

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

WEDNESDAY

1:30 P.M.

JUNE 04, 2008

Board members present: Commissioner Mark McClain, Commissioner Alan Crankovich, Commissioner Linda Huber.

Others: Darryl Piercy, Community Development Services Director; Trudie Pettit, CDS Planner I; Debbie Myers, Deputy Clerk of the Board and approximately 4 members of the public.

APPEAL HEARING

MARCHEL BLA APPEAL

CDS

At approximately 1:30 a.m. **CHAIRMAN MCCLAIN** opened the Special Meeting to consider the Appeal Hearing - David P. Nelson from Encompass Engineering & Surveying, on behalf of Arvin Marchel is appealing an administrative decision of the Kittitas County Community Development Department's denial of a request for Boundary Line Adjustment Number BL-08-00020. Arvin Marchel, landowner, submitted an application on March 14, 2008, for a boundary l line adjustment involving 5 parcels of land that are zoned Agriculture-20, located east of the City of Kittitas, north of Interstate-90 on Stevens Road, Ellensburg, WA 98926, located in a portion of Section 14, T17N, R20E, WM, in Kittitas County. Assessor's map numbers 17-20-14020-0017, 17-20-14020-0005, 17-20-14030-0009, 17-20-14030-0003 and 17-20-14030-0004. He read the hearing procedures into the record and swore in witnesses.

EXHIBITS SUBMITTED: **Exhibit 1** - is a two page document submitted by Community Development Services, page 1 showing existing parcel layout, second page shows proposed boundary line adjustment; **Exhibit 2** - a fifteen page document submitted by Dave Nelson; **Exhibit 3** - map submitted by Dave Nelson.

TRUDIE PETTIT, COMMUNITY DEVELOPMENT SERVICES PLANNER I, read her staff report into the record, stating the application was to boundary line adjust five parcels of land that are zoned Agriculture-20. The proposed boundary line adjustment would involve reducing the acreage of three already nonconforming lots, increasing the acreage of two nonconforming lots and increasing the acreage of one conforming lot. The property is located east of the city of Kittitas, North of Interstate-90 on Stevens Road, Ellensburg, WA. She advised this process is known as the "shuffle" and staff recommends denial of the request.

DARRYL PIERCY, COMMUNITY DEVELOPMENT SERVICES DIRECTOR, referred to Kittitas County Code 16.1.118 titled parcel creation where it speaks to boundary line adjustments and how it can create parcels of land. He said you can make the lot larger, but it does not fit to make it smaller; he also believes exemptions do not apply in this case. **MR. PIERCY** stated in the past, plats as large as 200 lots have been created in a process called the "shuffle" which Ms. Pettit referred to earlier, all without public process. If this is approved we would be encouraging the same process that we were trying to abolish in the county code in 2005. Boundary line changes were not created to increase density. He further advised a one-time split is allowed under the code and available to the applicant. This request has created an opportunity for additional density and he believes there should be provision for public response to additional density. The code language has been crafted to avoid what is happening here today. The Code says if you have a non conforming lot you could make the lot bigger. It says nothing about making it smaller. He said you have to look at the code and how it is applied.

COMMISSIONER HUBER asked if the one time split is only available to the 30 acre lot. **MR. PIERCY** answered no, anything greater than 8 acres is available for a one time split.

There was discussion on a combination of lots versus increased density.

DAVE NELSON, representing the appellant said they had done the "shuffle" in the past but it was no longer available to them. He said this request is to combine parcels together across the canal. He said they would be moving acres around, but what he would consider to be altering, not creating parcels. He also stated short plats can take six months to a year to complete.

There was discussion on boundary line adjustments and nonconforming lots.

HAROLD HOLMES commented on the industry in the area on the west side of the canal. He was interested in easements that might be in place.

THERE BEING NO ADDITIONAL TESTIMONY THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

In his final arguments **DARRYL PIERCY** stated that the concept is clear and separated. The County Code does allow for a one-time split to take farmland and provide separation of a lot, one time for that particular property, and that it exists in the code and will continue to be in the code. He indicated we would not be here if the applicants had chosen to do that. Secondly, the code allows for intervening ownership. If the applicant came forward with an intervening ownership application, we would be happy to process it. Lot four has gone through that process

and has been approved. A one-time split follows the elements and requirements of the code and has more public process available. A boundary line adjustment does not have the same process and the public has no input.

COMMISSIONER CRANKOVICH suggested looking at the information presented and making a decision later. He said in reference to County Code 16.08.55, generally, when the code is specific and silent on an issue, it specifically states what is allowed. He would like to review the information and make the right decision. **COMMISSIONER HUBER** agreed. **CHAIRMAN MCCLAIN** stated the question today is whether CDS correctly applied the code.

COMMISSIONER CRANKOVICH moved to continue the appeal hearing to June 17th, 2008 at 2:00 p.m. in the Commissioner' Auditorium, Room 109, Kittitas County courthouse. **COMMISSIONER HUBER** seconded. Motion carried 3-0. Record is closed.

Meeting adjourned at 2:40 p.m.

DEPUTY CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Debbie Myers

Mark McClain, Chairman