked up to their Class B system and their static level dropped and they are currently producing a draw down of five (5) gallons of water per minute. **SHEILA RIDLON** announced she was the Secretary of the Sturgis Well Association and said they have gone from 25 to 5 gallons a minute. She explained that the neighbors had met and they all were aware of the necessity to protect and conserve water. They did not know if it was a bad well or if there were crucial storage problems.

CHAIRMAN HUSTON swore in the proponents. **CHUCK CRUSE** called witness Jim Sanders (applicant). **JIM SANDERS** submitted Exhibits 1 & 2 into the record. He felt the draw down was caused by either the well casing being clogged or silt that has settled. He urged to have the well checked out and conduct a draw down to determine the exact nature of the cause, whether it's truly the well or aquifer. He referenced the Sturgis Well Associations usage and level history, and felt by denying the subdivision would not prevent other wells from being drilled in the area and urged the Board to deny the appeal. He cross-examined Sheila Ridlon.

CHAIRMAN HUSTON asked if there was any rebuttal. Staff offered no rebuttal. **SHEILA RIDLON** claimed there were discrepancies in the information and reports submitted by Mr. Sanders and said she was unclear of determining what a draw down was. **CHAIRMAN HUSTON** asked if there were any interested parties that would like to testify. There being none, he asked for final arguments.

MR. RAINS explained that proof of potable water in addition to soils for on-site sewage and approved access, etc. was required prior to any final approval of a short subdivision or short plat, and the appeal was premature. He said the process for administrative review of the Deer Haven short plat was carried in accordance with the County Code. **CHUCK CRUSE** asked the Board to deny the appeal, claiming that all requirements of the County Code had been met for preliminary approval. **THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

CHAIRMAN HUSTON said there was an appropriate process for appeals, and that the proof of potable water was a condition of final approval, not a condition of preliminary approval and that the appeal was untimely. He cautioned the applicant to be sure to fully

review the water issues prior to requesting final approval. **COMMISSIONER COE** agreed with Chairman Huston, and felt the appeal was early. He said the appellants did a good job building evidence, and urged them to engage in discussions with the developer. He said it was the developer's responsibility to prove there is enough water to satisfy the needs. He suggested hiring a geologist to find out what the problems were with the well.

CHAIRMAN HUSTON moved to deny the appeal of the administrative decision of the conditional preliminary approval for the Deer Haven Short Plat. **COMMISSIONER COE** seconded. Motion carried 2-0.

Meeting adjourned at 2:22 p.m.

CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Julie A. Kjorsvik

Perry D. Huston, Chairman