COMMISSIONERS' MINUTES  
KITTITAS COUNTY, WASHINGTON  
SPECIAL MEETING  

TUESDAY  
4:00 P.M.  
JUNE 21, 2005  

Board members present: Vice-Chair David Bowen & Commissioner Alan Crankovich.

Others: Julie Kjorsvik, Clerk of the Board; Joy Potter, Public Works Staff; Jennifer Steward, Public Works Staff; James Hurson, Chief Civil Deputy Prosecutor; Allison Kimball, Community Development Services Assistant Director; John Nixon, Public Works Staff; Jan Sharar, Staff Planner, Community Development Services; Darryl Piercy, Director of Community Development Services. There were approximately 25 public in attendance.

✓ PUBLIC HEARING  
STOP & YIELD SIGNS  
PUBLIC WORKS

At approximately 4:00 p.m. VICE-CHAIR BOWEN opened the public hearing to consider revisions to the Kittitas County Code Chapter 10.12.010 “Stop & Yield Signs” located in Maintenance Districts “A” & “B” which includes the North/Northwest areas of Kittitas County. He noted Chairman Huston was on a conference call and would be joining the Board upon the conclusion of the call.

JENNIFER STEWARD, PUBLIC WORKS STAFF gave a staff report with proposed changes of certain Yield signs to Stop signs at locations within Districts A and B. She said the current Manual on Uniform Traffic Control Devices (MUTCD) and American Association of State Highways and Transportation Officials (AASHTO) has specific guidelines that must be adhered to for the correct placement of yield signs. Following an on-sight inspection of each intersection, an analysis was completed reviewing the sight distance triangle, accident history, speed and traffic volumes. The department was recommending the replacement of fourteen of the eighteen Yield Signs with Stop Signs, noting the remaining four Yield signs meet the appropriate guidelines. She acknowledged receipt of a letter from Lila Hanson commenting against changing the yield sign to a stop sign at Ballard Hill Road and Swauk Prairie Road. A letter dated June 3, 2005 received from Virginia L. Bell was also noted.

THOSE PRESENT & TESTIFYING: LILA HANSON spoke against the proposed change of placing a Stop sign at Ballard Hill Road and Swauk Prairie Road. She felt there was good visibility and that by replacing the Yield sign with a Stop sign it would be difficult for farmers to
come to a complete stop and start again with their large trucks. She felt a rolling stop would be acceptable, but not a complete stop. She thought the proposal was another obstacle for farming. She asked to have a letter sent to her from the Board acknowledging agriculture included that she was in favor of agriculture and her proposal was for those reasons. THERE BEING NO OTHERS INTERESTED IN TESTIFYING, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

MS. STEWARD explained that the traffic volumes on Swauk Prairie were three times as many as those on Ballard Hill Road. She acknowledged that the County must meet all Federal standards and the liability could potentially be large to the County if they went against the recommended standards.

COMMISSIONER CRANKOVICH moved to approve Ordinance No. 2005-22, approving the replacement of the following Yield signs with Stop signs as recommended by staff: Ballard Hill Road at Swauk Prairie Road; Carek Road at Shaft Street; Hart Road at Taylor Road; Hayward Road at Bettas Road; Hidden Valley Road at Emerick Road; Martin Road at Shaft Street; Masterson Road at Red Bridge Road; Middle Fork Teanaway Road at West Fork Teanaway Road; No. 245 Road at Shaft Street; Red Bridge Road at Masterson Road; Seaton Road at Lambert Road; Taylor Road at Lambert Road; West Fork Teanaway Road at Teanaway Road. VICE CHAIR BOWEN seconded. Motion carried 2-0.

COMMISSIONER CRANKOVICH acknowledged Mrs. Hanson’s concerns. He said he knew the area well including in the wintertime. He expressed concerns of the County’s liability if they went against the Federal standards. Motion carried 2-0.

PUBLIC HEARING IRRIGATION FRANCHISE PUBLIC WORKS

At approximately 4:17 p.m. VICE CHAIR BOWEN opened the public hearing to consider granting a Non-exclusive Irrigation Franchise on Riverbottom Road approximately ½ mile from the Intersection of the South Riverbottom Road and Umptanum Road and on Umptanum Road near the Intersection of South Riverbottom Road.

