

Kittitas County Prosecutor

Agenda Staff Report

AGENDA DATE:

7/17/2012

ACTION REQUESTED:

Approve Order regarding Kuhn short plat appeal

BACKGROUND:

Mr. Kuhn appealed the second access requirement in the approval of his short plat on various grounds and also challenged the propriety of the County's administrative appeal process. After due notice and briefing, the BOCC conducted their deliberation on the administrative appeal. The BOCC found that the imposition of the second access requirement was proper. The BOCC found that the imposition of the second access requirement does not work a taking. The BOCC found that, in so far as the appeal represents a collateral attack on all second access requirements in County Code and the International Fire Code, that attack is rejected as not supported by law. The BOCC found that the County's administrative appeal process comports with the state law and Constitution; and the BOCC found that the processing time for the application was extended mutually by the applicant's project amendment, such extension is specifically provided for in the RCW.

INTERACTION:

drafted by prosecutor Caulkins

RECOMMENDATION:

Approve Order regarding Kuhn short plat appeal

HANDLING:

Orig to BOCC, copies to Kuhn and Prosecutor's Office

LEAD STAFF:

Neil Caulkins