

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

TUESDAY

10:00 A.M.

APRIL 27, 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; Catherine Dunn, Administrative Assistant for CDS; Merlin and Janet Hodges, Appellant.

ADMINISTRATIVE APPEAL

HODGES SHORT PLAT

CDS

At 10:00 a.m. **VICE-CHAIRMAN COE** opened the hearing to consider an appeal of the administrative decision to deny the Hodges Short Plat (SP 04-03).

COMMISSIONER COE went over the record and the outlined the details of how the appeal hearing would be conducted. **COMMISSIONER COE** disclosed that since the departure of the CDS Director he has been acting as a liaison between the BOCC and the CDS Department. He has not had any extra contact with anyone with regard to this subject.

CATHERINE DUNN, ADMINISTRATIVE ASSISTANT gave the staff report on behalf of Clay White, Planner who was out on vacation. Ms. Dunn reviewed the history and site analysis. She said that when Mr. and Mrs. Hodges came into CDS and talked to staff about placing two homes on 7.16 acre parcel located within the Ag-20 zone, staff advised them that two homes would be allowed on the property siting K.C.C. 17.29.040B states: *Commercial Agricultural Zones and Commercial agricultural Zone Overlay. In no case shall there be more than two dwellings (residences) on any lot of tax parcel unless such parcel is twice the required minimum (twenty acre) size.* Based on this information the Hodges submitted a request for parcel history asking if parcel 17-20-09010-0008 (7.16 acres) could be subdivided. CDS office responded to the parcel history request that the parcel was eligible for short platting into two lots.

Mr. and Mrs. Hodges submitted an application for a Short Plat and during preliminary review by Clay White, Staff Planner noticed that the applicants did not have the required 8 acres for the short subdivision process within Ag-20. K.C.C. 17.29.040 Lot Size Required states: *Commercial Agricultural zone Overlay. Twenty acres for any lot or parcel created after the adoption of the ordinance codified in this chapter, except that one smaller lot may be divided off any legal lot; **provided such parent lot is at least eight acres in size; and provided, that such***

divisions are in compliance with all other county regulations (e.g. on-site septic system). Once this provision has been applied to create a new parcel, it shall not be allowed for future parcel subdivision, while designated commercial agricultural zone overlay. The one-time parcel split provision should be encouraged where it is adjacent to ongoing commercial agricultural practices, especially since the intent of this provision is to encourage the development of home site acreage rather than removing commercial agricultural lands out of production.

CDS Staff sent a letter to the Hodges explaining the situation and possible solutions. After speaking with the Hodges, the former CDS Director, David Taylor sent a letter outlining the process for appealing the decision to deny the short plat.

The recommendation from the CDS department is to uphold the decision made by the former CDS Director to deny the short plat based on the insufficient acreage per K.C.C. 17.29.040.

JAN HODGES, APPELLANT referred to statements made from Chad Bala former CDS Planner from February 22nd to 23rd. She didn't understand why it took so long to find the error. She also explained she tried to pay for the fees for the short plat process, but she was told by staff planner Jan Sharar that they were not ready to take them.

CATHERINE DUNN explained that fees can not be collected until there are drawings of the plat and those had not been submitted.

JAN HODGES went on with her testimony that her and her husband went into the CDS department in July of 2003 to inquire on their parcel. They were given the information and from there started the short plat application process. They made several trips to the CDS department and with the surveyor to their property. She didn't understand why they never received a letter from Chad Bala, former Planner that they were not able to subdivide their property.

THERE BEING NO OTHERS INTERESTED IN TESTIFYING, THE VICE CHAIRMAN CLOSED THE PORTION OF THE HEARING FOR INTERESTED PARTIES AND ASKED FOR CLOSING ARGUMENTS.

CATHERINE DUNN, ADMINISTRATIVE ASSISTANT gave the analysis and asked that the Board uphold the decision made by the former CDS Director to deny the short plat based on the insufficient acreage per K.C.C. 17.29.040.

JAN HODGES, APPELLANT felt that if they had been told earlier that they couldn't subdivide their property, they wouldn't have been here in the first place, and they wouldn't have spent the money they did with the survey. They had put so much into the process she felt that the Board should reverse the decision made by the former CDS director.

CHAIRMAN HUSTON expressed distress and embarrassment that the information was given incorrectly. He expressed frustration with the misinterpretation of the Kittitas County Code, and how it is plainly written, so that there is no room to circumvent the code. He explained authority to grant the appeal, since it does go against County Code. He said he would need to seek a legal opinion of the Chief Civil Deputy Prosecuting Attorney before being able to make a decision.

COMMISSIONER GOLLADAY felt that the right thing to do was to grant the appeal and reverse the decision however, it may not be the legally acceptable thing to do. Mr. and Mrs. Hodges acted on good faith from a written statement given to them by a former employee.

MOTION **HODGES SHORT PLAT** **CDS**

COMMISSIONER HUSTON moved to continue the appeal hearing to October 28, 2003 at 1:30 P.M. in the Commissioner's Auditorium. **CHAIRMAN GOLLADAY** seconded the motion. Motion passed 2-0.

The Special Meeting was adjourned at 1:34 p.m.

DEPUTY CLERK OF THE BOARD **KITTITAS COUNTY COMMISSIONERS**
KITTITAS COUNTY, WASHINGTON

Shannon L. Carlson _____
Bruce Coe, Vice Chair