



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

### CDS SPECIAL STUDY SESSION MINUTES

January 31, 2011

**THOSE PRESENT:** Alan Crankovich, Obie O'Brien, Paul Jewell (BOCC), Kirk Holmes, Jeff Watson (DPW), Dan Valoff (CDS), Marsha Weyand (Assessor)

**ALSO PRESENT:** Chuck Cruse, Mark Kirkpatrick, Dave Nelson, Jeff Slothower

#### Administrative Segregation Processing:

Kirk Holmes stated a short presentation was created to help facilitate discussion. Kirk stated the presentation will have a recommendation for the Board to take action regarding application and conditional approval.

Jeff Watson stated that at the previous Study Session, a consensus was made that Staff would be examining the Code over the next year to get a clearer picture of how these types of applications will be processed. Jeff stated another question brought about was the notion of conditional approval of delineation and under what conditions the County is obligated to recognize as conditional approval and continue to advance the application. Please see the Power Point presentation below for the rest of Jeff Watson's presentation to the Board at **T:\CDS\Projects\Segregations\Segregation Reference - BOCC Segregation Study Session 2011 Power Point**

Kirk Holmes stated that Staff would like to be able to manage the current applications that have a conditional approval signature and asked the Board if they feel comfortable with the decision or if they would rather have more time. Kirk stated that Staff and the Prosecuting Attorney's office have had conversations regarding the conditional approval.

Chuck Cruse questioned whether there was an expiration date to the preliminary approval signature. Chuck stated without the two signatures (See sample application in Power Point presentation) the Assessor's office will not process the application. Chuck stated that the applicant will then have to take the form back to Planning/CDS, obtain those signatures, and then return to the Assessor's office.

Commissioner Crankovich stated he believes the County cannot do anything other than what has been done in the past. Commissioner O'Brien stated he agreed with Commissioner Crankovich and that there is no option to change the past but there needs to be restrictions and expiration dates.

**Board Direction:** The Board directed Staff to treat current applications who have received a signature stating the segregation does meet Kittitas County Code subdivision regulations or have received a letter stating that fact be treated as if they have received preliminary approval and be processed accordingly.

#### **Discussion on applications that do not have a letter or signature:**

Jeff Watson stated that Staff is sworn and obligated to uphold the law as it stands. Jeff stated that in the event that there is not a signature or letter then the application will be denied.

Neil Caulkins stated that if the application does not have a preliminary approval, then Staff is obligated to look to see if the application did comport with the Code at the time of submittal. Neil stated that if the answer is no, then the application may be denied. Neil stated that if the application has the signature and meets the current Code, then preliminary approval is granted. Neil stated that if the application does not have preliminary approval, then the questions of "is it complete?" and "does it comport with the current law?" need to be answered.

Commissioner O'Brien stated if there are missing items on the application that need to be complete and the applicant did not fulfill these items, the application should be deemed incomplete and denied. Commissioner O'Brien stated that if the applicant finished the project but it was lost on a Planner's desk, then it should be in a different category. Commissioner Jewell questioned how these scenarios would be sorted out.

Jeff Slothower stated that Mr. Hand submitted an application, along with several others that particular day, and that everyone should look at the facts related to each application and then decide what to do based upon those facts. Jeff stated that a denial letter was sent by the County and an appeal was triggered. Jeff stated that all the facts and circumstances were then looked at and Mr. Holmes made a decision to process the application.

Kirk Holmes stated that he agreed with that process. Kirk stated that he recommends that Staff look at each application on an individual basis.

Commissioner Jewell stated he was concerned with the Board not giving direction because there is not a deadline attached to these applications and there are an unknown number of these applications. Commissioner Jewell stated that if an applicant feels like the process was not fair, they would have the opportunity to appeal. Commissioner Jewell stated that he would like to do what is legal and what comports with the law. Commissioner O'Brien agreed. Commissioner Jewell stated that it would be logical to look at whether or not an application received preliminary approval and if not, they would look at the application on an individual basis.

Marsha Weyand stated that this process started because the County needed a way to document these segregations rather than property owners being told yes or no over the phone.

Kirk Holmes stated that CDS and Jeff Watson have been working hard on creating a tracking system for these files so this issue does not occur again at a later year.

Jeff Watson stated that even though everyone in the room may not agree, there is an appeal process to applications being denied.

Commissioner Crankovich stated he would not like to see these applications go through the appeal process because it is an unnecessary expenditure.

Dave Nelson stated that he would like applicants to have the option of getting together with Staff after applications are submitted prior to denial letters being sent out to discuss solutions.

Commissioner Crankovich agreed with Dave Nelson.

**Board Direction:** The Board directed Staff that applications without preliminary approval be processed according to whether or not the application is deemed complete at the time of submittal and work with the applicants to make that determination and go from there.