

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

**TUESDAY**

**3:00 P.M.**

**April 26, 2005**

Those in attendance: Vice-Chair David Bowen and Commissioner Alan Crankovich.

Others: Shannon Carlson, Deputy Clerk of the Board; Paul Bennett, Director of Public Works; Joy Potter Public Works, Darryl Piercy, Director of Community Development Services; Joanna Valencia, Staff Planner, Marco Rains, Planner and 4 members of the public.

**ADMINISTRATIVE APPEAL**

**PINE GROVE PLAT 1 & 2**

**CDS**

At 3:00 p.m. **VICE CHAIRMAN BOWEN** opened the hearing to consider an appeal of the administrative decision of the Community Development Services Director based on the conditions that the Public Works Director placed on the Pine Grove Plats 1 and 2.

**VICE CHAIR BOWEN** went over the documents in the record and asked if there were any additional documents that need to be submitted. Seeing none he went over the letter dated March 18, 2005 from the appellant's attorney Jeff Slothower asking for a continuance because he had a conflict in his schedule.

**PAUL BENNETT, PUBLIC WORKS DIRECTOR** explained the two engineer reports with two separate issues pertaining to the plats. Mr. Bennett gave the Board the background to the short plats. There are some inaccuracies to the legal descriptions that are on file at the Auditor's office and Assessor's office. A Boundary Line Adjustment was submitted to Community Development Services for parcels 20-14-28000-0033 and 20-14-27020-0008. As of March 16, 2005 the taxes have not been paid on these therefore the boundary line adjustment has not been recorded and the property lines are not an accurate representation of the recorded legal description. Mr. Bennett recommends that the BOCC deny the appeal based upon the fact that the Plat submitted doesn't match the recorded legal description.

Mr. Bennett reviewed his Engineers Report #2 outlining the access issues. He went through the background of the plat process. Mr. Bennett is recommending that the BOCC uphold the administrative decision to grant conditional preliminary approval of the Pine Grove 1 and 2 Short Plats. Mr. Bennett went through all the access issues that are involved with the plats. Mr. Bennett reviewed the RCW's and WAC's that were cited as the authority for review of the plats submitted to Kittitas County

Public Works for approval by County Engineer. He also reviewed the AASHTO and WSDOT design standards that provided the legal authority to place restrictions on new development access locations for public health welfare and safety. Mr. Bennett recommends to the BOCC to uphold the administrative decision to grant condition preliminary approval of the Pine Grove conditional as submitted by Public Works on 2/14/2005, or direct Public Works to Grant Conditional Preliminary Approval with any one of the six additional access options discussed above.

**JEFF SLOTHOWER, REPRESENTING THE APPELLANT** showed Mr. Bennett the boundary line adjustment form (exhibit #1) proving that the taxes have been paid. Mr. Slothower reviewed the road standard goals with the comprehensive plan goals. Mr. Slothower asked Mr. Bennett questions that had to do with access and the current status of Book Lane and Storie Lane.

**MR. BENNETT** called Ms. Joy Potter, Engineering Manager for testimony. Mr. Bennett asked Ms. Potter what the process was in reviewing plats. Ms. Potter stated that she uses RCW's, the Kittitas County Code, the Kittitas County Road Standards, and WAC's, as tools to review plat applications. She explained that she had spoken with Mr. Chris Cruse about WAC 48.52.040 (Exhibit #15) and discussed issues and alternatives to the access and approach. She suggested a variance as an option to bring an easement to Pine Grove #2 that would provide access through Pine Grove 1 and 2 and a possible 3. She also explained that the existing road access has the potential to serve 8 lots. Ms. Potter reviewed the Road Standards and the Kittitas County code that pertain to lot requirements. She couldn't find any access permits on file pertaining to the Pine Grove plats. Mr. Bennett asked her to review easement requirements. Ms. Potter reviewed the easement and centerline distance requirements.

**MR. SLOTHOWER** asked Ms. Potter about road definitions and the code. Ms. Potter explained how road functionality is found using WAC's, Kittitas County Code, WSDOT Standards and AASHTO. He also asked her to explain her authority in reviewing plats. She explained that applying engineer judgment along with the code and directions given by the Director of Public Works who give the authority for Ms. Potter to make the judgments.

