

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

TUESDAY

2:00 P.M.

JULY 20, 2010

Board members present: Chairman Mark McClain, Vice-Chairman Paul Jewell and Commissioner Alan Crankovich.

Others: Julie Kjorsvik, Clerk of the Board; Kelly Carlson, Administrative Assistant/Airport Manager; Neil Caulkins, Deputy Prosecutor; Suzanne Becker, Deputy Prosecutor; Brenda Larson, Fire Marshal; Cathy Bambrick, Public Health Administrator; Dr. Larson, Public Health Officer; Dan Valoff, Staff Planner; Jan Ollivier, Transportation Manager; Kirk Holmes, Public Works/Interim Community Development Services Director and approximately 20 members of the public.

PUBLIC HEARING

LEASE EXTENSION

COMMISSIONERS

At 2:00 p.m. **CHAIRMAN McCLAIN** opened a public hearing to consider a lease extension with Hein & Hein Enterprises, LLC for commercial property.

COMMISSIONER CRANKOVICH explained that in 2002 the County entered into a Lease Agreement with Hein & Hein Enterprises for property which currently houses the Upper District Court and the local police department. He said it had been extended in 2007 and the current lease is scheduled to expire on August 1, 2010.

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

LEASE

HEIN & HEIN

COMMISSIONERS

COMMISSIONER JEWELL moved to approve an Amendment/Renewal of a Lease Agreement between Hein and Hein Enterprises, LLC and Kittitas County, in the amount of \$8,600.00 per month, for a period of one year beginning August 1, 2010 for commercial property located at 700 East First Street Cle Elum, Washington. **COMMISSIONER CRANKOVICH** seconded. Motion carried 3-0.

THE FOLLOWING ITEM BELOW WAS CONTINUED FROM THE 10:00 A.M. COMMISSIONER AGENDA.

APPROVED
8/3/2010

COMMISSIONER CRANKOVICH moved to approve an Interlocal Agreement between Kittitas County and the City of Cle Elum for the Upper Kittitas County Law & Justice Facility, for the period beginning August 1, 2010 through July 31, 2011 for commercial property located at 700 East First Street Cle Elum, WA, in the amount of \$2,899.00 per month, for 2,899 square feet. COMMISSIONER JEWELL seconded. Motion carried 3-0.

PUBLIC HEARING

POTABLE WATER REQUIREMENTS

PUBLIC HEALTH

At 2:07 p.m. CHAIRMAN McCLAIN opened a public hearing to consider potable water requirements for preliminary and final plat approval.

CATHY BAMBRICK, PUBLIC HEALTH ADMINISTRATOR submitted proposed amendments to be included as an addendum to Resolution 2004-36, which would clarify language regarding current regulations for the requirements to the drinking water laws and Kittitas County Code. Dr. Larson and Ms. Bambrick recommended that one well be drilled and water testing be required, because hydrological reports address water quantity, not water quality. She also provided a second addendum, which only changed item 3.

THOSE PRESENT & TESTIFYING: DAVE WHITWILL REPRESENTING CENTRAL WASHINGTON HOMEBUILDERS said he was concerned that there may be a problem running into the five year requirement issued by the Department of Ecology. JEFF SLOTHOWER REPRESENTING D&H RANCH AND OTHER CLIENTS said the public hearing was a result of an appeal that they filed. He felt if the County was concerned about life safety issues, they should have the requirement at building stage and not at plat stage. He was concerned with the proposed bonding issue. CHRIS CRUSE expressed support to go back to Resolution 2004-36.

COMMISSIONER JEWELL said he would like to provide an opportunity for additional public testimony and to allow him time to review the documents provided.

COMMISSIONER JEWELL moved to continue the public hearing August 3, 2010 at 2:00 p.m., noting the public record to remain open and have a written comment deadline of Monday August 2, 2010 at 5:00 p.m. COMMISSIONER CRANKOVICH seconded. Motion carried 3-0.

PUBLIC HEARING

LITTLE CREEK RANCHES PLAT ALTERATION

PUBLIC HEALTH

At 2:27 p.m. CHAIRMAN McCLAIN opened a public hearing to consider the Little Creek Ranches Plat Alteration (LP-10-01).