JOHN NIXON, PUBLIC WORKS STAFF gave a staff report. He reviewed the proposal for a Non-Exclusive Irrigation Franchise to Use County Roads, Rights-of-Way and other County Property within Kittitas County, with Riverbottom Water Users association c/o Richard M. Roeder, President.

THERE WERE NO ONE INTERESTED IN TESTIFYING SO THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

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COMMISSIONER BOWEN commented on the benefits to the County that they get when getting traffic hazards out of the way.

COMMISSIONER CRANKOVICH moved to approve a Non-Exclusive Irrigation Franchise to Use County Roads, Rights-of-Way and Other County Property within Kittitas County with Riverbottom Water Users Association c/o Richard M. Roeder, President, for Tax Parcel Number 17-18-23020-0003. VICE CHAIR BOWEN seconded. Motion carried 2-0.

PUBLIC HEARING SUBDIVISION CODE CDS

At approximately 4:20 p.m. VICE CHAIRMAN BOWEN opened the public hearing to consider the Planning Commissions recommendation of the Kittitas County Subdivision Code, Title 16 and related sections of Kittitas County Zoning Code, Title 17.

JAN SHARAR, STAFF PLANNER FOR THE COMMUNITY DEVELOPMENT SERVICES announced that documents had been available of the proposed changes prior the hearing. JAMES HURSON, CHIEF CIVIL DEPUTY PROSECUTOR gave a preliminary overview of the Growth Management Act for the Board's information. He advised the Board that whatever decisions they would eventually make, they needed to ensure that they comply with the law. If they are non-compliant the County would not be eligible for certain funding of roads, etc. and therefore the taxpayers would ultimately be penalized. He said the County could eventually be sanctioned by the Governor for non-compliance. He cautioned the Board that if they approved the recommendations forwarded by the Planning Commission the Board would get an order of non-compliance at a minimum. DARRYL PIECY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES gave a background of the separation of the environmental cluster plat and the reasons behind it. He said the proposal was to introduce a new concept to County Code and push the envelope. He said the Cluster subdivision technique would foster the development of those Agricultural and Rural lands along with the preservation of the environment while maintaining the rural character of the county. He said there are other ways that the County would be able to correct it if needed. He noted that the Growth Management Act encourages creative approaches to development and that the legislation addresses the cluster develop concept. He said it was an incentive to make rural preservation work, while recognizing the potential pitfalls.

THOSE PRESENT & TESTIFYING: NATHAN WISE said his company had spent a lot of money trying to conserve land and that the County has no tools today for different organizations to save large farm's under one ownership. He felt the cluster concept had more benefits to the County rather than risks. He urged the Boards approval on the
DAVID GERTH expressed his support of the Environmental Conservation Platting. He said there could be a few minor changes to the document in the future, but supported the general concept. He did suggest adding a riparian reserve category. PAT DENEEN agreed with Mr. Gerth and said there needed to be unique tools available to the County for development. He was in favor of clustering and claimed the cities would suffer if it were not available. (At 4:57 p.m. CHAIRMAN HUSTON was seated at the hearing). THERMA SIMON spoke in favor of creating more open space, but was concerned with density and the air and water quality. She did not see how clustering would provide for additional land. She said that the Growth Management Act states that services must be available including police services, which is currently not readily available in the Upper County. CLINT PERRY, TERRADESIGN WORKS testified regarding 3-5 acre lots versus cluster lots and increased densities. He said enhanced water and sewer systems would be needed. He felt the bonus density has to be big enough for the additional costs that would be associated otherwise no one would be interested. He urged the Board to approve the proposal. URBAN EBERHART representing the Kittitas Reclamation District said there had been suggestions forwarded by the irrigation entities that had not been included in the draft document and asked if they would be able to resubmit their comments for inclusion. CHAD BALA TERRADESIGN WORKS said he was part of the visioning committee in the Upper County and their interest in preserving rural land. He encouraged the Board to support the proposed platting technique. CHARLES WEIDENBACH spoke of cluster subdivision in agricultural lands and felt it was a wrong way to go because of the high density. He agreed that Ag-3 also has its weaknesses, but that environmental platting was better. He questioned the services and their availability (roads, water, sewer, etc.) for cluster platting. ROGER WEAVER felt zoning is a larger issue and needs to be addressed more specifically in the lower county. DAVID GERTH voiced support for siting public facilities and exemptions. CHUCK CRUSE said there were many issues that were not included within the document that had been discussed last year including numerous references to access etc. which was in conflict with the Road Standards. He requested the Board to allow staff to look at document and come back with new draft for additional comments. SEAN NORTHUP thanked everyone who participated in the process and their hard work. He responded to the legal questions that were brought up by Mr. Hurson and felt they should have been brought up previously and not waiting until the public hearing. He agreed that there must be good incentives outlined in order for it to work. He supported the clustering concept and recommended the Board’s approval. THERE BEING NO ONE ELSE TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.
COMMISSIONER BOWEN felt there was a need for some fine tuning with the document and suggested continuing the hearing to a later date. CHAIRMAN HUSTON felt cluster and density bonuses were a valuable tool but trigger points needed to be determined. He said some of the language including the transfer of development rights should not be blended, claiming they were separate issues. He felt the County needed a predictable public benefit rating system. A period of time that residual lots would remain residual needed to be established. He would like to see all of the documents condensed into one by midpoint next week. MR. PIERCY said it was not the intent for the creation of transferring development rights and offered to re-word the language so it would be clearer. MR. PIERCY said he would need to review the tapes of the December meetings to review the testimony that was given and the language for inclusion in the document which Mr. Cruse and Mr. Eberhart referenced. He said he could have another draft available at his Monday at study session on June 27, 2005 at 1:30 p.m. preceded by the Public Works Department Study Session and there would be no discussion at that time.