**MR. JEFF SLOTHOWER REPRESENTING THE APPELLANTS** called Mr. Chris Cruse for testimony. Mr. Cruse testified that he is a licensed surveyor on the Short Plat Pine Grove #1 and #2. He went through the plat properties and digital photographs taken April 22<sup>nd</sup> 2005 of the current property (Exhibit #8). The photos were taken from Mr. Cruse parked in Pine Grove #1 driveway. He addressed a letter that he received from Joanna Valencia, Staff Planner from Community Development Services regarding serial short plats and then another letter from Mr. Piercy stating that

the short plats would be processed separately. Mr. Cruse explained the conditional approval for Pine Grove #1 and #2 access points have to be obliterated on Pine Grove #1 and Pine Grove #2 would have to use Book Lane as the access. He explained issues with that and concerns with the one access. He was not given any specifics on spacing requirements for access. He understood the restrictions on accesses for the health, safety and general welfare to the public but did not feel this applied in this situation.

**MR. BENNETT** asked Mr. Cruse questions with regard to his knowledge of the codes for road design. Mr. Cruse acknowledged the referral to the AASHTO and the WSDOT guidelines. He also testified that he felt that the access is good regardless of the spacing as long as you can see 600 feet. He could not find the access requirements in the road standards as it applied to this plat. He testified that he did not take into consideration of the speed and functionality of Nelson Siding Road just sight distance.

**MR. SLOTHOWER** asked Mr. Chuck Cruse to give testimony. Mr. Cruse testified that he has been a licensed surveyor since 1979 and gave a history of his work experience including being part of the updated Road Standards. He explained that Pine Grove #1 has access an already established access and that Pine Grove #2 has an acces point from Book Lane. He referenced that in the past there hasn't been any spacing issues. He couldn't remember a single instance where this was an issue that an access has to be taken out. Under current Road standards there isn't a definition of spacing of access points.

**MR. BENNETT** asked Mr. Cruse to affirm that he didn't know of any place in the code that referred to access and spacing, and he did. **MR. SLOTHOWER** asked Mr. Cruse if he thought WAC 468-52-040 pertained to this application and Mr. Cruse said that he doesn't believe that it did.

**COMMISSIONER CRANKOVICH** clarified that the existing access can only access one more lot. **MR. BENNETT** said there is potential in the future to access more lots but as of now in the 3 acre zone so it can't be added to now. Mr. Bennett asked if there is anything in the Pine Grove #2 plats that would restrict the lots accessing on to the easement in Pine Grove #1.

**COMMISSIONER BOWEN OPENED THE FLOOR FOR PUBLIC TESTIMONY:**

**MR. ROGER WEAVER** referred to exhibit #2 and explained his involvement in the citizen advisory committee when the road standards was adopted.

**THERE BEING NO MORE PUBLIC TESTIMONY THE PUBLIC TESTIMONY PORTION WAS CLOSED.**

**COMMISSIONER BOWEN ASKED FOR CLOSING STATEMENTS:**

**MR. PAUL BENNETT** stated that the Board of County Commissioners identified West Side Road and Nelson Siding for State funding. He stated when reviewing this application staff looked at the safest access that is possible which could be used. He gave examples of major collector roads that have access issues and those were Vantage and Pfenning to No. 6 and numerous access issues on Wilson Creek. There are too many access back to back. More accesses create more problems with safety. Based on the information given Mr. Bennett asked the Board uphold the administrative decision and grant approval as stated by Public Works.

**MR. JEFF SLOTHOWER** stated that he feels Public Works is trying to impose an access condition in an impermissible manner and that the separation between Mr. Schroders driveway and Book Lane is too close for safety. He feels the problem is, there is no code section that applies to specifies distances with accesses. The Kittitas County Road standards are what are used in determining adequate access to standards, not the separation in access and spacing. Mr. Slothower asked to uphold the appeal and allow the short plat to be recorded with the access points shown on Pine Grove #1 using the already established driveway and Pine Grove #2 using Book Lane as in access.

**MOTION**

**PINE GROVE PLAT 1 & 2**

**DPW**

**COMMISSIONER BOWEN** moved to continue the hearing to Tuesday, May 10, 2005 at 3:00 P.M. in the Commissioner's Auditorium for Board Discussion and Decision noting the record was closed. **COMMISSIONER CRANKOVICH** seconded the motion. Motion passed 2-0.

The Special Meeting was adjourned at 5:05 p.m.

**DEPUTY CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

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Shannon L. Carlson

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David Bowen, Vice-Chair