DAN VALOFF, STAFF PLANNER reviewed an application from Brookside Consulting, authorized agent for Sean Northrop, signator for the Artz Family LLP and William Sheriff, landowners for an amendment to the Little Creek Ranches Plat to create a 60-foot easement for ingress, egress and utilities to serve adjacent properties from the end of existing Storie Lane to the north end of the bridge. He reviewed past decisions of the Board of County Commissioners as outlined in his staff report. The Board of County Commissioners made declarations. **COMMISSIONER CRANKOVICH** noted for the record that the Board received a proposed Settlement Offer from Sapphire Skies and would be made part of the record. **COMMISSIONER JEWELL, CHAIRMAN McCLAIN and COMMISSIONER CRANKOVICH** made declarations. There were no objections raised and to them remaining seated on the matter. A member of the public questioned if it was acceptable for a Board member to hear the matter if they have accepted campaign contributions from any members of the parties involved. **NEIL CAULKINS, DEPUTY PROSECUTOR** explained there is a specific statute which exempts political campaign contributions from reasons of potential unfairness in quasi-judicial matters.

CHRISTINA WOLLMAN, PUBLIC WORKS DEPARTMENT summarized comments on behalf of the Public Works department. She explained there was no public benefit in the method in which the dedication was occurring; it did not meet needs of their Long Range Transportation Plan and it would not qualify for any state or federal funding. She recommended the Board deny the proposed plat amendment.

MIKE MURPHY, ATTORNEY REPRESENTING THE APPLICANT reviewed the application and felt the request was simple. He claimed plat alteration would be an immediate benefit to the County by having a connection for emergency access. He said it provides for line share in the 2008 transportation plan. He indicated that if the request was approved, the few LUPA appeals that are pending would go away. He provided a copy of RCW 58.17.215 and reviewed the Procedure for Alterations of Subdivisions. He indicated the County would never have to spend a dime, and would have the ability to control the process, if it makes sense at the time. **MARK KIRKPATRICK, FROM ENCOMPASS ENGINEERING** indicated the proposed alteration is the best route, with an opportunity to meet the goals of the Kittitas County Long Range Transportation Plan. He felt it would be in the public's best interest. He indicated there would be a value of approximately \$1.5 million dollars if the County wanted to secure the right of way, and with the proposed alteration it would be at no cost and they would gain 11,675 lineal feet of 60-foot right-of way, 16.08 acres of land from the end of Storie Lane to Forest Service Road 4517. **KEN WILSON, PE SE FROM INTEGRITY STRUCTURAL ENGINEERING** said he had designed the bridge and commented on the concerns expressed. He felt the proposed access at Storie Lane conforms to the County Code and to all the relevant county planning policies and would serve the greater community by giving access to homes, area trails

and fire support. **SEAN NORTHROP, APPLICANT** indicated there has already been a significant investment in the road and it is up to the County to take advantage of the proposed opportunity. He felt there had been a lack of communication with the Public Works Department. He said they have received support from emergency responders claiming the proposal would be a benefit. He noted that the LUPA appeals would be consolidated and dismissed if the County approved the proposed plat amendment.

At 3:50 p.m. the Board took a 10-minute recess.

At 4:00 p.m. the Board reconvened back into session.

THOSE PRESENT & TESTIFYING: **LINDA LIBBY** said she lives on Storie Lane and was opposed to the proposal. She felt the alteration would not be a benefit the citizens of Kittitas County, but only to a few landowners. **LINDA HUTCHISON** indicated she lives on Storie Lane and was opposed to the plat alteration. She thought the developer was finding the costs of the road too expensive, and was now trying to have the taxpayers pay for it instead. **STAN WOODWORTH** said he has lived on Storie Lane for over 20 years and testified against the proposal. **JEAN WOODWORTH** said they were part of the Little Creek Ranches and when the County road that was put in, they were told it was to only access those living there. She believed it was not the intent to become a thoroughfare. She felt the proposal would become the first one which would begin accessing the entire ridge. **KATHY SPENSE** said she lives on Storie Lane and spoke against the proposal. She felt there could be extensive environmental damage to the creek due to the number of vehicles, etc. **BILL DOYLE** said he lived on Storie Lane and reviewed a Superior Court Order from 2005 stating that the road and bridge over KR D may be used only by permit and for emergency access. He opposed the proposal and said he did not trust the applicant. **RUSS LIBBY** said he lives on Storie Lane. He referenced Kittitas County Resolution 2005-128 approved by the Board of Commissioners, designating Storie Lane as a dead end road. **CHAD SOMA** said he did not feel anyone living on Nelson Siding Road would benefit from the proposal. **RICHARD RENZETTI** thought that every benefit presented during testimony would be for only those new to the area. He questioned what benefit would be to the people who have been there already. **CHARLES JENKS** said he was the first property owner in the area and the original intention of Storie Lane was to be a dead end cul-de-sac. He felt there would be neither benefit, nor guarantees for the amount of traffic that could result in the future if the proposed amendment were approved. **LINDA TURNER** said she has lived within the Little Creek Ranches since 1997 and they purchased it under the assumption the County was only going to have the road be a dead end cul-de-sac. She felt the proposed alteration would affect the owners in the area and has no benefit. **JOE TURNER** testified against the alteration. **THERE BEING NO ADDITIONAL TESTIMONY THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER JEWELL felt the record was lacking and would like the opportunity to take a look at previous decisions and material referenced in testimony before making a decision. **MR. MURPHY** questioned how much of the prior proceedings would be appropriate because so many things have changed. **MR. CAULKINS** said if the Board was interested in seeing previous records it would not be considered ex-parte communication, because it was already presented in the LUPA actions in Superior Court. **COMMISSIONER JEWELL** mentioned he was in possession of a file of documents that was left in his office from a previous Commissioner, but has not looked at the contents of information because he knew it may be something that would eventually come before him. He indicated he would like to look at the prior application, Court records in the LUPA action and any Resolutions the County has passed.