CHAIRMAN HUSTON moved to continue the public hearing to Wednesday July 6, 2005 at 4:00 p.m. in the Commissioner’s Auditorium, Room 109, County Courthouse, record to remain open to written comments and work product, noting the Board reserves the right to re-open the hearing for public comment at a later date. COMMISSIONER BOWEN seconded. Motion carried 3-0

PUBLIC HEARING       CDS APPLICATION FEES       CDS

At approximately 5:47 p.m. CHAIRMAN HUSTON opened the public hearing to consider modifications to certain application fees charged by the Community Development Services department.

DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES reviewed the proposed changes to their fee schedule. He acknowledged that they were substantial changes, but accurately represents the analysis done by the CDS staff of actual cost recovery spent on reviewing applications. The fees reflect time spent with applicant, attending hearings, administration fee (which comes from budgeting process). He also reviewed time spent by staff that are not specifically covered, but are a part of the overall administrative fee. CHAIRMAN HUSTON explained that some of the fees were reviewed two years ago and were adjusted at that time. He was looking for a response from the public on two separate issues, subsidy and accurate cost recovery. He said they have been subsidized from other revenue streams such as the building department. He said it was consistent with direction in other areas and that the County has
been trying to review their fee schedules and have adjust those on a cost recovery basis.

THOSE PRESENT & TESTIFYING: URBAN EBERHART submitted copies of a document of current permit fees that are charged by other eastern Washington counties. He said the proposed fees were significantly higher than anything he found in eastern Washington, while recognizing that some of the items were similar to those in the western Washington counties. NATHAN WISE said he realized that the County was running a business and explained that there are many tax statements that have not all been posted yet by the Treasurer’s office and those monies should be in the county coffers and not still in the envelopes. He said he has two projects that have been with the Community Development Services department for quite a long time which still had not been processed. He felt a minor adjustment to the fee schedule would be alright, but not as they are proposed. He submitted copies of his projects that have not been completed by the CDS department. PAT DENEEN felt the County needed to reach a balance and felt some of the current fees were a little low, but they should not be increased as they are proposed. KEVIN ESLINGER said the County is a service provider for taxpayers and he did not want to see it generating money through that process. DAVE NELSON felt some of the fees could be a deterrent and was opposed to the proposed increase in fees. He said the County should revisit the fees and come up with something that will not chase people away.

