COMMISSIONERS' MINUTES
KITTITAS COUNTY, WASHINGTON
PUBLIC HEARING

TUESDAY 4:00 P.M. APRIL 6, 2004

Board members present: Chairman Perry D. Huston, Vice-Chairman Bruce Coe and Commissioner Max A. Golladay.

Others: Julie Kjorsvik, Clerk of the Board; Nancy Goodloe, Public Health Administrator; Paul Bennett, Public Works Director; David Bowen, Auditor; Linda Huber, Auditor’s Office; David Taylor, Community Development Services Director; and approximately 8 members of the public.

PUBLIC HEARING

At approximately 4:35 p.m. CHAIRMAN HUSTON opened the continued public hearing to consider a lease agreement for a satellite office in the Upper County, for the Public Health department.

NANCY GOODLOE, PUBLIC HEALTH ADMINISTRATOR said there were a couple of unresolved issues relating to a proposed Lease Agreement and she did not have any documents available for the Board’s review. She indicated the proposed office space would satisfy their current needs.

THERE WAS NO PUBLIC REQUESTING TO GIVE PUBLIC TESTIMONY.

COMMISSIONER GOLLADAY moved to continue the public hearing to Tuesday April 20, 2004 at 4:00 p.m. in the Commissioner’s Auditorium, Room 109, Ellensburg. COMMISSIONER COE seconded. Motion carried 3-0. It was noted that the record was to remain open.

PUBLIC HEARING

At approximately 4:45 p.m. CHAIRMAN HUSTON opened the continued public hearing to consider the vacation of a portion of Old Sunset Highway.

PAUL BENNETT, PUBLIC WORKS DIRECTOR reviewed an Engineer’s Report. He recommended denying the vacation request based upon the application of RCW 36.87.130, which limits the options of vacation to a public authority and requires the denial of the request. He mentioned the State of Washington Highway Department sent a letter
dated January 3, 1950, transferring a part of the state Old Sunset Highway to become part of the County Road System known as Bullfrog Road.

**THOSE PRESENT & TESTIFYING:** STEVE LATHROP presented testimony relating to the request, and felt the County never owned the portion in question. He said the only recorded document covering the area of road was a "Waiver of Damages", executed on January 4, 1915 by the landowner, Northwest Improvement Company. He said the only appropriate action the Board could take would be to grant the request. **THERE BEING NO OTHER TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

CHAIRMAN HUSTON suggested denying the vacation and encouraging the proponent to file for a quiet title. COMMISSIONER COE was concerned with the language included in the Waiver of Damages.

CHAIRMAN HUSTON moved to deny the request to vacate a portion of Old Sunset Highway. COMMISSIONER COE seconded. Motion carried 3-0.

---

**PUBLIC HEARING**  SURPLUS RESIDENTIAL STRUCTURE  COMMISSIONERS

At approximately 5:28 p.m. CHAIRMAN HUSTON opened a public hearing to consider surpling a residential structure located at 606 North Water Street in Ellensburg.

CHAIRMAN HUSTON said the County had received letters of interest in the residential structure located at 606 North Water Street in Ellensburg, which is part of the proposed jail expansion.

**THOSE PRESENT & TESTIFYING:** BRENT CALLAHAN spoke on behalf of his mother, Jan Callahan whose interested in moving the residential structure to a different location and to renovate it. LINDA HUBER, AUDITOR'S STAFF, said a performance bond would need to be obtained prior to moving the structure. **THERE BEING NO OTHER TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER GOLLADAY asked if there was a timeline to have the structure removed? CHAIRMAN HUSTON said it would be beneficial to have it removed no later than October. A proposed Resolution was drafted for the Board's consideration. The Board suggested May 18, 2004 for accepting bid.

**RESOLUTION 2004-45**  SURPLUS PROPERTY  COMMISSIONERS

CHAIRMAN HUSTON moved to approve Resolution No. 2004-45, to Surplus County Property, a residential structure located at 606 N. Water Street, Ellensburg. COMMISSIONER COE seconded. Motion carried 3-0.
CHAIRMAN HUSTON moved to amend Resolution No. 2004-45, adding the requirement of providing a performance bond equal to the cost of demolition and to reflect the date of May 18, 2004, to accept sealed bids. COMMISSIONER COE seconded. Motion carried 3-0.

