

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

TUESDAY

4:00 P.M.

DECEMBER 18, 2007

Board members present: Chairman Alan Crankovich; Vice-Chairman David Bowen and Commissioner Mark McClain.

Others: Julie Kjorsvik, Clerk of the Board; Allison Kimball, Assistant Director of Community Development Services; Darryl Piercy, Director of Community Development Services; Mackenzie Moynihan, CDS Staff Planner; Judy Pless, Budget & Finance Manager; Dan Valoff, CDS Staff Planner; Doug D'Hondt, Public Works Engineer; Scott Turnbull, CDS Staff Planner; Randy Carbary, Public Works Department; Clayton Myers, Undersheriff; and approximately 8 members of the public.

PUBLIC HEARING

DISPOSE OF COUNTY ASSETS

AUDITOR

At approximately 4:00 p.m. **CHAIRMAN CRANKOVICH** opened a public hearing to consider the disposition of County assets either by sale or trade, including items but not limited to law books and firearms to be sold or used for trade for new firearms.

JUDY PLESS, BUDGET & FINANCE MANAGER reviewed the list of proposed County property to declare surplus and recommended the Board's approval. She clarified the firearms are to be used as "trade-in" value on new firearms for the Sheriff's department.

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

RESOLUTION 2007-161

DISPOSE OF COUNTY ASSETS

AUDITOR

COMMISSIONER BOWEN moved to approve Resolution No. 2007-161, Declaring Certain County Law Library Books and Sheriff's Weapons Surplus to Kittitas County **COMMISSIONER McCLAIN** seconded. Motion carried 3-0.

PUBLIC HEARING

HEARING EXAMINER SYSTEM

CDS

At approximately 4:03 p.m. **CHAIRMAN CRANKOVICH** opened the public hearing continued from November 28, 2007, to consider enabling documents to modify Kittitas County Code Title 15A for implementation of a Hearing Examiner System.

DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES reviewed a proposed Ordinance which would modify the County Code to allow for land use applications consistent with the Board's direction. He said the Prosecutor felt it was inappropriate to identify code enforcement issues until a later date when they are ready to deal with the necessary code changes relating to District Court. He said they are also reviewing Section 2.10.120 Rules to ensure it's consistent with appropriate rules of law. **MR. PIERCY** said if the Board chose to adopt the document and allow for the additional review by the Prosecutors office, they could begin advertising for the position since qualifications had been previously discussed.

COMMISSIONER McCLAIN said he did not want to tie future Boards hands and suggested striking an examiner may be removed from office for "good cause" by the Board of County Commissioners, in case they did not feel the need for the position anymore. **COMMISSIONER BOWEN** agreed to strike good cause as well, as well as removing the code enforcement actions at this time. **CHAIRMAN CRANKOVICH** expressed concerns of those Planning Commission members who would resign if the Hearing Examiner position was approved.

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

ORDINANCE 2007-37

HEARINGS EXAMINER SYSTEM

CDS

COMMISSIONER McCLAIN moved to approve Ordinance No. 2007-37, Amending Kittitas County Code Title 2 and Title 15A to Provide for the Implementation of a Hearing Examiner System, and authorizing subject to revisions renumbering 10's to 11's, strike good cause; code enforcement actions and rules **COMMISSIONER BOWEN** seconded.

COMMISSIONER BOWEN explained how the issue had been reviewed by the Board over the past year and a half to ensure it was done right. He recognized the increased appeals and felt it was one step to ensure a complete record has been established, and provide a fair atmosphere for all parties involved. He thought recently, there were some emotions taking over some of the laws in place. **COMMISSIONER McCLAIN** said he previously served on the Planning Commission and felt it would alleviate the burden on a volunteer committee with all the increased activity. **CHAIRMAN CRANKOVICH** explained it was not to discount the actions or efforts by the Planning Commission members, but the County needs to ensure there is a defensible record, noting things are continually being challenged. He a Hearings Examiner system would be beneficial to everyone involved. He said he has reservations to move forward until a clean document had prepared.

Motion carried 3-0.

COMMISSIONER MCCLAIN moved to direct staff to advertise to authorize request for qualifications. **COMMISSIONER BOWEN** seconded. Motion carried 3-0.

PUBLIC HEARING

HIGH VALLEY RANCHETTES PLAT AMENDMENT

CDS

At approximately 4:25 p.m. **CHAIRMAN CRANKOVICH** opened a public hearing to consider High Valley Ranchettes Plat Amendment Project (P-07-57).

MACKENZIE MOYNIHAN, CDS STAFF PLANNER reviewed the High Valley Ranchettes Plat Alteration (P-07-57), submitted by F. Steven Lathrop, authorized agent for D&H Ranch, Inc. SDL Properties, Inc. and L&D Land Corporation, landowners. She submitted a Memorandum from the Public Works Department dated December 17, 2007, which granted conditional preliminary approval. She said the proposed amendment is to allow the landowners' use of the one-time split provision allowed by Kittitas County code (KCC 17.29.040) for parcels one through twenty-four. The subject parcel is zoned Agriculture-20 and the Comprehensive Plan land use designation is Rural. She indicated the Director of Community Development Services determined the application is exempt from SEPA.

