

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

WEDNESDAY

3:00 P.M.

MAY 5, 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; Jim Hurson, Chief Civil Deputy Prosecuting Attorney; Merlin and Janet Hodges, Appellant.

ADMINISTRATIVE APPEAL

CONTINUED HODGES SHORT PLAT

CDS

At 3:00 p.m. **VICE-CHAIRMAN COE** opened the continued hearing to consider an appeal of the administrative decision to deny the Hodges Short Plat (SP 04-03).

CHAIRMAN HUSTON, explained that he talked with Jim Hurson, Chief Civil Deputy Prosecuting Attorney, as well as doing some research. He could not find anything that says the Board has the authority to grant the appeal. He said that he wouldn't say that the County isn't liable on the mistake. He suggested that the Hodges could fill out a claim for damages should they feel they should be reimbursed for their costs from this process.

JIM HURSON, CHIEF CIVIL DEPUTY PROSECUTING ATTORNEY, explained that the Board can grant smaller zoning allowed, but in this case the Board can not over rule the decision. The Board cannot waive minimum lot size without an amendment to the code. He said should the Board decide to favor the appeal he could be assured this would be challenged to the Growth Management Appeal Hearings Board.

MOTION

CONTINUED HODGES SHORT PLAT

CDS

COMMISSIONER HUSTON moved to deny the appeal based on the insufficient acreage for subdividing per K.C.C. 17.29.040. and direct staff to develop the findings of facts. **CHAIRMAN GOLLADAY** seconded the motion. Motion passed 3-0.

The appeal hearing was adjourned at 3:08 p.m.

KITITAS COUNTY COMMISSIONERS

DEPUTY CLERK OF THE BOARD

KITTITAS COUNTY, WASHINGTON

Shannon L. Carlson

Bruce Coe, Vice Chair