

COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
COMMISSIONERS AUDITORIUM
SPECIAL MEETING

TUESDAY

2:00 P.M.

OCTOBER 5, 2010

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

Others: Catherine Dunn, Deputy Clerk of the Board; Judy Pless, Budget and Finance Manager; Neil Caulkins, Stephanie Happold, Suzanne Becker, Deputy Prosecutors; Dan Valoff and Jeff Watson, Planners; Anna Nelson, Contract Planner; Doug D'Hondt, County Engineer; Darlene Mainwaring, KITTCOM; Howard Trott and Patrick Ryan, Teanaway Solar Reserve; Catherine Clerf, Ron Cridlebaugh, Economic Development Group; Marc Kirkpatrick and Wayne Nelson, Encompass Engineering; Matt Morton, City of Cle Elum; Kristina Proszek, Yakama Nation; Craig Neville; Fritz Glover; Mike Johnston, Daily Record and about 21 persons representing the public.

PUBLIC HEARING TEANAWAY SOLAR RESERVE DEVELOPMENT AGREEMENT CDS

At 2:00 p.m. **Chairman McClain** opened the public hearing continued from September 21, 2010 to consider the proposed Teanaway Solar Reserve Development Agreement.

Anna Nelson, Contract Planner, said that following the previous hearing, she and Deputy Prosecutor Neil Caulkins had revised the Development Agreement. She said it had then been put on the website with the comments received by September 29, 2010.

Commissioner Crankovich asked Deputy Prosecutor Neil Caulkins to comment on the scope of the hearing on the Development Agreement. **Mr. Caulkins** reminded everyone that comments were to be made on only the Development Agreement and the Board could not condition a Development Agreement. The Conditional Use Permit was issued by the Board of Adjustment. The only issue before the Board is the Development Agreement. He said there was a Land Use Petition (LUPA) Appeal currently which has not had a stay issued and there is no impediment to the Board of Commissioners ruling on the Development Agreement.

Commissioner Crankovich asked Anna Nelson whether there was a provision for the video documentation of County roads. She said it was in the MDNS which is included in the Development Agreement.

Commissioner Crankovich asked that it be put into the Development Agreement. He was concerned that it would be confusing and difficult to find and he said it was necessary to make the obligations clear to the applicant. **Ms. Nelson** said she was working on a matrix of conditions with the applicant to make the conditions clearer.

Vice-Chairman Jewell thanked everyone for the comments received noting that many were productive remarks that deserve consideration. He rebutted the Yakama Nation comments regarding "meaningful level" of consultation as well as comments regarding Section 6 Decommissioning and natural and cultural resources. He said the Yakama Nation letter of September 29, 2010 notes that their concerns should not be an exhaustive list, but he said since this was the time and place for comments and concerns, the Board was obligated to consider the list presented as complete.

Chairman McClain said he had reviewed the record and when he considered Ms. Proszek's testimony before the Board and the Yakama Nation's letter of September 29, 2010, stating that they had wanted further dialogue, he found their position offensive and overreaching. He said he believed staff gave notification to the Yakama Nation and other municipalities and felt that was sufficient.

Commissioner Crankovich agreed and said they were only considering the Development Agreement and the Yakama Nations concerns were addressed.

Vice-Chairman Jewell moved to approve the Development Agreement for the Teanaway Solar Reserve as amended and revised on September 23, 2010. **Commissioner Crankovich** seconded the motion. Motion carried, 3-0.

Commissioner Crankovich said he knew there would be frustration, but the Board is only considering the Development Agreement. He said it was a very unique way of doing things with the Board of Adjustment making the decision on the project, and the Board of Commissioners making the decision on the Development Agreement. He said he thought the Board of Commissioners should be making decisions of this magnitude, and not the Board of Adjustment. However, last year the Board denied that very idea in the Comprehensive Plan updates.

Vice-Chairman Jewell said it was not this Board's authority or place to deal with this application, but to move the process forward with the Development Agreement. He said he appreciated the comments and concerns of those testifying.

Chairman McClain said he had asked that the Board of Adjustment be dissolved through the Comprehensive Plan Annual updates. He said he had wanted more of a professional record for their decisions, such as the ones from the Hearing Examiner. He said the newspaper had criticized taking away the Board of Adjustment at the time, but had endorsed the idea of dissolving the Board now.

Vice-Chairman Jewell moved to continue the public hearing to October 19, 2010 at 10:00 a.m. in the Commissioners Auditorium for enabling documents. **Commissioner Crankovich** seconded the motion. Motion carried, 3-0.

PUBLIC HEARING TV IMPROVEMENT DISTRICT COMMISSIONERS

At 2:20 p.m. **Chairman McClain** opened the public hearing continued from September 7, 2010 to consider dissolving the Kittitas County TV Reception Improvement District and Board.

Suzanne Becker, Deputy Prosecutor, said she had requested an inventory list of the assets of the District in order to prepare enabling documents, but she has not received any information. She said she also believes the TV District has not met to vote on the dissolution.

Vice-Chairman Jewell moved to continue the public hearing to November 2, 2010 at 10:00 a.m. as part of the Board's Agenda under Discussion and Decision in the Commissioner's Auditorium for further consideration. **Commissioner Crankovich** seconded the motion. Motion carried, 3-0.

