

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

TUESDAY

2:00 P.M.

MARCH 17, 2009

Board members present: Chairman Alan Crankovich; Vice-Chairman Paul Jewell and Commissioner Mark McClain.

Others: Mandy Robinson, Deputy Clerk of the Board; Tom Kelley, Construction Manager; Dan Davis, Chief Building Official; Doug D'Hondt, County Engineer; Patti Johnson, Solid Waste Director; Zera Lowe, Deputy Prosecutor; Stephanie Happold, Deputy Prosecutor; Kirk Holmes, Public Works Director/Interim Community Development Services Director; Dan Valoff, CDS Staff Planner; Lisa Iammarino, Code Enforcement/Investigation Officer; Brent Bottoms, Deputy Prosecutor and approximately 10 members of the public.

PUBLIC HEARING

LEASE - VALLEY ESPRESSO

COMMISSIONERS

At approximately 2:00 p.m. **COMMISSIONER CRANKOVICH** opened a public hearing to consider leasing County owned property (Valley Espresso) located at 409 N. Ruby Street Ellensburg, WA 98926.

ZERA LOWE, DEPUTY PROSECUTOR said the County had recently approved an assignment of lease with the current tenant that ends at the end of August 2009 and they would like the Board to consider another lease for two years beginning September 1, 2009 and to expire August 31, 2011.

COMMISSIONER JEWELL questioned who would be responsible for snow removal in the lease. **ZERA LOWE, DEPUTY PROSECUTOR** indicated that the lease addresses maintenance, which covers debris and brush, etc. **COMMISSIONER McCLAIN** felt the lease covers it. **COMMISSIONER CRANKOVICH** felt that the requirements that the City of Ellensburg imposes would be attentive to the needs of snow removal, since the business is within the city. He explained that Ms. Stewart owns the building and lease is for the parcel.

COMMISSIONER McCLAIN indicated that there had been on-going concerns regarding a light next to the building. He explained that there is an Attorney in town that calls frequently and asks when it will be fixed. **ZERA LOWE, DEPUTY PROSECUTOR** felt that the utilities would be the lessee responsibility. **DESI STEWART, LESEE** indicated that she had looked for a control panel in the business and saw nothing labeled for the light. The Board indicated they would have the

Maintenance Department look into it. **DESI STEWART** questioned if she had permission to make alterations to the building, such as painting or new signage. **COMMISSIONER McCLAIN** indicated that it is her building, and she can do what she'd like to it. He reminded Ms. Stewart that she is only leasing the parcel the building is hers. **COMMISSIONER CRANKOVICH** encouraged Ms. Stewart to contact the City to make sure she is complying with their requirements. **COMMISSIONER JEWELL** indicated that although he was not for certain he thought that the County would have to sign off on the signage and the City has a Sign Code and a Design Review Board that he would encourage her to look into it. **DESI STEWART** questioned the provisions regarding the sales of clothing, mugs, etc. She explained that it currently says she will only sell food and coffee. **COMMISSIONER McCLAIN** questioned Ms. Stewart and requested confirmation that she was not intending to open a "Bikini Business".

LEASE CARAVAN DELIVERY & ESPRESSO COMMISSIONERS

COMMISSIONER McCLAIN moved to approve Board signature on the commercial building lease between Kittitas County and Desi Fay Stewart d/b/a Caravan Delivery & Espresso LLC. Noting the term of the lease shall be for two years and will commence on the 1st day of September 2009 and terminate on the last day of August 2011. **COMMISSIONER JEWELL** seconded. Motion carried 3-0.

PUBLIC HEARING HAYWARD ROAD NON-EXCLUSIVE FRANCHISE PUBLIC WORKS

At approximately 2:13 p.m. **CHAIRMAN CRANKOVICH** opened a continued public hearing from February 18, 2009 to consider granting a Non-Exclusive Franchise on Hayward Road located in Sections 15, 16, 21 & 22 of Township 19, Range 17, Ellensburg, Washington. He explained that the hearing had been continued due to an error in advertising.

