

**COMMISSIONERS' MINUTES  
KITTTITAS COUNTY, WASHINGTON  
COMMISSIONERS CONFERENCE ROOM  
SPECIAL MEETING**

**FRIDAY**

**9:00 A.M**

**APRIL 28, 2006**

Board members present: Chairman David Bowen; Vice-Chairman Alan Crankovich; Commissioner Perry Huston.

Others: Julie Kjorsvik, Clerk of the Board; Joanna Valencia, CDS Staff Planner; Darryl Piercy, Director of Community Development Services; Jeffrey Slothower, Appellants Attorney and Chuck Cruse, Witness for Appellant.

At 9:00 a.m. **VICE-CHAIRMAN CRANKOVICH** opened a special meeting to consider an appeal filed by Attorney Jeffrey Slothower, on behalf of his clients Mr. and Mrs. William Stovall. The appeal is of the Director of Community Development Services administrative decision to deny a refund request for application fees paid to the Community Development Services department, for a segregation and boundary line adjustment. He reviewed the hearing procedures.

**DARRYL PIERCY, JOANNA VALENCIA AND CHUCK CRUSE** were sworn in by **VICE-CHAIRMAN CRANKOVICH**.

**JOANNA VALENCIA, CDS STAFF PLANNER** explained that landowner Bill Stoval had submitted applications for Boundary Line Adjustments and Exempt Segregations on August 29, 2005. The total amount paid for the application fees was \$2,100.00. She reviewed the site information and project background. She said after a thorough review of the applications were conducted by staff, it was determined they were inconsistent with the underlying Forest and Range-20 zoning of the subject parcels and therefore denied. She explained it was not the policy of the Community Development Services Department nor are there provisions in County Code to refund application fees, when they are denied. **COMMISSIONER HUSTON** asked for clarification that the fees were, based on the individual applications signed by Charles A. Cruse. **MS. VALENCIA** said they were based on individual applications. **ATTORNEY JEFFREY SLOTHOWER** cross-examined Ms. Valencia regarding the assignment of the files and the decision that was made to deny applications. **MR. SLOTHOWER** questioned Mr. Chuck Cruse, Surveyor for the appellants. **CHUCK CRUSE** presented testimony on the steps that must be taken when submitting BLA and Exempt Segregation applications. He claimed that staff had previously submitted refunds on applications once a determination of zoning and the age of parcel do not conform. He said when reviewing the information, he relies on a hard copy zoning atlas purchased by the County some time ago. He

claimed he had tried to use the County's GIS data base, but said it can be frustrating at times, because it's not up to date. Mr. Slothower noted the hard copy map Mr. Cruse used in his determination before submitting the applications. (**EXHIBIT 1 - map dated January 2, 2002**). He referenced two letters noting refunds that had been referenced for BLA & Exempt Segregations.

**MR. PIERCY** cross examined Mr. Cruse. He asked Mr. Cruse if he had met with staff to ask for assistance with researching prior to submitting the applications. **MR. CRUSE** said that he had consulted with staff on occasion on various applications.

**VICE-CHAIRMAN CRANKOVICH** asked for testimony from interested parties. There was no one in attendance requesting to testify.

**MR. SLOTHOWER** presented closing arguments. He said Mr. Cruse had relied on a document when making his determination that had been purchased from the County. He explained the applications were submitted in August and were not reviewed until late winter, when Ms. Valencia advised Mr. Cruse of the situation. He felt if the applications had been reviewed when they were initially submitted to the County, there would not have been the additional review done by staff and would have been rejected immediately, after the zoning determination was done.

**MR. PIERCY** stated the process for reviewing applications was followed and staff time had been spent on the applications. The application fees were based on a flat rate, not an hourly rate. He said the BLA and Exempt Segregations were linked and one could not have been considered without the other. He did not believe he has the authority within their department to refund the application fees.

**COMMISSIONER HUSTON** acknowledged there may have been an error on the map, but he was not convinced that was the issue. He said it was more significant at what time an application goes in and a determination of denial has been made. He said from time to time, people will come into the County and essentially get a "denial" without ever having submitted a formal application. He said there is physical evidence that in times past, refunds have been offered as a result from information that was found in initial review. He noted Mr. Cruse signed each individual application and staff signed only one of those denying the application. He felt if all the applications were to be considered separate, then staff should have signed and marked each one, which was not done. He suggested staff calculate the appropriate application fees relevant (not reviewed or denied) and to refund the remainder. **CHAIRMAN BOWEN** acknowledged that both time and energy was put in to the applications from Community Development Services, and the Public Works Department. He

noted for the record that no one was dragging feet in the CDS department, and that everyone has due diligence in submitting applications. **COMMISSIONER CRANKOVICH** felt there had been a lot of assumptions made in the process, but in the long run, those can lead to uncomfortable situations. He said in an effort to expedite process, things are sometimes overlooked or can be assumed and they turn out to be false. He did acknowledge that if the initial determination would have been made sooner, not as much work would have gone into the applications.

**COMMISSIONER HUSTON** felt the mapping mistake was not relevant to discussion, nor the lag in time. He said the significant point was that time to time people come in and ask questions before submitting a written application and fees. He suggested creating something which could be codified of which constitutes an application. Since the County doesn't have one in place at this time, he felt the County needs to go back to past practices.

**COMMISSIONER HUSTON** moved to direct staff to calculate the fees from the work which was completed and recorded in the record on Page 1 of the Boundary Line Adjustment applications for the three parcels and for all other monies to be refunded. **CHAIRMAN BOWEN** seconded. Motion carried 3-0.

**VICE-CHAIRMAN CRANKOVICH** moved to continue the hearing until Monday May 1, 2006 at 2:30 p.m. in the Commissioners Auditorium, Room 109, County Courthouse. **CHAIRMAN BOWEN** seconded. Motion carried 3-0.

Meeting adjourned at 9:57 a.m.

**CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

---

**Julie A. Kjorsvik**

---

**Alan Crankovich, Vice-Chairman**