PUBLIC HEARING E911 EXCISE TAX ORDINANCE KITTCOM

At 2:30 p.m. **Chairman McClain** opened the public hearing to consider the proposed E911 Excise Tax Ordinance amending KCC Ch 3.44 and creating KCC Ch 3.45, the Agreement with the Department of Revenue and the Department of Revenue Secrecy Clause Affidavit.

Darlene Mainwaring, KITTCOM Director, said the State Legislature passed the E911 Modernization Bill which will improve technology for the County's 911 analog equipment, to receive digital data including texts, video and photos from the public. This will raise the County tax per access line from \$.50 to \$.70, effective January 1, 2011. The County must raise the Excise Tax or risk losing State funding for the E911 system. She said she understood the Board didn't want to raise taxes, but the addition will add to the KITTCOM's abilities and the citizen's safety.

Commissioner Crankovich said the negative far outweighs the positives of not raising taxes. **Ms. Mainwaring** said that last year, KITTCOM spent \$200,000 replacing equipment and there would be a great deal of funding lost if the Board did not approve the amendment.

Vice-Chairman Jewell said he did not appreciate the State's coercion in this matter and asked how much the administrative fee was. **Ms. Mainwaring** said it was a 1% fee this year with 2% fee next year.

Judy Pless, Budget and Finance Manager, said she wanted to sign the Secrecy Affidavit, because she had signed one for Sales Tax documents and she didn't want that one to be void if she didn't sign this one.

Stephanie Happold said the Secrecy Clause Affidavit says the person signing will follow the RCW's. She said she agreed that this process was frustrating but necessary.

Commissioner Crankovich noted this increase in tax is specific to E911.

Darlene Mainwaring said the Department of Emergency Management would be overseeing the administration of these funds.

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

ORDINANCE 2010-009 AMENDING KCC 3.44/ADDING KCC 3.45 KITTCOM

Commissioner Crankovich moved to approve Ordinance 2010-009 approving the amendment to KCC 3.44, adding KCC 3.45, Agreement with Department of Revenue and Secrecy Clause Affidavits. **Vice-Chairman Jewell** seconded the motion. Motion carried, 3-0.

Commissioner Crankovich said that while there is value in this increased tax, the counties are being held hostage. **Vice-Chairman Jewell** said it seems more appropriate to have these increased judged on their merits rather than under threat from the State which is contrary to what we believe as Americans. **Chairman McClain** noted as the County looks at \$125,000 every time there are enhancements to the system, there are municipalities who consider not passing the increases.

PUBLIC HEARING AMEND PERMIT FEES FOR ACCESS/ADDRESS PUBLIC WORKS

At 2:49 p.m. **Chairman McClain** opened the public hearing to consider modification to the Access and Address Permit Fees.

Doug D'Hondt, County Engineer, said that after developing the fee schedule passed earlier in the year, it was found there was a need for exemptions and a separate fee for address permits. The access permits are needed for lots in a subdivision, access onto State, Forest Service roads or Railroad easements and those with existing Access Permits will be exempt and Address Permits will be lowered from \$55.00 to \$35.00.

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

RESOLUTION 2010-103 ACCESS/ADDRESS PERMIT FEES PUBLIC WORKS

Vice-Chairman Jewell moved to approve Resolution 2010-103 to modify fees for Access and Address Permits. Commissioner Crankovich seconded the motion. Motion carried, 3-0.

PUBLIC HEARING VISTA VIEW ROADS ONTO COUNTY SYSTEM PUBLIC WORKS

At 2:52 a.m. **Chairman McClain** opened a public hearing continued from September 7, 2010 to consider adding portions of Vista View Division 1 Plat onto the County road system.

Doug D'Hondt, County Engineer, said the original applicants are working to get enough signatures to annex into the City of Ellensburg, because no one wants to pay the bond or the Variance Committee fees.

Stephanie Happold said there was nothing the County needed to do under these circumstances.

Vice-Chairman Jewell asked her concerns over waiving the Performance Bond on these roads. **Ms. Happold** replied she was concerned it would make the County liable for any repairs on these roads. **Mr. D'Hondt** agreed, saying when the other divisions of this plat are built out, large and heavy trucks will be traveling these roads and he was not sure they would be structurally sound after that.

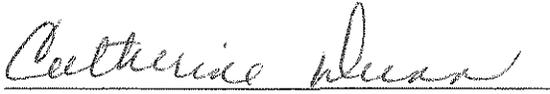
Vice-Chairman Jewell said he didn't like the options available to them. He said he thought it was onerous for the public to go through these processes. **Chairman McClain** said he thought they had to determine what was in the best interest of the whole County. **Commissioner Crankovich** said the basic premise was public safety. He said the applicants thought it was not safe to have children wait for school busses on the Kittitas Highway when they can wait on these interior roads, if they are on the County system. He said discussion

at the Planning Commission hearing was the opposition from neighboring landowners.

Commissioner Crankovich moved to deny the placement of the Vista View Division 1 Plat roads onto the County road system. **Chairman McClain** seconded the motion. Motion carried, 2-1 (**Jewell** opposed).

The meeting was adjourned at 3:00 p.m.

DEPUTY CLERK OF THE BOARD



Catherine Dunn

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



Mark McClain, Chairman