Board members present: Vice-Chairman Paul Jewell and Commissioner Mark McClain. Excused Chairman Alan Crankovich.

Others: Cathy Bambrick, Public Health Administrator; Christina Wollman, Public Works; Brent Bottoms, Deputy Prosecutor and 6 members of the public.

PUBLIC HEARING AMEND COUNTY CODE PERMITTING PROCED. PROSECUTOR

At 2:00 p.m. VICE-CHAIRMAN JEWELL opened a public hearing to consider a proposed Ordinance to amend Kittitas County Code, establishing a permitting procedure for the County to review and require Event Permits and establishing a procedure for reconsidering existing Conditional Use Permits (CUP’s).

BRENT BOTTOMS, DEPUTY PROSECUTOR explained the underlying reason for the proposed Ordinance stating there is a statute which gives authority to the Board to establish a procedure for events, otherwise they don’t have the authority to regulate events. He said there have been instances in the past where the Board has granted an Event Permit and the applicant has agreed to do something after the permission was given, and they don’t follow through before the event took place. The proposed Ordinance would replace the Music Festival portion of the County Code. He indicated the proposed amendments would allow for people to get CUP’s for gatherings, where they would not have to come in and obtain separate Event Permits every time. VICE-CHAIRMAN JEWELL asked if it would apply to those events that are already established including sporting events, church congregations, (grange halls and those in business for weddings) who hold them on a regular basis. MR. BOTTOMS explained that as it’s written, they would have apply for a CUP process, but the Board could allow for it if they chose, but it would be a one-time approval. VICE-CHAIRMAN JEWELL questioned that if the zoning already allows the use, would they have to reapply? MR. BOTTOMS said if their CUP already addresses it, they would be exempt from it. VICE-CHAIRMAN JEWELL felt it may be too broad and it was not necessarily what he was looking at to address the problems. COMMISSIONER McCLAIN noted it would only affect the unincorporated areas of Kittitas County. VICE-CHAIRMAN JEWELL suggested having
applications submitted within 90 days and approval given within 60 days of the event, and the Board could waive any requirements and establish findings in each case. He said requiring to post the entire Ordinance was strange. COMMISSIONER MCCLAIN asked why the applicant would need to be 21 versus 18 years of age. He said the person could be an 18 year old person, getting married and have a bar at the function, but not be supplying alcohol.

THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER MCCLAIN moved to continue the Public Hearing to Tuesday November 3, 2009 at 10:00 a.m. to consider enabling documents, noting it would be for Board Discussion & Decision only and that the record is closed. COMMISSIONER JEWELL seconded. Motion carried 2-0.

PUBLIC HEARING    PINE VALLEY RANCH PLAT AMENDMENT    CDS

At 2:17 p.m. VICE-CHAIRMAN JEWELL opened a public hearing to consider

CHRISTINA WOLLMAN, PUBLIC WORKS reviewed a staff report to consider an amendment to the Pine Valley Ranch Plat, submitted by Traci Shallbetter, authorized agent for Dave Dickson, Terry Dawn and Renee Shepherd Dawn, landowners.

COMMISSIONER JEWELL noted that in 2001 a request was denied to vacate an unconstructed road right-of-way known as Forest Way located within the Pine Valley Ranch Plat, due to the potential of future transportation needs. He said he understood there had been communications between Ms. Shallbetter and Mr. Caulkins regarding that issue and that these types of requests should go through plat amendment request.

THOSE PRESENT & TESTIFYING: TRACI SHALLBETTER, ATTORNEY REPRESENTING THE APPLICANTS explained she had not been involved in the 2001 application request and the process was for a vacation of a public road, which was different than a plat alteration. She believed the subject property was a private road, as defined in County Code and that in 2001 it was a completely separate process and criteria. She said a dedicated road does not make it a public road for any person to use. She explained that Forest Way was just lawn, has never been used for access since the 1960’s, and the Pine Valley Maintenance Association’s land owners voted by majority to
seek to get plat amendment, as long as it didn’t cost the
association anything. COMMISSIONER McCLAIN asked if she was stating
a discrete section of its membership versus a majority of the
association. MS. SHALLBETTER indicated they had sent out notices to
everyone of their intent. COMMISSIONER McCLAIN asked if there were
any covenants. MS. SHALLBETTER indicated only the 12 plat notes
which everything on the plat covers the entire subdivision. RICK
HUNDLEY REPRESENTING THE HUNDLEY FAMILY opposed the request for a
plat amendment and explained his perception. He said he did not
agree with Ms. Shallbetter’s presentation and that you cannot get to
their property off of Hundley Road or Prairie Lane, due to
topography, wetlands and lakes which block access. He noted they are
members of the Pine Valley Maintenance Association, own 8 lots and
have right to use the roads. He said whether they wanted to plat it
or not in the future does not matter, but they want to continue to
have access to their property. He said Forest Way was not lawn, but
rather gravel with several trees. He said it was not true that the
road had not been used for access, because there is no other way to
drive to their property to check on it. He said in the future, they
may need to go back to harvest trees and whether they develop it or
not, they still want continued access. He said there have been
meetings held and various manipulations done to do things which does
not truly represent 50% of the owner’s opinions, and in fact, most
of the people don’t show up to the meetings. COMMISSIONER JEWELL
asked why they did not record a formal easement for Forest Way. MR.
HUNDLEY said after 2001, the neighbors planted trees to try and
claim it and noted Forest Way was constructed just as the same as
all the other roads. He indicated it was essentially an abandoned
river bed with gravel, and the Maintenance Association does not
access it, so they don’t maintain it. BILL HUNDLEY submitted a
photograph of wetlands into the record for the Board’s consideration.
DAVE DICKSON spoke of the gravel pit accessed off of Hundley Road
and recent the concerns during the I-90 construction in which Mr.
Hundley called the Association and apologized for any noise it may
have caused and went away, so there has to be other access.

MS. SHALLBETTER explained it was a private issue, but they are not
County road, unlike Hundley Road which borders their property.
Although the Hundley’s can voice objection, the roads are with the
Maintenance Association and provides no benefit for the plat in
which it was created. THERE WAS NO ADDITIONAL PUBLIC REQUESTING TO
TESTIFY AND THE PUBLIC TESTIMONY PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER JEWELL said he has questions he would like to ask of
legal staff and would be in favor of continuing the public hearing
to a later date.
COMMISSIONER JEWELL moved to continue the Public Hearing to Tuesday November 3, 2009 at 10:00 a.m. COMMISSIONER McClAIN seconded. Motion carried 2-0.

The meeting was adjourned at 3:06 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Julie Kjorsvik  Paul Jewell, Vice-Chairman