

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

**WEDNESDAY**

**1:30 PM.**

**JANUARY 23, 2008**

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

Others: Darryl Piercy, Director of Community Development Services; Allison Kimball, CDS Assistant Director; Brandon Drexler, Public Works Director; Jan Olivia, Public Works Engineer Manager; Doug D'Hondt, Public Works Engineer; Scott Turnbull, CDS staff Planner; Debbie Myers, Deputy Clerk of the Board; and approximately 15 members of the public.

**APPEAL HEARINGS ROAD VARIANCES: JNG, JACK PINE PLAT, COOPER PASS CDS**

**At approximately 1:30 p.m. CHAIRMAN MCCLAIN** opened the hearing to consider three road variance appeals. He read the hearing procedures into the record and swore in witnesses. The Commissioners provided disclosure information. There were no objections from the public.

**Bill Weiland**, Manager, JNG, LLC is appealing a denial of a road variance request for the JNG, LLC Plat, for a second access from Jack Pine Drive to Big Tail Road to Deer Creek Road and then to Montgomery Avenue in Cle Elum, Washington. North of the City of Cle Elum, Northeast of Columbia Avenue off of Jack Pine Drive, Cle Elum, WA 98922, located within a portion of Section 24, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number 20-15-24050-0002.

**Donald W. Kuehn** is appealing a denial of a road variance request for thse Jack Pine Plat, for a second access from Jack Pine Drive to Big Tail Road to Deer Creek Road and then to Montgomery Avenue in Cle Elum, Washington. North of the City of Cle Elum, Northeast of Columbia Avenue off of Jack Pine drive, Cle Elum, WA 988922, within a portion of Section 24, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number 20-15-24050-0002.

**Cooper Pass**, LLC is appealing a denial of a road variance request for the Ponderosa Pines Plat for a second access from Jack Pine Drive to Big Tail road to Deer Creek Road and then to Montgomery Avenue in Cle Elum, Washington. North of the City of Cle Elum, Northeast of Columbia Avenue off of Creekside Road and Jack Pine

Drive, Cle Elum, WA 98922, within a portion of the South ½ of Section 24, and the North ½ of Section 26, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number 20-15-25058-004.

All three appeal hearings were being heard at the same time because they are all pertaining to the same area.

**BRANDON DREXLER**, Director of Public Works, read a staff report into the record including general and site information, variance elements, appeal elements and conclusion. He stated the variance review was consistent with the requirements set forth in County Code 12.01.130, and the request was found to not meet the minimum conditions to protect the health, safety, and welfare of the citizens of Kittitas County. He also stated he had just received the information submitted by Ms. Shalbetter this morning so he had not had adequate time to review it. Mr. Drexler also read an email received this morning from Jim Leonhard, Public Works Director of Cle Elum.

**MS. SHALLBETTER and MR. MURPHY**, attorneys representing the proponents, questioned whether Mr. Leonhard had the authority to make decisions about which roads were annexed by Cle Elum in the future.

**DARRYL PIERCY**, Community Development Services Director, said when the recorded plats went through the Public Hearing process it was with the condition that they meet the county road standards. The Public Review process did not identify a road variance might be needed. He also stated this area would probably be annexed into the City of Cle Elum within the 20 year planning period and that clearly the road variance would not be up to city road standards. He pointed out the City of Cle Elum Public Works Director did not support the variance and that we need to consider his opinion. Mr. Piercy said a road network needs to be in place for the future and new development. He also believes this road variance is not in the best interest of the public.

**MS. SHALLBETTER** referred to the Andrus Variance.

There was discussion on County road standards vs. annexation.

**DOUG D'HONDT**, Public Works Engineer, listed some of the AASHTO safety requirements for county roads that the road variance request does not meet.

**MS. SHALLBETTER** asked Mr. D'Hondt if the Road Variance Committee usually consulted him. He replied not always.

**BILL WEIAND**, appellant, stated the primary access to his property is

Jack Pine road. He is seeking a variance to identify the second road access for preliminary plat approval. He believes the road variance request is the most logical secondary access road.

