

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

**TUESDAY**

**11:00 P.M**

**JUNE 8, 2010**

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

Others: Catherine Dunn, Deputy Clerk of the Board, Neil Caulkins and Brent Bottoms, Prosecutor's Office; Jan Ollivier, Planning Manager; Jeff Watson, Planner; Jeff Slothower, appellant's representation; Chuck Cruse, Cruse & Associates; Wayne Nelson, Encompass Engineering; Chris Taylor; Dave Duncan and 3 persons representing the public.

**SPECIAL MEETING**

**ADMINISTRATIVE APPEAL**

**COMMISSIONERS**

At 11:00 a.m. **Chairman Mark McClain** opened the special meeting continued from May 25, 2010, to consider an administrative appeal of the Community Development Services and Environmental Health Department, which was filed by **Attorney Jeff Slothower** representing D&H Ranc,. Inc., SDL Properties, Inc. and L&D Land Corporation, Inc. regarding vesting to rules and regulations applied on the date of the short plat application being submitted. The Board declared there were no obstructions to hearing the appeal.

**Commissioner Crankovich** said he had given this appeal a lot of thought and has read the arguments. He said Resolution 2004-36 was never appealed and was therefore codified. He said he agreed with the appellants.

**Chairman McClain** said he had a couple of issues on this appeal. He said he felt the appeal items were satisfied but feels the County shouldn't change mid-stream. He said applicants should be able to rely upon local legislation to vest.

**Vice-Chairman Jewell** said he thought the appeal raises three issues, did the County refuse to process the application; does the appellant have a vested right, and was Resolution 2004-36 an erroneous interpretation of State Law. He said he found the appellant was correct in two of the three issues. The letter from Ms Bambrick was a departure from Resolution 2004-36. He said he felt the vested rights doctrine did apply in the case of subdivisions, but that the County did not prove it erroneously interpreted RCW 58.17.110. He said the RCW states the applicant must make provisions for a number of different items but the local legislative authority then defines the appropriate provisions for application to subdivide. He said

RCW 19.27.097 states that each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate supply for the intended use of the building. Here, the State specifically calls for evidence at the building permit stage of potable water, not "adequate provisions".

**Vice-Chairman Jewell** moved to direct Public Health to process all pending applications including the appeal applications according to Resolution 2004-36. **Commissioner Crankovich** seconded the motion. Motion carried, 3-0.

**Vice-Chairman Jewell** moved to rescind Resolution 2010-48 and direct staff to prepare enabling documents for the next Agenda session. **Commissioner Crankovich** seconded the motion. Motion carried, 3-0.

Meeting adjourned at 11:20 a.m.

DEPUTY CLERK OF THE BOARD

  
Catherine Dunn

KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON

  
Mark McClain, Chairman