DOUG D'HONDT, COUNTY ENGINEER apologized and explained to the Board that they needed to request the Board either close or continue the hearing again, as there were additional error's that were not originally caught. He explained that somehow inadvertently Bettas Road was left out of the legal notice. **COMMISSIONER McCLAIN** moved to close the hearing with no action taken. **COMMISSIONER JEWELL** seconded. Motion carried 3-0.

PUBLIC HEARING HAYWARD/BETTAS ROAD FRANCHISE PUBLIC WORKS

At approximately 2:14 p.m. **CHAIRMAN CRANKOVICH** opened a public hearing to consider establishing a non-exclusive franchise agreement with Sagebrush Partners, LLC.

DOUG D'HONDT, COUNTY ENGINEER reviewed a staff report noting that Sagebrush Partners, LLC is seeking approval for a new non-exclusive

does not clearly regulate the placement and habitation of Park Models, Park Model Trailers and RV's within Kittitas County.

COMMISSIONER JEWELL questioned KCC 14.08.295 Sub Section#1. **MS. IAMMARINO** review the placement and permanent set up language. **COMMISSIONER JEWELL** felt that it was crucial to clearly outline camping for recreational purposes or hunting, etc.

There was discussion over Sub Section #2 and how it works with Sub Section #6 & #7. **COMMISSIONER JEWELL** felt the Sections were conflicting. **BRENT BOTTOMS, DEPUTY PROSECUTOR** answered questions regarding Section #2. Further discussion on whether the language would prohibit camping during flood season and/or the camping season. **MR. BOTTOMS** addressed concerns over the lack of consistency in Sections 6 & 7. He noted the changes that were made and provided copies to the Board to reflect the new changes.

DARLENE BOYKIW, YAKIMA RIVER RV PARK expressed her concerns for the RV Park she owns. She questioned her location of being in a flood plain and explained that tents in her opinion were more trouble than RV's. She expressed her feeling of being threatened by this Ordinance and the impacts to her business.

THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER McCLAIN indicated he needed more time to consider the proposed amendments, specifically pertaining to potential camping impacts. **COMMISSIONER JEWELL** agreed. **COMMISSIONER McCLAIN** was appreciative of the idea of what was trying to be accomplished. **COMMISSIONER CRANKOVICH** agreed that some of the word-smithing needed work to include more specifics in the language. **KIRK HOLMES, DIRECTOR OF PUBLIC WORKS/INTERIM CDS DIRECTOR** clarified that the intent was not to eliminate camping as the camp grounds discussed are all permitted i.e., KOA and Ringer Loop Campground.

MR. BOTTOMS, MR. HOLMES AND MS. IAMMARINO indicated that they would meet and bring new information forward to consider at the next Public Works Study Session prior to it going through a Public Hearing.

COMMISSIONER CRANKOVICH moved to continue the hearing to Tuesday April 7, 2009 at 2:00 p.m. in the Commissioners Auditorium Room #109, Ellensburg WA, 98926, noting the record was closed. **COMMISSIONER JEWELL** seconded. Motion carried 3-0.

PUBLIC HEARING

SOLID WASTE FEES

SOLID WASTE

At approximately 3:00 p.m. **CHAIRMAN CRANKOVICH** opened a public hearing to consider setting rates for additional and replacement charge cards for accounts and an insufficient fund transaction fee for the Solid Waste Department.

PATTI JOHNSON, SOLID WASTE DIRECTOR reviewed a staff report. She explained the Solid Waste Department does not currently have the means to recoup its costs for making cards for charge customers who set up an account and want multiple cards for different employees. In addition, the Department does not have means to recoup its costs when a customer comes through the transfer stations and doesn't have enough funds to pay for their disposal fee. She stated that if the customer does not come back the same business day to pay, they would like to be able to treat those transactions the same as an NSF check and apply the County adopted fee for NSF check's. She explained that this cost would help cover the additional staff time for tracking and the collection of funds.

