



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

CDS STUDY SESSION MINUTES

March 25, 2013

THOSE PRESENT: Obie O'Brien, Paul Jewell, Gary Berndt (BOCC), Rose Shriner, Doc Hansen, Lindsey Ozbolt (CDS), Kirk Holmes (PW), Neil Caulkins (PR)

GUESTS PRESENT: Mark Teske

Scope of Work for Professional Services:

Lindsey Ozbolt presented for Doc Hansen. Lindsey stated that Doc forwarded via e-mail the scope of work for Van Ness Feldman. The scope of work is not to exceed \$65,000. Most of the scope of work includes SMP and CAO and Comprehensive plan docket items. This is a heads up for a request will be made at agenda session to approve the scope of work. Commissioner Berndt questioned if this was an ongoing or annual contract. Commissioner O'Brien stated that the terms are for specific scopes of work, and once those items are completed the contract ends. Commissioner Berndt questioned if it was an addendum to the contract. Commissioner O'Brien stated Van Ness have been our contract planners for a couple years. Lindsey stated that basically this is like an addendum to the contract.

CAO and Potential Budget Request for ESA Services in Late Spring/Summer, 2013:

Lindsey presented that the Critical Areas Ordinance (CAO) is being pushed back because they need to complete the Shoreline Master Plan (SMP) before the CAO. Commissioner O'Brien stated the reason to complete SMP and CAO at the same time was for efficiency. Lindsey stated that some crosses the line. Commissioner O'Brien stated that we need to talk to ESA because we want it done in the most efficient way. Commissioner Jewell stated that the CAO will be separate codes, and then the SMP determines regulatory scheme. There is overlap between the two and not mixing the language between the SMP and CAO is a good plan. There is crossover work and it's confusing, but the analysis work was done at the same time. Commissioner O'Brien stated that it was his understanding that the difference between the CAO and SMP is the volume of water going down the creek. Commissioner Jewell stated that if a wetland is in a shoreline jurisdiction it has a higher standard of regulation than just being a wetland outside of the shoreline jurisdiction. Commissioner O'Brien stated that the best available science was used for both. Lindsey stated that they are different and sciences are applied differently to each. Commissioner Jewell stated that the regulatory scheme for Yakima River jurisdiction is different than the Swift Creek regulatory scheme. Lindsey stated that the SMP is a different document, than the CAO. The SMP has a section that is similar to what is being done for the City of Ellensburg SMP and takes portions of the CAO with amendments as needed to meet new regulations and put into the SMP. Commissioner Berndt stated that one or the other will have to come first. Commissioner Jewell stated that all jurisdictions are getting a SMP. CAO portions will be added to the SMP. Commissioner O'Brien stated that the same science and same outcomes were used. Lindsey stated only because it ties to the SMP. Commissioner Jewell stated that there are pieces of the CAO that go into the SMP but we won't actually update the full CAO until later. Commissioner O'Brien stated that those pieces won't change when they go into the CAO. Commissioner Jewell stated that there is a possibility certain critical areas won't be as strictly regulated outside the SMP than a critical area inside a shoreline jurisdiction. The buffer is going to be greater if it's a critical area inside a shoreline jurisdiction than if it is just a critical area outside a shoreline jurisdiction. Commissioner O'Brien stated with the caveat also that where it occurs makes a bigger difference. If it is a shoreline over 20 cubic feet per second in a wooded area, you are required to have more of a setback than in the plains or the city. You build your code to take in account all those variables. Commissioner Jewell stated that it's just like how we zone for lot size development you also zone for land use in the shoreline jurisdiction which create those standards that you're saying as far as place.

Extending Effective Date of Ordinance 13-001 to May 1, 2013:

Lindsey stated in the comprehensive plan compliance effort the target was to adopt it April 2nd. However, the hearings board is not having their teleconference until April 1st to review the changes adopted by the board and because of that we are proposing to extend the effective date to May 1st so we can have a decision by the hearings board before the effective date. Commissioner Jewell questioned if this will require an amending ordinance. Lindsey stated that it will require an amendment to the ordinance. Commissioner O'Brien stated that if it's an ordinance he's pretty sure that it will require a public hearing. Commissioner Jewell questioned if they can authorize the notice of that now so you can get it moved. Commissioner Jewell stated I move to authorize notice of a public hearing to consider ordinance amending Kittitas County ordinance 2013-001. Commissioner Berndt seconded that motion. Commissioner O'Brien stated that we have a motion and a second to begin the process of amending Kittitas County ordinance 2013-001 from April 1st, 2013 to May 1st, 2013. Commissioner Jewell, O'Brien and Berndt voted I. Commissioner O'Brien states that the motion passes.

Requiring Hearing Examiner Charges to the Applicant for Land Use Actions:

Doc stated this is more in terms of consideration to bring to your attention because we are in the process of updating fees. One of the things we are considering within the fee structure is that the hearing examiners fees be charged for hearings that are significant and/or land use actions. It will cost the county about \$1,000 each hearing and so what we want is to consider that in the fee structure and extend the charge to the applicant. Commissioner Jewell stated that when we adopted the hearing examiner system, the idea was to pass the cost to the applicant. I don't know why that would be subsidized. Doc stated that I would agree, however, a lot of hearings have not been significant and the applicant has not been charged. Commissioner Jewell stated that they are always supposed to be charged and it's supposed to be in the fee. Are we using the hearing examiner for something not in code? Doc stated that in the past conditional; use permits were handled by the Board of Adjustment and the hearing examiner wasn't involved and not included in the fees. So we have to make sure the hearing examiner is included in the fees and make sure the board is in agreement. Commissioner Jewell stated yes, include the fees. Doc stated that they will include it in the fee structure. Commissioner O'Brien stated that I agree, and Commissioner Berndt agrees.

Other Business:

Commissioner O'Brien stated that we pay a pro charge to our local newspaper for public notices and it's a substantial hit. The Seattle Times public notice says that they can request a hard copy and that's it. I am wondering if it'd be more cost effective to have a similar notice and suggested we use the minimum notice. Doc stated that he suggested we look into that if it's available. Commissioner Jewell stated that we did and commissioners who weren't here for this, we changed it so that the public hearing would include the date and time and if you want more information here is the web address. Other notices have very specific language and for the most part the Prosecutor's office looked at it and changed it to the minimum. Neil stated that it has been several years but we have looked at it. Cities have a statute that they have a website and that serves as public notice and that's it but counties do not have that provision. Commissioner Jewell stated that we try to keep it to a minimum. Commissioner O'Brien responded very good, thank you.

Board Direction: None