Board members present: Chairman Perry D. Huston & Commissioner Alan Crankovich. Absent: Vice-Chairman David Bowen

Others: Julie Kjorsvik, Clerk of the Board; Darryl Piercy, Director of Community Development Services; Nancy Goodloe, Public Health Administrator; Marco Rains, Staff Planner; Stan Blazynski (appellant); Jeff Slothower, Attorney representing the appellant) and one member of the public.

PUBLIC HEARING        BLAZYNSKI ADMINISTRATIVE APPEAL        CDS

At approximately 3:00 p.m. CHAIRMAN HUSTON opened the special meeting to consider an administrative appeal by Stan Blazynski of the Community Development Services denial of a process for a variance request from Chapter 17A.08.25 of the Kittitas County Code. He reviewed the appeal hearing procedures.

DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES was sworn in. He explained that he had issued a determination on June 17, 2005 of a request received from Mr. Blazynski for a setback variance for the placement of a second well on his property. He said he had spent a considerable amount of time researching information including RCW’s, the County Code as well as receiving input from the Prosecutor’s office. He said he does not have the authority to honor the request for a set back variance with the current Critical Areas Ordinance. He entered a Memorandum dated November 17, 2004 into the record (EXHIBIT 1). MR. SLOTHOWER cross-examined Mr. Piercy. He asked Mr. Piercy if there was a written form to submit a variance request in either CDS or the Health Department. Mr. Piercy said that as of last November, he was unaware of any written process that existed.

MR. SLOTHOWER & MR. BLAZYNSKI was sworn in. MR. SLOTHOWER questioned Mr. Blazynski on the various exhibits that he submitted into the record (EXHIBITS 2 – 16). CHAIRMAN HUSTON asked for clarifications of Mr. Blazynski’s property line and dimensions. Mr. Blazynski said he had obtained the property from the County and at no time the County told him the property was not buildable. COMMISSIONER CRANKOVICH asked if the property was part of the community well system in Grasslands. MR. SLOTHOWER said there were several lots that were not part of the plat and his property was one of those not
included. **MR. PIERCY** cross-examined Mr. Blazynski regarding the type of classification of Lyle Creek and the setback requirements.

**NANCY GOODLOE, PUBLIC HEALTH ADMINISTRATOR** was sworn in. **CHAIRMAN HUSTON** asked her about the written variance policy that Mr. Slothower referred to and was entered into the record (**EXHIBIT 3 – Entitled Critical Areas Ordinance – Wellhead Protection Area Variance Request Policy & Procedure**). She said it was put in place when the former Planning Director refused to make determination on Critical Areas. **CHAIRMAN HUSTON** asked if it was it an approved policy. She said she did not recall it being put into policy and noted that it had not been reviewed since her employment with Kittitas County. **MR. SLOTHOWER** asked if the form was distributed to members of the public. She said she was unaware if, and how often it had been distributed.

**REBUTTAL –**

**MR. PIERCY** reiterated that there is no specific ability within County Code to grant the authority which would provide a variance for Mr. Blazynski’s request. He reviewed the setback requirements as provided within County Code. He said the Department of Ecology does not have authority over Lyle Creek to grant a variance, and it would be up for review of the Department of Fish & Wildlife. They attempted to work with the appellant and tried to appropriately process the request, but currently there is no process available that would provide for it.

**INTERESTED PARTIES –**

**MICHAEL CHEYNE** was sworn in. He explained that he owns the property adjacent to Mr. Blazynski’s. He submitted (**EXHIBIT 17**) into the record. He said the County is currently looking into whether Mr. Blazynski’s property is one or two parcels. He said the corner parcel is not part of the track being claimed by Mr. Blazynski according to the legal description. He felt that until property ownership issue is resolved, Mr. Blazynski should not be allowed to build anything on it. He referenced access to the well and felt a variance process should be a public discussion, and on more of a broader issue, not just reviewed property by property.

**CLOSING ARGUMENTS –**

**MR. PIERCY** gave his closing remarks. He reviewed the setback requirements and said there had been no process in place and no authority in the code or otherwise formalized to grant a variance request. **MR. SLOTHOWER** gave closing remarks. He said his client was denied the ability to drill a well because of the Critical Areas Ordinance. He explained that Lyle Creek was a dry stream bed and is
an irrigation ditch and not in a Critical Area. He felt if the County does not allow to his client to drill a well on his property, would be considered a taking.

BOARD DISCUSSION DECISION –

CHAIRMAN HUSTON moved to continue the hearing to 3:30 p.m. Monday August 22, 2005 in the Commissioner’s Auditorium. COMMISSIONER CRANKOVICH seconded. CHAIRMAN HUSTON said he would make an effort to locate minutes from the Commissioners meetings relating to the document referenced by Mr. Slothower and if it was a reviewed and approved policy. He said the survey of the appellant’s property would be accepted into the record once it was received by staff. He mentioned that in the event he was to find minutes, he will notify parties.

Motion carried 2-0.

The meeting was recessed at 4:25 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS

KITTITAS COUNTY, WASHINGTON

Julie A. Kjorsvik

Perry D. Huston, Chairman