

**COMMISSIONERS' MINUTES  
KITITITAS COUNTY, WASHINGTON  
COMMISSIONERS AUDITORIUM  
SPECIAL MEETING**

**WEDNESDAY**

**1:30 P.M.**

**DECEMBER 19, 2007**

Board members present: Chairman Alan Crankovich; Vice-Chairman David Bowen and Commissioner Mark McClain.

Others: Mandy Robinson, Deputy Clerk of the Board; Darryl Piercy, Director of Community Development Services; Brandon Drexler, Director of Public Works; Christina Wollman, Staff Planner II DPW; Judy Pless, Auditor's Office Finance Manager, and 4 members of the public.

**APPEAL HEARING**

**MARKUS SHORT PLAT SP-05-72**

**CDS**

At approximately 1:30 p.m. **CHAIRMAN CRANKOVICH** opened a hearing to consider an appeal filed by Jack and Velma Henry, who are appealing the administrative decision denying a road variance request that would allow for access to their property located on Lot #3 of the Markus Short Plat (SP-05-72), off of Game Farm Road (LOT 3; SEC 30, TWP 18, RGE 19) in Ellensburg, Washington. Parcel Number 950273. He read the hearing procedures into the record and swore in witnesses.

**BRANDON DREXLER, DIRECTOR OF PUBLIC WORKS** read a staff report into the record including general and site information, variance elements, Road Variance Committee findings of fact, Appeal Elements, Staff Response's, issues and conclusion. He explained that Conditional Preliminary Approval for the Marcus Short Plat SP-05-72 was granted on November 15, 2005 by the Department of Public Works. The conditions state: Access to Lots 1, 2, & 3 shall be via the 60' easement "Q" as shown on the face of the preliminary plat. The Federal Functional Classification of Game Farm Road is Rural Major Collector, which is defined by the Federal Highway Administration (FHWA) as: *The rural collector routes generally serve travel of primarily intra-county rather than statewide importance and constitute those routes on which (regardless of traffic volume) predominant travel distances are shorter than on arterial routes.* And defined by RCW 47.05.021 as: *The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.* He provided Exhibits of the property and stated when calculating access spacing, Public Works considers the functional classification and

speed limit of the road, and considers all types of access equal. Kittitas County Road Standards require accesses on a Rural Major Collector with a speed limit of 35 mph to be 500' apart, as shown in table 5-1 within the body of the staff report Page 3. The proposed access would be approximately 290' east of the Easement 'Q' access and 160' west of the Ag access and 370' west of the residential access. See Exhibit 2. He stated Easement 'Q' is 60' wide and is sufficient for construction of a truck access. The applicant can widen the existing approach and private road to meet the needs of the truck. Kittitas County Road Standards 12.05.030 (6) states: *Parcel creations which are adjacent to a major or minor collector/arterial (as designated by the Board) shall be provided access other than the arterial if available. No more than one access shall be granted to an individual parcel or to continuous parcels under the same ownership unless it can be shown that 1) additional access would be beneficial to the public traveling the public road, or 2) allowing one access would be in conflict with local safety regulations and the additional access would not be detrimental to the public health, safety and welfare.* Kittitas County Road Standards 12.05.030 (2) states: *Access permits shall be issued only in compliance with the section. In no event shall an access be allowed or permitted if it is detrimental to the public health, welfare, and safety. Spacing requirements for all access points are shown in Table 5-1.* (Page 3 of staff report). (1) Any access that cannot meet applicable spacing will require a request for a variance. (2) Residential & Urban zones will be evaluated on a case by case basis. (3) Federal Function Class- Refer to KCC 12.03.030 (4) Includes public and private roads and all other access points.

**MR. DREXLER** stated the Board of County Commissioners received a timely appeal from Jack Henry on November 5, 2007. Kittitas County Department of Public Works received notice of the appeal on November 5, 2007 which included the following appeal issues: **Appellant** (Henry's) Our 2 acre plat on Game Farm Road is low on ¼ of the property requiring fill, which when leveled up can be turned into driveway access, but not built upon. This limits our home and shop/barn placement options since we can only build on native soil. Access off of Game Farm Road will alleviate this problem by allowing us to turn this low-lying property in our driveway. **MR. DREXLER** stated staff's response to that was this information was not provided in the variance application. He stated The International Building Code allows homes to be built on fill that has been properly compacted. **Appellant** (Mr. Henry) said the septic and drain field placement laws leave little leeway for placement of a house and shop/barn on our property making it a hardship to locate a driveway using the existing easement/right-of-way. Approval of the variance would allow us to build on the eastern end of our property and turn the west end of the property into a driveway. Disallowing this access has an impact on our property value both monetarily and

