

Kittitas County
Prosecutor

Agenda Staff Report

AGENDA DATE:

11/18/2013

ACTION REQUESTED:

Deny claim for damages.

BACKGROUND:

Mr. Broadhead filed a claim for damages asserting that the County's requirement that his pool have a fence around it (which was a permit condition issued in 2012) is wrongful and damages him.

INTERACTION:

The Prosecutor's Office met with Public Works and CDS regarding this. The manner to challenge a building permit condition is to file a LUPA appeal within 21 days of the permit's issuance. Mr. Broadhead did not do that, and so may not now challenge the condition or claim it is wrongful. Additionally, Mr. Broadhead was the defendant in a recent code enforcement case regarding his unauthorized use of the pool, house, and deck (all with separate building permits and, at the time, none with a certificate of occupancy). The violation was found by the court as having been committed.

RECOMMENDATION:

Deny the claim for damages as being time-barred.

HANDLING:

None.

LEAD STAFF:

Neil Caulkins