MIKE JACKSON felt if you increase the fees as proposed, the County should lower building fees, claiming some things are subsidized way over. He said the fees in the Health department and Public Works should be looked at as well. CHUCK CRUSE said he was surprised at the proposed increase in fees. He reviewed the fees that Yakima County currently charges and suggested that the Board deny the proposed fee schedule. STAN BLAZYNSKI spoke against the fee proposal. He said County employees are public servants with guaranteed tax money. IRIS ROMINGER, ASSESSOR said they are usually not too far behind in their Exempt Segregations, but admitted they do take time to complete. She said they only have one person in the office that processes Exempt Segregations and expressed her support for raising the fees for the Exempt Segregations. LILA HANSON felt appeal fees were costly and the County should not charge a significant amount of money for people to appeal issues. CHAD BALA, TERRA DESIGN WORKS said there needs to be more time management on behalf of the staff. He explained he was an ex-county employee and said it didn’t take too long to review Exempt Segregations. He felt there are a lot of frivolous appeals filed with the County, which takes a lot of staff time away from other projects. He did feel that the SEPA review fee was a little low. He said a small land owner wouldn’t be able to afford $1,250 for a conditional use permit and encouraged the Board to find a balance. CHRIS CRUSE wanted
clarification that the fees paid would go to both the CDS & the Assessors office. THERE BEING NO OTHER TESTIMONY THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

CHAIRMAN HUSTON explained that all of the fees go into the general fund and that the Real Estate Excise Tax (REET) does not, stating it is a fire walled account and can only be used for certain things. He said the proposed fees were not an effort for CDS to find ways of generating more revenue for their department, because the fees go back into the general fund. He said they need to come up with defensible methodology that supports public service. He described the revenue streams for the entire county and mentioned there had not been an increase in property taxes since he’s been here. So, rather than raising taxes, they were trying to tie it to different fee structures. He indicated the analysis was done at request of the Board of County Commissioners.

COMMISSIONER BOWEN said they had been looking at a fee increase for Comprehensive Plan Amendment’s and feels that it’s the county’s access to county wide planning policies. He didn’t feel that because some one is in the development business that they should be penalized and yet felt the current fees were low for what the staff does. COMMISSIONER CRANKOVICH said he was shocked at first when he saw the increase in fees, and would be in favor of having a graduated increase as opposed to an increase all at once.

CHAIRMAN HUSTON moved to continue the public hearing until Tuesday June 28, 2005 at 4:00 p.m. in the Commissioner’s Auditorium, Room 109, County Courthouse, record to remain open to written comments. COMMISSIONER CRANKOVICH seconded. Motion carried 3-0.

PUBLIC HEARING WATERSHED MANAGEMENT PLAN CDS

At approximately 6:47 p.m. CHAIRMAN HUSTON opened the public hearing to consider options pertaining to Watershed Planning in Kittitas County. He said he had reviewed the draft plan entitled Watershed Management Plan Yakima River Basin. Note: (There was a power outage at 6:55 p.m. and the entire hearing was not recorded).

DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES explained that he had previously reviewed the Watershed Management Plan for the Yakima River Basin which was released in January 2003. He felt the plan could not be supported by Kittitas County and that there were several options available for moving forward. The County could choose to veto the plan, to opt out of the process or to develop our own plan within the WRIA composed of most of Kittitas County.
GREG SHULER, REPRESENTING THE DEPARTMENT OF ECOLOGY provided information to the Board and offered his assistance with creating language to opt out of the plan that may work for Kittitas County. CHAIRMAN HUSTON acknowledged that he wanted a workable water plan, but not the one presented.

THOSE PRESENT & TESTIFYING: KEVIN ESLINGER said he worked with the local Planning Unit members which all relayed concerns of enforcement, and agreed with Mr. Piercy's concerns and findings. He was not aware of the information presented by Mr. Shuler of opting out and was interested in reviewing it further. He said he would be willing to go back and salvage the document, but was not interested in fighting over the same issues again. URBAN EBERHART agreed with Mr. Eslinger and requested additional information on opting out as reviewed by Mr. Shuler. THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

CHAIRMAN HUSTON said he would consider reviewing conditional language for opting out, and noted he had no desire to veto the document, however it was important to have a plan that makes sense to Kittitas County. He directed staff to work with Mr. Shuler on the conditions that would outline opting out with value to Kittitas County. He said there was no reason to continue the public hearing, rather it was set for fact finding.

Staff was directed to present a variety of draft language at their regularly scheduled study session with the Community Development Services on July 11, 2005 at 1:30 p.m. (immediately following the Public Works Department study session) and then the Board would consider a timeline. The Board also agreed to review the draft language at their July 19, 2005 Agenda Session.

Meeting adjourned at 7:30 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Julie A. Kjorsvik

Perry D. Huston, Chairman