**DARRYL PIERCY** asked Mr. Weiland if he was represented by a professional. **Mr. Weiland** agreed that Encompass had helped them with engineering and the application.

**DON KUEHN**, appellant, showed the Board where his property was on the map and said his is in the same situation as Mr. Weiland.

**MARK KIRKPATRICK**, representing Encompass Engineering, stated he is familiar with the applications, and agreed that yes, they are requesting a variance for the secondary access road to be allowed a 30 foot easement instead of a 60 ft easement.

**DAVID BLANCHARD**, representing Sapphire Skies, agreed that the city will not approve annexations if they don't meet the standards. He stated it would be helpful to have clarity for the situation.

There was discussion on the email from Jim Leonhard.

**OTHER INTERESTED PARTIES: KEVIN DALY** stated the road is really a trail at this time and did not seem safe to him. He was also concerned with who would step up and make sure things got done. He agreed with Darryl Piercy that there seems to be a lack of continuity.

**JIM MUHLBEIER** said he agreed with 98% of what Mr. Piercy said. He stated the Andrus variance referenced to earlier road is not on any road maintenance program. The variance was granted for 27 acres, now they are working on 14 lots.

**JOHN UFKES**, representing Hein & Hein, said they own property on the SE corner by the easement, noting it would affect them, and they are against it. They believe the County needs to take a good long look before they approve the variance requests.

**LARRY FULLER** stated the Planning Commission sometimes sees these requests piece meal, and they don't have all the information when it comes to them, but he believes if a variance request cannot meet the requirements, they should not be allowed.

**CHARLES PETERSON** said he wished the County would take the position that there was a different standard for primary and secondary access roads.

**THERE BEING NO FURTHER TESTIMONY, THE PUBLIC PORTION OT THE HEARING WAS CLOSED.**

The Board recessed for 10 minutes at 3:30 p.m. The Board reconvened the meeting at 3:40 p.m.

**DARRYL PIERCY** said it comes down to Public Hearings vs. Appeal Hearings, public notice is different for these two meetings. There is a different public process for approval of plat and road variances. He stated they have heard today there will be impact to the public and he believes it would be best to address the issue in a public hearing setting. In closing, he believes the applicants had competent professional help to fill out the application and in their 2007 letter, the applicants representatives indicated they were doing everything possible to meet conditions with the variance. He believes they should follow up with what they said.

**MS SHALLBETTER** said the appeal is an open record. She read County Code 12.10.10 into the record. She thought a comprehensive traffic plan should be submitted. She stated they don't know when the area will be annexed with the city and she believes the variance process is appropriate for her clients.

**MIKE MURPHY** stated that most of the easements necessary for the variance run along property lines. He said the parties looked at the most practical route for the access road and more planning won't change that. He thinks government has a role to facilitate economic development. In his closing arguments he said it is not fair to deny the variance request and believes it is the logical solution to the need for secondary road access.

**COMMISSIONER BOWEN** said he would like to take the three requests and apply the variance rules to each, but that it would be irresponsible not to look at them all together. He also said he realized it was a good faith effort to make a second road access but they would still have to apply the variance standards.

**COMMISSIONER CRANKOVICH** stated the second road access is very important, like the Urban Wildland Interface Code and we need to provide necessary safety aspects. He would like some more time to look at the variance requests.

**COMMISSIONER BOWEN** moved to continue the hearing to Tuesday, February 19, 2008 at 2:00 p.m. in the Commissioner's Auditorium, Room 109, Kittitas County Courthouse, 205 W. 5<sup>th</sup>, Ellensburg, WA 98926. **COMMISSIONER CRANKOVICH** seconded. **COMMISSIONER BOWEN** said

they should take the information and apply the criteria to it and come back ready to make decision. Motion carried 3-0. The record is closed.

Meeting adjourned 5:10 p.m.

**DEPUTY CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

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**Debbie Myers**

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**Mark McClain, Chairman**