personally in aesthetics due to placement of dwellings and landscaping, which can affect the appraisal and resale value of our future home and property and the ability to utilize the full 2 acres as intended. **MR. DREXLER** stated staff's response to that was again this information was not provided in the variance application. **Appellant (Mr. Henry)** said approval of access to the property from Game Farm Road will allow for entrance or exit from two right-of-ways, therefore only impacting traffic flow in and out of the property itself. **MR. DREXLER** stated staff's response to that was the applicant stated in the variance application that he wanted the new access so he could easily enter and exit with his truck and trailer and so a private entrance could be used instead of the easement access. The appeal document states that the applicant is requesting the additional access so a looped driveway can be constructed that will allow for entrance or exit from two locations. **APPELLANT (Mr. Henry)**: Said future development of single parcel lots and short plats off of Game Farm Road will additionally slow traffic. The 35 mile per hour speed limit on this stretch of road already addresses this issue - if this is what is meant by "may create additional hazards and does not protect the safety of the public". **MR. DREXLER** stated staff's response to that was Kittitas County Road Standards, Chapter 5 Driveways and Accesses, 12.05.020: *it is the purpose of this section to provide the procedures and standards necessary to protect the public health, safety, and welfare, to maintain smooth traffic flow, to maintain highway right-of-way drainage, and to protect the functional level of the public highways while meeting state, regional, local, and private transportation needs and interests.* The Washington State Department of Transportation states: *Managed access regulation is based upon the premise that the access rights of a property owner are subordinate to the public's right and interest in a safe and efficient highway system. While growth and development are usually good for the local economy, they may result in too many access points located too close together along a highway. This increases the likelihood of safety hazards and traffic congestion which reduces the level of service on the state highway. Reduced levels of service may then increase demand for transportation system improvements. Access management tempers this cycle by managing the traffic movements onto and off of the state system in order to minimize conflict and increase traffic flow. This contributes to the longevity of the highway by preserving its safety and capacity.* **MR. DREXLER** stated in conclusion: Consistent with the requirements set forth in KCC 12.05, the Road Variance Committee denied the request for a second access.

**COMMISSIONER McCLAIN** questioned whether the Road Variance Committee would have the same answers if #2 & #3 information was provided ahead of time.

**MR. DREXLER** stated he couldn't answer that for the whole committee.

## **APPELLANT'S TESTIMONY**

**MR. HENRY** provided pictures and a drawing to the Board. He reviewed the surrounding neighbors & their accesses. He stated he only wants one access. He reviewed why this location for access is so important to the Henry's, and felt it would help traffic flow as well as alleviate pressure from the tires when turning on a chip sealed road. **MR. HENRY** did a drawing on the white board showing how the new access would allow him in and out with his dump truck & how it would be beneficial to the County. He reviewed the safety concerns if the access isn't approved. He stated he's only asking for 30' more. **MR. HENRY** said he will hard surface the access if it's given immediately.

## **FINAL ARGUMENTS**

**MR. DREXLER** felt we would be back tracking if this was approved not to mention ignoring County Code. He stated they have been working hard to keep things consistent with these types of requests.

**MR. HENRY** asked if consideration would be given to do a three way catch basin, and questioned who would pay for that?

**MR. DREXLER** stated the Henry's would be responsible for paying for the catch basin, and he felt it would be cheaper than a second driveway.

**MR. HENRY** stated they need one driveway to accommodate all their traffic; and he questioned whether it would be possible to put in a culvert along with the other suggestions such as the catch basin.

**MR. DREXLER** stated there would only be another five hundred yards until SEPA becomes an issue.

**MR. PIERCY** stated if SEPA is involved you can have an unlimited amount of fill.

## **BOARD DISCUSSION**

**CHAIRMAN CRANKOVICH** understands and looks at the request in terms of what's being asked. He feels this is a fair request and also understands that there were details left out of the record. He stated he would be comfortable remanding this back to staff to see what they can make work with the Henry's input and assistance.

**COMMISSIONER BOWEN** stated that Mr. Carbary's comments were accurate but left for interpretation. He stated this is a very unique

situation, he suggested the Henry's see if it would be possible to use the Markus's driveway.

**COMMISSIONER McCLAIN** stated he felt staff's analysis was correct but empathizes with the landowner, and he stated this is a catch 22. He suggested asking for additional information and see about using the AG access but felt the Markus's and Henry's could work together.

**CHAIRMAN CRANKOVICH** stated he truly appreciates a citizen trying to benefit the roads & safety of others. **CHAIRMAN CRANKOVICH** moved to continue the hearing to Wednesday January 9, 2008 at 1:00 p.m. in the Commissioners Auditorium and directed staff to work with the Henrys. **COMMISSIONER BOWEN** seconded. Motion carried 3-0.

---

**PUBLIC HEARING**

**2007 BUDGET AMENDMENT**

**AUDITOR**

At approximately 2:27 p.m. **CHAIRMAN CRANKOVICH** opened a hearing to consider a Resolution amending the 2007 budget.

**JUDY PLESS, BUDGET & FINANCE MGR**, reviewed a proposed Resolution which would amend the 2007 budget. The list shows amounts for the General Fund, Recreation, Public Health, Noxious Weed, Misdemeanant Probation, Trial Court Improvement, Stadium Fund & the Capital Improvements for a total amendment of \$1,740,176.00.

**RESOLUTION 2007-167**

**2007 BUDGET AMENDMENT**

**AUDITOR**

**Commissioner Bowen** moved to authorize Board signature on Resolution 2007-167, amending the 2007 Budget, in the total amount of \$1,740,176.00. **Commissioner McClain** seconded. Motion carried 3-0.

Meeting adjourned at 2:30 P.M.

**DEPUTY CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

---

**Mandy Robinson**

---

**Alan Crankovich, Chairman**