MR. MURPHY presented a rebuttal relating to concerns raised in public testimony. He said the requirement of signatures of the majority of altered lots were obtained and property owners should be allowed to do what they want to do as long it does not alter rights of others. He said the application was compelling and demonstrates benefits for the public interest that is consistent with GPO's, emergency access and the Long Range Transportation Plan. **SEAN NORTHROP** addressed comments presented during the public portion of the hearing and reviewed the history of the area. He addressed the construction and said they had neglected to get an administrative permit, and then received a stop work order. He said it was denied, but their appeal was upheld and the access permit was approved in April 2005. He believed the permit for the bridge was issued in May of 2006. **COMMISSIONER CRANKOVICH** asked Mr. Northrop if he remembered when the permit was authorized/issued, he was told that it may be a bridge to nowhere? **MR. NORTHROP** indicated he did remember that, and that is part of the risk you take as a developer. **MR. NORTHROP** reviewed the transportation study that was done and sympathized with the traffic issues, there is specific language in the property owners deeds and fully disclosed in the Purchase and Sale Agreements of each one of the lots. He provided a copy of all the LLC's he has an interest in.

COMMISSIONER CRANKOVICH moved to continue the Public Hearing to August 10, 2010 at 11:00 a.m. in the Commissioners Auditorium, for Board Discussion & Decision. **COMMISSIONER JEWELL** seconded. It was noted the record was closed to additional written and oral testimony. Motion carried 3-0.

At 5:50 p.m. **CHAIRMAN McCLAIN** opened a public hearing continued from June 1, 2010 to consider amendments to the Kittitas County Code and Adoption of Title 20, Fire & Life Safety Code.

BRENDA LARSEN, FIRE MARSHAL reviewed a proposed Ordinance with changes recommended by the Board at the previous hearing. **CHAIRMAN McCLAIN** suggested adding language to include when the Fire Marshal determines there is a need they may initiate an emergency burn ban for up to 14 days, which may then be ratified by the Board of County Commissioners at a regular or special meeting. There was concerns raised with having limited commission. The Fire Marshal could have limited commission to arrest, but the Board did not envision them having a gun. **MS. LARSEN** indicated the Sheriff would have the authority to limit the commission, and in that it outlines the specific duties to include citation and interrogation purposes. **COMMISSIONER McCLAIN** said although it may be a reach, but there could be a Sheriff in the future (they are separately elected officials) that may want them to carry a gun or wear a vest). **COMMISSIONER CRANKOVICH** said if that happened, they could dial it back or even eliminate the commission because they report directly to the Board of County Commissioners. Discussion was also held on the vacation rental category and its intent. **MS. LARSEN** said the intent was for advertised commercial businesses and she could put language in there to reflect that.

THOSE PRESENT & TESTIFYING: RUSS HOBB, FIRE DISTRICT 7 FIRE CHIEF, addressed issues relating to public assemblies and the 12% grade and the option of widening the roads. He said he would like to see the Board adopt the burn ban as suggested. **THERE BEING NO ADDITIONAL PUBLIC REQUESTING TO TESTIFY, PUBLIC PORTION OF THE HEARING WAS CLOSED.**

The Board gave direction to Ms. Larsen on amendments to the proposed language.

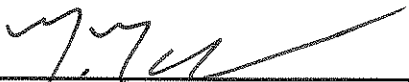
COMMISSIONER CRANKOVICH moved to continue the Public Hearing to Tuesday August 3, 2010 at 10:00 a.m. for Board Discussion & Decision, noting the public portion of the hearing was closed. **COMMISSIONER JEWELL** seconded. Motion carried 3-0.

The meeting was adjourned at 6:30 p.m.

CLERK OF THE BOARD


Julie Kjorsvik

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Mark McClain, Chairman