COMMISSIONERS' MINUTES
KITTITAS COUNTY, WASHINGTON
SPECIAL MEETING

WEDNESDAY 1:30 P.M. DECEMBER 13, 2006

Board members present: Chairman David Bowen, Vice-Chairman Crankovich. Commissioner Perry Huston was absent.

Others: Julie Kjorsvik, Clerk of the Board; Darryl Piercy, Director of Community Development Services; Brandon Drexler, Director of Public Works; Randy Carbary, Public Works; Jan Ollivier, Public Works Transportation Manager; Noah Goodrich, CDS Staff Planner; Doug D'Hondt, Public Works Engineer and 6 members of the public.

APPEAL HEARING KOREN SHORT PLAT (SP-06-07) CDS

At approximately 1:30 p.m. CHAIRMAN BOWEN opened an appeal hearing from Wayne Nelson on behalf of Misty Mountain LLC, of an administrative decision of the Community Development Services Conditional Preliminary Approval of the Koren Short Plat, which is an application for a 4-lot short plat submitted by Chuck Cruse, authorized agent for M. Reiden Koren, landowner on approximately 41.91 acres of land that is zoned R-5 located West of the City of Cle Elum and South of Westside Road, off of FS 3350, Cle Elum, Washington. (Tax Parcel Numbers 19-15-09050-0010 & 19-15-08040-0012). He noted that Commissioner Huston was unable to attend the hearing. He reviewed the appeal hearing procedures as well as a memorandum to Noah Goodrich from Randy Carbary, outlining additional conditions.

The Board made declarations and there were no objections made. All Board members remained seated. CHAIRMAN BOWEN swore in the following people who intended on testifying at the hearing: Darryl Piercy, Noah Goodrich, Brandon Drexler, Randy Carbery, Doug D’Hondt Wayne Nelson, Chuck Cruse, Attorney John Ufkes, Dan Semiano and Reiden Koren.

NOAH GOODRICH, CDS STAFF PLANNER presented a Memorandum from Randy Carbary, Public Works Planner II, regarding an additional condition be added to the Koren Short Plat, which included a requirement as referenced under Kittitas County Code 12.01.095 for a second access for more than 40 lots. He reviewed a Staff Report (dated November 22, 2006) including site information, referral parties, appeal elements and issues. He recommended the Board uphold the appeal and direct CDS staff to reissue conditional preliminary approval with additional conditions as agreed upon by the Public Works Department and Community Development Services.

JOHN UFKES, ATTORNEY REPRESENTING THE PROPOSED questioned Mr. Goodrich regarding the determination which was made by staff relating to the road access and how many units would be served.

BRANDON DREXLER, PUBLIC WORKS DIRECTOR said they begin the count
from the County Road, which is located off of Westside Road. MR. UFKES said the cost of the secondary ingress or egress is unknown for the proponent and asked how it would be determined for them. MR. DREXLER said they would have to ask property owners in the area. MR. UFKES said there should be a proportional share determined, due to the impacts within the development. He felt it was impossible to analyze the cost due to the conditions placed on the Short Plat.

WAYNE NELSON, REPRESENTING THE APPELLANT (MISTY MOUNTAIN LLC) said they were not opposed to project, but felt the conditions placed on the project needed to be appropriate. He felt there was a tremendous amount of confusion with the changes in administration and staffing between the Community Development Services and Public Works. He said there had been confusion with the issue, including how to quantify under the current Road Standards, noting the County does have the authority to apply conditions. He submitted Exhibits into the record and gave an overview of those. MR. UFKES cross examined Mr. Nelson.

MR. UFKES gave the proponents response and distributed an opinion letter regarding the Tillman Heights approval. He said there had not been traffic studies completed in the area; the proposed condition of secondary access to a 4 lot short plat would provide an uncompensated public benefit created by a private land owner; and the conditions suggest they are in violation of SEPA and State and Federal constitutional taking protections. He recommended the appeal being dismissed and that the short plat be approved subject to the conditions noted in the August 25, 2006 preliminary approval issued by the Public Works Department.

CHUCK CRUSE, PROFESSIONAL LAND SURVEYOR felt the application was a simple 4 lot separation. He indicated the initial requirements were appropriate, but not the additional conditions placed by the Department of Public Works. DARRYL PIERCY cross examined Mr. Ufkes.

CHAIRMAN BOWEN questioned staff relating to secondary access and fire safety and how to address cumulative impacts. MR. PIERCY said there is an element to provide for public safety for secondary access and they would meet requirements of International Fire Code. CHAIRMAN BOWEN asked if the variance committee could be utilized. MR. PIERCY felt it could be a way of dealing with it. CHAIRMAN BOWEN questioned Mr. Drexler regarding traffic analysis. MR. DREXLER he said they are applying conditions with the current road standards. RAIDEN KOREN said it was her intent to purchase additional property and wanted to keep it as rural as possible.

INTERESTED PARTIES: DAN SEMINO said he was a Co-owner of the land and said they wanted to keep the area rural and it was not their intention to further dividing it. He urged the Board to allow them to move forward with their application, with the original requirements placed by the County.

MR. GOODRICH gave final arguments. He indicated the additional conditions are consistent with decisions made by the Board in that area.

BOARD DISCUSSION DECISION:
CHAIRMAN BOWEN said the County has the obligation to look at the cumulative impacts and look at unique areas; does not want to dump it on one private landowner, but the County should not have to pay for it all either. Staff is following direction given by Board, although it doesn't fit the current application. COMMISSIONER CRANKOVICH questioned Mr. Carbery regarding the terminology used in his Memorandum relating to secondary access versus second access. MR. DREXLER said it was their intent was to be a second access.

CHAIRMAN BOWEN said before the proponents receive a certificate of occupancy the roads need to be built and signed off. He was supportive of upholding the appeal, but said staff needed to give guidance to the proponent on necessary requirements.

COMMISSIONER CRANKOVICH felt that based on information within the County Code he could uphold appeal.

CHAIRMAN BOWEN moved to uphold the appeal and direct staff to prepare enabling documents. COMMISSIONER CRANKOVICH seconded. Motion carried 2-0.

MR. PIERCY said they would be seeking a solution to the overall issues between study sessions with the Board as well as at staff level. MR. DREXLER also indicated they would be coming forward with a recommendation on how to address.

CHAIRMAN BOWEN moved to continue the hearing to December 19, 2006 at 4:00 p.m. in the Commissioners Auditorium. COMMISSIONER CRANKOVICH seconded. Motion carried 2-0.

Meeting adjourned at 3:30 p.m.

CLERK OF THE BOARD

Julie A. Kjorsvik

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

David Bowen, Chairman