COMMISSIONER CRANKOVICH cautioned Ms. Johnson and explained some of the concerns he could see coming from the fee. He explained that it is a good measure of protection for the County, but he hopes it doesn't have a reverse affect on citizens.

THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

RESOLUTION 2009-35 SOLID WASTE FEES SOLID WASTE

COMMISSIONER JEWELL moved to approve Board signature on Resolution 2009-35, In the Matter of Setting Fees for the Solid Waste Department. **COMMISSIONER McCLAIN** seconded. Motion carried 3-0.

PUBLIC HEARING KCC CHAPTER 14.04 CDS

At approximately 3:04 p.m. **CHAIRMAN CRANKOVICH** opened a public hearing to consider revising language in KCC Chapter 14.04, Building Code.

DAN DAVIS, CDS INTERIM BUILDING OFFICIAL reviewed a staff report. He explained that the current KCC Chapter 14.04.070 (Permits) contains language whereby a building permit expires if work is not started after 365 days from purchase of the permit or; if the permit is abandoned from 365 days or more from the date beginning work or; if no inspection is requested and passed for a period of more than 365 days. Currently KCC Chapter 14.04.070 (Permits) also contains language whereby the Building Official is authorized to grant an extension to a building permit which is standard code language; characteristic of all Washington State adopted International Codes the extension shall be requested in writing, prior to permit

expiration and justifiable cause shall be demonstrated. He noted the fee for an extension is \$200.00. He explained that the current KCC Chapter 14.04.070 (Permits) also contains language whereby, if a permit is expired, a new permit may be obtained for one-half the amount of the original permit fee(s) for a new permit for such work, less plan review fees, provided that no changes have been made and the codes have not changed. He reviewed that to-date, Kittitas County Community Development Services (CDS) has not actively administered a program to manage expired permits and historically, an expired permit has only been identified when a permit holder requests an inspection and it is determined that the permit is expired. He further explained that CDS will develop a program whereby expired permits are identified and actively processed on a yearly basis. This new program would proactively manage expired permits in an effort to prevent occupancy of structures that have not received a final inspection and/or a Certificate of Occupancy. He indicated that it is a violation of both the International Residential Code (IRC) and the International Building Code (IBC) to occupy a structure without a final inspection and subsequent Certificate of Occupancy. He explained that under the new program, CDS will actively identify expired permits and send letters to permit holders notifying them that their permit is expired, and that they must pay ½ of the original permit fee to reinstate their permit or they will be in violation of both the IRC and IBC. He noted that in an effort to effectively and efficiently manage expired permits, several minor changes are recommended to KCC Chapter 14.04.070 (Permits). Those changes would allow for better use of limited staff time and resources to process expired permits and provide a new customer service where and when appropriate. The proposed changes are as follows: 1) The main change would allow the Building Official, or designee, to conduct a final inspection on an expired permit if all inspections are completed except the final inspection. 2) The length of permit extension would also be changed from 180 days to 365 days to be consistent with other areas of KCC Chapter 14.04. 3) If a permit is renewed under a different code a new plan review would not be needed if the incomplete and/or uninspected portions of the structure are not affected by the code changes.

THOSE PRESENT AND TESTIFYING:

LARRY HILLIS, 3191 KILLMORE ROAD, ELLENSBURG WA 98926 expressed his concerns over getting final inspections and the current time frames associated with them.

THERE BEING NO ONE ELSE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED

ORDINANCE 2009-05

EXPIRED BUILDING PERMITS

CDS

COMMISSIONER McCLAIN moved to approve Board signature on Ordinance 2009-05, Regulating Expired Building Permits. **COMMISSIONER JEWELL** seconded. Motion carried 3-0.

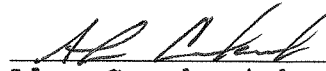
Meeting adjourned 3:15 p.m.

DEPUTY CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



Mandy Robinson



Alan Crankovich, Chairman