APPEAL HEARING

RONALD RECYCLING, INC.

At approximately 5:40 p.m. CHAIRMAN HUSTON opened the hearing to consider an appeal filed by James Boyle, on behalf of the Concerned Citizens of Upper Kittitas County, who are appealing the Community Development Services administrative decision regarding the interpretation of the zoning codes for Ronald Recycling, Inc.

He noted receipt of information for a Motion to Dismiss from David Taylor, Community Development Services Director. He reviewed and submitted all documents into the record. No parties objected to the information submitted into the record.

DAVID TAYLOR, CDS DIRECTOR was sworn in by the Chairman. MR. TAYLOR reviewed his Motion to Dismiss. He said Kittitas County Code Title 15A provides a process for filing appeals to an administrative land use decision, and in this case, no administrative decision was made. He said the project proponent filed an application for a conditional use and subsequently amended the application to remove all material that could potentially be considered hazardous waste from the application. Since there would be no storage or treatment or hazardous waste as part of the proposed project, it was clear a Conditional Use Permit was not required. He requested the Board of County Commissioners support his motion to dismiss the appeal.

JAMES BOYLE, APPELLANT was sworn in by the Chairman. MR. BOYLE testified on behalf of the Concerned Citizens of Upper Kittitas County. He said their appeal was based on the letter dated January 26, 2004, from David Taylor, to Pat Deneen. He said the Board of Adjustment had denied the project and felt the applicant was trying to find another way of getting it approved. He said the Department of Ecology states that street sweepings contain hazardous waste, and was very concerned with the proposed project. He urged the Board of County Commissioners to grant their appeal. CHAIRMAN HUSTON reminded all parties that the hearing was to consider a permitted use, and not a specific project. MR. TAYLOR cross-examined MR. BOYLE.

STEVE LATHROP, ATTORNEY REPRESENTING THE PROPONENT. He was sworn in by the Chairman. He encouraged the Board to support Mr. Taylor’s Motion to Dismiss. He said there are many times during the day that the Community Development Services department answers questions over
the counter, and they are not always followed up with letters. He felt the appeal was premature, and that a final process had not commenced because of Mr. Taylor's letter. **MR. BOYLE** and **MR. LATHROP** gave rebuttal statements.

**COMMISSIONER GOLLADAY** questioned who had been harmed and what codes had been violated, since nothing had happened yet. **COMMISSIONER COE** said he understood both sides, but was leaning towards denying the motion to dismiss. **CHAIRMAN HUSTON** explained that the current Ordinance needed to be reviewed and cleaned up. He ruled to deny the motion to dismiss.

**COMMISSIONER COE** moved to affirm the ruling of the Chairman, denying the motion to dismiss. **CHAIRMAN HUSTON** seconded. Motion carried 2-1. **COMMISSIONER GOLLADAY** voted against the motion.

**DAVID TAYLOR** presented a Motion to Reconsider. He felt the Board may be setting a precedent and could potentially be liable for frivolous appeals. He urged the Board to reconsider and approve the motion to reconsider. **MR. BOYLE** asked the Board to give more credit to the citizens and there would not be frivolous appeals filed with the Board. **MR. LATHROP** said if the Board denied the motion to dismiss, citizens would now have two opportunities to appeal, once when they ask an informational question to Community Development Services, and one when the actual use is in place. He felt it was not constitutional.

**CHAIRMAN HUSTON** said he would take the information under advisement and continue the hearing until April 12, 2004 at 3:00 p.m. in the Commissioner's Auditorium, to offer his ruling. He cautioned the Board of any third party contact.

---

**CLERK OF THE BOARD**

**KITITAS COUNTY COMMISSIONERS**

**KITITAS COUNTY, WASHINGTON**

---

Julie A. Kjørvik

Perry D. Huston, Chairman

---

04/06/2004 MINUTES