

**COMMISSIONERS' MINUTES  
KITITAS COUNTY, WASHINGTON  
APPEAL HEARING**

**MONDAY**

**2:30 P.M.**

**APRIL 26, 2004**

Those in attendance: Chairman Perry Huston, Vice-Chair Bruce Coe and Commissioner Max Golladay.

Others: Shannon Carlson, Deputy Clerk of the Board; Allison Kimball, Operations Supervisor for CDS; Warren Beed, Facilities Director; Bert Marx, Sheriff's Office; Bob Gubser, Sheriff's Office; Pat Kelleher, Appellant and approximately 12 members of the public.

**SEPA APPEAL**

**PAT KELLEHER/JAIL SEPA**

**CDS**

At 2:30 p.m. **CHAIRMAN HUSTON** opened the hearing to consider an appeal of the SEPA Determination for the Kittitas County Jail brought forward from Pat Kelleher.

**CHAIRMAN HUSTON** disclosed that he is a participant of the Law and Justice Citizens Advisory Board and he has had extra involvement as a Commissioner by sitting in on budget discussions and options for a jail site. He asked if anyone had any objections to him hearing the appeal. Seeing no objections he continued on. Chairman Huston explained how the hearing would be conducted beginning with the responsible official. **CHAIRMAN HUSTON** swore in all participants that were going to give testimony.

**ALLISON KIMBALL, OPERATIONS SUPERVISOR/RESPONSIBLE OFFICIAL FOR THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT** gave her staff report, outlining the SEPA responsible officials duties. She also reviewed the SEPA process and the public's right to an appeal. Ms. Kimball asked the Board to uphold the SEPA determination of Non-Significance. Ms. Kimball called Mr. Warren Beed to testify.

**WARREN BEED, FACILITIES DIRECTOR** went over Mr. Kelleher's concerns that he outlined in his appeal letter. The concerns related to the Consolidated Process, Compatibility with the City of Ellensburg's Comprehensive Plan, compatibility with the surrounding neighborhood, detrimental to the public health safety and general welfare, economic impacts, traffic, parking, and the vacation of Sixth Street.

**MR. PAT KELLEHER, the APPELLANT** testified that he was appealing the process of the SEPA not the validity of the jail. In his opinion the Community Development Services picked the most restrictive SEPA. The

SEPA did not include the plans review and vacation of any City streets. He brought up the fact that there were no facts in the record. There was no written record of the public's comments published or how the SEPA responsible official responded to any comments. There was no additional information for the public to comment on. There is no site plan for a parking lot in the SEPA application. He expressed that there was a need for more information and that it is an essential part of the appeal.

**COMMISSIONER COE** explained the consolidated process. **MR. KELLEHER** read the legal notice and stated that he had been in the Commissioners office several times to review the record and the only items in the record were his letter of appeal and the legal notice. **CHAIRMAN HUSTON** explained the procedure and process of an appeal hearing and that information to the appeal can be submitted at any time up to the hearing.

The Chairman opened the floor to any interested parties wishing to testify on this matter.

**KEN MCNAMEE** testified that he lives west of the Harold's Motel and agrees with Mr. Kelleher's appeal. He referred to a letter he sent to the Community Development Services Department and also called twice and never got any response to his questions with regard to this project. He was disappointed with no response from the County.

**VINCENT TOMASO** said that he has three issues. He asked that in the event that the public approves the jail, will they be looking at provisions for those individuals that are incarcerated with MH/DD issues. He said that the procurement of the hotels was a wise decision of the Board and since the majority of the inmates are not felony arrests, could the motels be renovated to house inmates if the hotels were made secure? His last question was if the County was going to rent out bed space once the new jail has been built?

**SEEING NO FURTHER TESTIMONY THE PUBLIC PORTION WAS CLOSED.**

**ALLISON KIMBALL, OPERATIONS SUPERVISOR/RESPONSIBLE OFFICIAL FOR THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT**, gave her closing remarks reminding the Board of the SEPA process. There was time given for public comments. There was a great deal of public input. She is requesting the Board uphold the SEPA determination of Non Significance.

**MR. PAT KELLEHER** stated that the basis of the appeal merits process and should be followed. He said the lead agency erred in the application deficiencies. He is asking the Board to reject the SEPA DNS.

**COMMISSIONER COE** said that he couldn't find any substantiated evidence and all he saw was frustration over the public process.

**CHAIRMAN HUSTON** said he hadn't heard anything that lead him to believe

that further review was necessary. The questions asked and issues brought forward lie outside of the SEPA process. It is the burden of the appellant to show errors, and there has not been enough information presented to show that the County made any errors. Nothing in the application was of adverse impacts. Other projects related to the jail such as the vacated streets, and design review will have their separate public comment times. The SEPA is the first item in the process to complete. He said that there was no new information and he will rule to uphold the determination.

**COMMISSIONER GOLLADAY** discussed frustrations with the process and jail impacts. He didn't feel the appellant presented a strong enough case to reverse the decision of the SEPA responsible official.

**MOTION**

**PAT KELLEHER/JAIL SEPA**

**CDS**

**COMMISSIONER GOLLADAY** moved to uphold the SEPA determination of Non-Significance. **COMMISSIONER COE** seconded the motion. Motion passed 3-0.

Appeal Hearing was adjourned at 3:18 p.m.

**DEPUTY CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

---

**Shannon L. Carlson**

---

**Perry Huston, Chairman**