

Kittitas County Community Development Services

Agenda Staff Report

AGENDA DATE:

4/6/2010

ACTION REQUESTED:

Findings of Fact and Decision regarding BOCC decision on the Performance Based Cluster Plat Code Interpretation for Open Space.

BACKGROUND:

On November 25, 2009, Community Development Services Staff Planner, Dan Valoff, signed a code interpretation letter addressed to Sean Northrop, Sapphire Skies, in response to a code interpretation request regarding the calculation of required open space in Performance Based Cluster Plats.

The County code interpretation letter was emailed from the County to Mr. Northrop on November 30, 2009. A timely appeal was submitted on behalf of Sapphire Skies et al on December 8, 2009 by Groff Murphy Lawyers to the Board of County Commissioners.

After proper notice, an appeal hearing was held on January 20, 2010 at which testimony was taken. The record was closed and the hearing was continued until February 2, 2010 for Board deliberation, where the Board passed a motion by a vote of 2 to 1 to uphold the appeal and overturn CDS staff's interpretation. Commissioner Jewell voted to deny the appeal.

INTERACTION:

Prosecutor's Office has review the Findings of Fact, Conclusion of Law and Decision document.

RECOMMENDATION:

Staff recommends that the Board sign the Findings of Fact, Conclusion of Law and Decision.

HANDLING:

Return signed Findings of Fact, Conclusion of Law and Decision to CDS Staff Planner.

LEAD STAFF:

Dan Valoff