

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

TUESDAY

2:00 P.M

OCTOBER 20, 2009

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

Others: Cathy Bambrick, Public Health Administrator; Christina Wollman, Public Works; Brent Bottoms, Deputy Prosecutor and 6 members of the public.

PUBLIC HEARING AMEND COUNTY CODE PERMITTING PROCED. PROSECUTOR

At 2:00 p.m. **VICE-CHAIRMAN JEWELL** opened a public hearing to consider a proposed Ordinance to amend Kittitas County Code, establishing a permitting procedure for the County to review and require Event Permits and establishing a procedure for reconsidering existing Conditional Use Permits (CUP's).

BRENT BOTTOMS, DEPUTY PROSECUTOR explained the underlying reason for the proposed Ordinance stating there is a statute which gives authority to the Board to establish a procedure for events, otherwise they don't have the authority to regulate events. He said there have been instances in the past where the Board has granted an Event Permit and the applicant has agreed to do something after the permission was given, and they don't follow through before the event took place. The proposed Ordinance would replace the Music Festival portion of the County Code. He indicated the proposed amendments would allow for people to get CUP's for gatherings, where they would not have to come in and obtain separate Event Permits every time. **VICE-CHAIRMAN JEWELL** asked if it would apply to those events that are already established including sporting events, church congregations, (grange halls and those in business for weddings) who hold them on a regular basis. **MR. BOTTOMS** explained that as it's written, they would have apply for a CUP process, but the Board could allow for it if they chose, but it would be a one-time approval. **VICE-CHAIRMAN JEWELL** questioned that if the zoning already allows the use, would they have to reapply? **MR. BOTTOMS** said if their CUP already addresses it, they would be exempt from it. **VICE-CHAIRMAN JEWELL** felt it may be too broad and it was not necessarily what he was looking at to address the problems. **COMMISSIONER McCLAIN** noted it would only affect the unincorporated areas of Kittitas County. **VICE-CHAIRMAN JEWELL** suggested having

applications submitted within 90 days and approval given within 60 days of the event, and the Board could waive any requirements and establish findings in each case. He said requiring to post the entire Ordinance was strange. **COMMISSIONER McCLAIN** asked why the applicant would need to be 21 versus 18 years of age. He said the person could be an 18 year old person, getting married and have a bar at the function, but not be supplying alcohol.

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

VICE-CHAIRMAN JEWELL explained they would like requests submitted 90 days prior to the event; the age requirement be 18, unless alcohol to be present and if so, then the age of applying would be 21.

COMMISSIONER McCLAIN moved to continue the Public Hearing to Tuesday November 3, 2009 at 10:00 a.m. to consider enabling documents, noting it would be for Board Discussion & Decision only and that the record is closed. **COMMISSIONER JEWELL** seconded. Motion carried 2-0.

PUBLIC HEARING

PINE VALLY RANCH PLAT AMENDMENT

CDS

At 2:17 p.m. **VICE-CHAIRMAN JEWELL** opened a public hearing to consider

CHRISTINA WOLLMAN, PUBLIC WORKS reviewed a staff report to consider an amendment to the Pine Valley Ranch Plat, submitted by Traci Shallbetter, authorized agent for Dave Dickson, Terry Dawn and Renee Shepherd Dawn, landowners.

COMMISSIONER JEWELL noted that in 2001 a request was denied to vacate an unconstructed road right-of-way known as Forest Way located within the Pine Valley Ranch Plat, due to the potential of future transportation needs. He said he understood there had been communications between Ms. Shallbetter and Mr. Caulkins regarding that issue and that these types of requests should go through plat amendment request.

THOSE PRESENT & TESTIFYING: TRACI SHALLBETTER, ATTORNEY

REPRESENTING THE APPLICANTS explained she had not been involved in the 2001 application request and the process was for a vacation of a public road, which was different than a plat alteration. She believed the subject property was a private road, as defined in County Code and that in 2001 it was a completely separate process and criteria. She said a dedicated road does not make it a public road for any person to use. She explained that Forest Way was just lawn, has never been used for access since the 1960's, and the Pine Valley Maintenance Association's land owners voted by majority to

seek to get plat amendment, as long as it didn't cost the association anything. **COMMISSIONER McCLAIN** asked if she was stating a discrete section of its membership versus a majority of the association. **MS. SHALLBETTER** indicated they had sent out notices to everyone of their intent. **COMMISSIONER McCLAIN** asked if there were any covenants. **MS. SHALLBETTER** indicated only the 12 plat notes which everything on the plat covers the entire subdivision. **RICK HUNDLEY REPRESENTING THE HUNDLEY FAMILY** opposed the request for a plat amendment and explained his perception. He said he did not agree with Ms. Shallbetter's presentation and that you cannot get to their property off of Hundley Road or Prairie Lane, due to topography, wetlands and lakes which block access. He noted they are members of the Pine Valley Maintenance Association, own 8 lots and have right to use the roads. He said whether they wanted to plat it or not in the future does not matter, but they want to continue to have access to their property. He said Forest Way was not lawn, but rather gravel with several trees. He said it was not true that the road had not been used for access, because there is no other way to drive to their property to check on it. He said in the future, they may need to go back to harvest trees and whether they develop it or not, they still want continued access. He said there have been meetings held and various manipulations done to do things which does not truly represent 50% of the owner's opinions, and in fact, most of the people don't show up to the meetings. **COMMISSIONER JEWELL** asked why they did not record a formal easement for Forest Way. **MR. HUNDLEY** said after 2001, the neighbors planted trees to try and claim it and noted Forest Way was constructed just as the same as all the other roads. He indicated it was essentially an abandoned river bed with gravel, and the Maintenance Association does not access it, so they don't maintain it. **BILL HUNDLEY** submitted a photograph of wetlands into the record for the Boards consideration. **DAVE DICKSON** spoke of the gravel pit accessed off of Hundley Road and recent the concerns during the I-90 construction in which Mr. Hundley called the Association and apologized for any noise it may have caused and went away, so there has to be other access.

MS. SHALLBETTER explained it was a private issue, but they are not County road, unlike Hundley Road which borders their property. Although the Hundley's can voice objection, the roads are with the Maintenance Association and provides no benefit for the plat in which it was created. **THERE WAS NO ADDITIONAL PUBLIC REQUESTING TO TESTIFY AND THE PUBLIC TESTIMONY PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER JEWELL said he has questions he would like to ask of legal staff and would be in favor of continuing the public hearing to a later date.

COMMISSIONER JEWELL moved to continue the Public Hearing to Tuesday November 3, 2009 at 10:00 a.m. **COMMISSIONER McCLAIN** seconded. Motion carried 2-0.

The meeting was adjourned at 3:06 p.m.

CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Julie Kjorsvik

Paul Jewell, Vice-Chairman