STEVE LATHROP, REPRESENTING THE PROPERTY OWNERS said it was important to note the Resolution spoke to further subdividing; however the final plat does not. He said that even though it was being processed as a plat amendment, it was not a required plat amendment. He said the County has made efforts to document parent parcels and one time lot splits. He mentioned a conflict between the Resolution and the plat. **COMMISSIONER BOWEN** said there was a record from Mr. Phillip referring to no further subdividing in their covenants. **MR. LATHROP** said it was with the prior owner's intention to not further subdivide, and all the current owners are joined in the request. **DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES** addressed the necessity with the plat amendment which had been reviewed with the Prosecutors office. He said it was a unique situation regarding the plat so they did an additional analysis to see why the condition was placed, and when looking for their review, they could not find it. He indicated there was an error by the prior Planning Staff and passed as a condition by the Board of County Commissioners. **MR. LATHROP** said they reserve the owner's rights and asked that they look at the record.

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

COMMISSIONER McCLAIN felt it was an unusual restraint on land, and SEPA would have been a natural development of that magnitude. He said he did not have any issue removing no further subdivision, but any future subdivision should be looked at to see if SEPA review is appropriate.

CHAIRMAN CRANKOVICH said the bottom line is the condition was agreed upon with the restrictions in place, so he would like to look for legal advice and would like additional information before making a decision.

COMMISSIONER BOWEN said he would seek legal input to see what needs to be done for such an amendment to the Resolution or what. He asked if there were tapes, minutes or files that could be reviewed. **MR. PIERCY** said he has only looked at the files, and has not listened to any tapes.

CHAIRMAN CRANKOVICH moved to continue the public hearing to Tuesday January 15, 2008 at 2:00 p.m., noting the record is closed.

COMMISSIONER McCLAIN seconded. Motion carried 3-0.

PUBLIC HEARING

APPLE TREE PLAT ALTERATION

CDS

At approximately 4:45 p.m. **CHAIRMAN CRANKOVICH** opened a public hearing to consider the Apple Tree Plat Alteration Project (P-07-37).

DAN VALOFF, CDS STAFF PLANNER reviewed a request from Wayne Nelson, authorized agent for the majority of property owners within the Apple Tree Plat, for a plat alteration to allow for secondary or emergency access to Graham Road via Hidden Springs Road. He said the subject parcels are zoned Rural 3 and the Comprehensive Plan Land Use Designation is Rural. The Director of Community Development Services has determined the application is exempt from SEPA.

THOSE PRESENT & TESTIFYING: MIKE MURPHY REPRESENTING NORTHLANDS INC. said the proposed amendment is to conform the plat map that is recorded with the deeds for Lots 1 and 2; remove the restriction within original plat prohibiting any access from the north and they believe there was an error done at the time it was approved. He said there is a legal 60 foot easement to the north and demonstrates it has benefits. He felt the legal right was taken away and as Road Standards evolved in response to fire issues there has been pressure in all rural areas to have as many emergency accesses as possible. Their proposal would essentially provide for a gated emergency access for first responders. He submitted suggested language to be included as a plat note. He said they do not have issues with the comments submitted by the Department of Energy, Bonneville Power

Administration on December 13, 2007. He indicated there was historical inaccuracies with the letter submitted by Jon and Rene' Hudgins. **COMMISSIONER BOWEN** asked if an easement was already there, and the other one is for emergency access only, and why it would need to be on the plat note. **MR. MURPHY** said it currently says "no" access to anyone. He felt it was more of a housekeeping matter, not wanting to change primary access, but said they are willing to accommodate some of the interest of those on Hidden Springs Road. **CHAIRMAN CRANKOVICH** asked Mr. Carbary questions regarding his Memorandum dated August 8, 2007, relating to BPA transmission line easement that runs between two BPA towers. He asked if BPA has a process they need to go through. **MR. CARBARY** explained he had sat down with the applicant when the first letter from BPA had been received and Mr. Nelson said condition should be placed on as final plat approval. **MR. PIERCY** noted those issues must be addressed prior to final plat approval.

THOSE PRESENT & TESTIFYING: RENE' HUDGINS said she was confused on the easement from Section 9 to Graham Road, and her paperwork does not show an easement. **MARK WALD PRESIDENT OF THE TILLMAN CREEK HOME OWNERS ASSOCIATION** said it would be an important issue to have emergency access and they are letting everyone know it will not be used as a primary access into Tillman Creek and it is not their intention of changing that. **MICHAEL OLSEN** said he recent purchased property in the Tillman Creek area and felt it would be a benefit to have a secondary access for emergency vehicles only. **THERE BEING NO ONE ELSE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

MR. MURPHY explained the 12 foot road would be upgraded to 20 foot County Road Standards. He reminded the Board they would only be changing a note on the plat and acknowledged the BPA's concerns would have to be satisfied prior to final plat approval.

COMMISSIONER BOWEN asked if the easements have been researched and if they identified to the ones referenced? **MR. CARBARY** said when they look at easements they have the applicant do the research numbers obtained from the Auditor's office, making sure the legality of the easement. He indicated there is no one in the Public Works Department has the authority or background to determine what the scope is or what it grants, and they review for content not for legality. **CHAIRMAN CRANKOVICH** noted egress and ingress is needed for safety and gave examples stating they are trying to be pro-active to give people a way to get out in case of emergencies. He wanted to make sure the recorded easement meets the needs and benefits everyone. **COMMISSIONER BOWEN** wanted to make sure the easements match up with the property.

CHAIRMAN CRANKOVICH moved to continue the public hearing to Tuesday January 15, 2008 at 2:00 p.m. in the Commissioners Auditorium.
COMMISSIONER McCLAIN seconded. Motion carried 3-0.

Meeting adjourned at 5:22 p.m.

CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Julie A. Kjorsvik

Alan Crankovich, Chairman