

1COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
COMMISSIONERS AUDITORIUM
SPECIAL MEETING

TUESDAY

2:00 P.M.

JUNE 19, 2012

Board members present: Chairman Alan Crankovich; Vice-Chairman Obie O'Brien and Commissioner Paul Jewell.

Others: Mandy Robinson, Deputy Clerk of the Board; Brenda Larsen, Fire Marshal; Dan Valoff, Staff Planner; Christina Wollman, Staff Planner; Jan Ollivier, Transportation Manager; Clay Myers, Undersheriff; Kirk Holmes, Public Works Director; Neil Caulkins, Deputy Prosecutor; and 10 members of the public.

PUBLIC HEARING

AMENDING KCC 20.07

FIRE MARSHAL

At 2:00 p.m. **CHAIRMAN CRANKOVICH** opened a Public Hearing to consider amending Kittitas County Code Chapter 20.07.

BRENDA LARSEN, FIRE MARSHAL reviewed a Staff Report and stated she would like the Board to consider amending Title 20.07, Fire & Life Safety Code, to prohibit the use of Sky Lanterns and like items from being released into the County. She explained that she had contacted MRSC requesting information on what governs when there is a discrepancy in the RCW's and WAC's. She stated the answer she received was that unequivocally the RCW will always govern. They indicated that the WAC is supplementary to the RCW and meant to be an explanatory tool used by the agencies under which State law has granted regulatory authority. She reviewed her interaction with CPSC, USDOT and USPS on their ruling with regard to sky lanterns. She stated that there are many State and Countries that have banned or are in the process of banning sky lanterns those being: Spain, 3 German States, Australia, Tennessee, California, South Carolina, and Hawaii is in the process of banning them. She noted there are numerous cities across the nation that have banned them including the City of Mukilteo. She stressed the importance of amending KCC 20.07 stating that it will only take the misuse or malfunction of one device to cause a potentially significant event in our County and asked that the Board to ban sky lanterns as a fire hazard to prevent unacceptable risk to our County.

THOSE PRESENT & TESTIFYING: **FRED MARION** presented an actual sky lantern and expressed his concerns for the danger sky lanterns pose especially in the Upper Kittitas County. He stated that he was very supportive of this amendment and encouraged the Board to approve the proposed Ordinance. **CLAYTON MYERS, REPRESENTING THE COUNTY SHERIFF'S DEPARTMENT** stated that the Sheriff's Office was in support of banning

APPROVED

7/17/2012

sky lanterns and requested that the Board of County Commissioners sign the proposed Ordinance banning sky lanterns in Kittitas County. He felt that it would be very important to get education out into the community regarding the dangers of sky lanterns. **THERE BEING NO ONE ELSE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER JEWELL questioned what the penalties and costs associated with a violation of Code would be. He questioned if the Sheriff's Office would foresee any issues enforcing this amendment.

ORDINANCE 2012-004 AMENDING TITLE 20.07 KCC FIRE MARSHAL

COMMISSIONER O'BRIEN moved to approve Ordinance No. 2012-004, Amending Title 20.07 of the Kittitas County Code for Fire and Life Safety to add a definition for sky lanterns and fire hazards and to prohibit the use of sky lanterns in Kittitas County; effective immediately. **COMMISSIONER JEWELL** seconded. Motion carried 3-0.

PUBLIC HEARING AMEND 2012-2017 SIX-YEAR TIP PUBLIC WORKS

At 2:26 p.m. **CHAIRMAN CRANKOVICH** opened a Public Hearing to consider amending the 2012-2017 Six Year Transportation Improvement Plan.

JAN OLLIVIER, TRANSPORTATION MANAGER reviewed a staff report and a summary of the revisions for the proposed amendments to the 2012-2017 Six-Year Transportation Improvement Plan.

COMMISSIONER O'BRIEN requested clarification regarding the large cost increase for Nelson Siding Road.

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

RESOLUTION 2012-075 2012-2017 SIX-YEAR TIP PUBLIC WORKS

COMMISSIONER O'BRIEN moved to approve Resolution No. 2012-075, Amending the 2012-2017 Six-Year Transportation Improvement Program. **COMMISSIONER JEWELL** seconded. **CHAIRMAN CRANKOVICH** noted that he was disappointed to see the loss of funding for the Teanaway Rd. & North Fork Teanaway Rd., and Salmon La Sac Sno-Park projects. Motion carried 3-0.

PUBLIC HEARING SWAUK WIND PROJECT DEVELOPMENT AG. CDS

At 2:34 p.m. **CHAIRMAN CRANKOVICH** opened a Public Hearing to consider the Swauk Wind Project Development Agreement (DA-12-01).

DAN VALOFF, STAFF PLANNER reviewed a request from Alex Cordas, authorized agent for Swauk Valley Ranch LLC, property owners. He

stated that the Development Agreement for the Swauk Wind Farm is to develop a wind energy facility with a maximum of 5 wind turbines. The project would support facilities necessary to generate and deliver renewable energy to point of interconnection with a nearby Puget Sound Energy local distribution line for distribution within Puget Sound Energy's Kittitas County service area. Mr. Valoff reviewed the site location, noting it is located at 18511 Highway 10, Ellensburg, WA in a portion of Section 18, T19N, R17E, WM, in Kittitas County, Assessor's map number 19-17-18000-0001. He gave the history of the project from the date the applicant submitted their project up to current. He stated that on December 5, 2011 the Board of County Commissioners approved Ordinance 2011-013 granting approval of the Swauk Wind Project outside the wind resource overlay zone. He stated that the County Prosecutor had edits to the Agreement and that the applicant had agreed to the edits.

PATRICK FARLEY, REPRESENTING THE APPLICANT reviewed the process the applicant had gone through and gave a brief re-cap of the project. He explained that they needed the County to approve the Agreement as it's a condition of the MDNS. He reviewed the benefits to the County if the project moves forward and reviewed the permits they have obtained and discussed the studies the applicant has completed.

COMMISSIONER JEWELL referenced a letter from the Yakama Nation and asked the applicant questions regarding statements made. **CHAIRMAN CRANKOVICH** questioned the Development Agreement. He asked for clarification where the application is for 5 turbines and the Agreement indicates there will be 6 turbines.

The Board asked questions of the applicant relating to the project and discrepancies in consistencies between the application and the agreement.

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

COMMISSIONER JEWELL questioned staff regarding the edits to the Development Agreement and outlined his proposed changes for consideration. **COMMISSIONER O'BRIEN** requested further details on the turbine blades and how the applicant has determined what length is appropriate for the proposed turbine.

The Board indicated their acceptance of **COMMISSIONER JEWELL'S** proposed changes.

ERIN ANDERSON, ATTORNEY REPRESENTING THE APPLICANT reviewed her understanding of the Boards requested changes. She explained the importance to her in being sure she had all the changes correct so that the document they produce is exactly what the Board is looking for.

ALEX CORDAS, REPRESENTING THE APPLICANT asked if what he understood from the Board of County Commissioners is that they need additional information. He stated that they have filed documentation with the FAA on each turbine and questioned if that would be something the Board would like to see. **COMMISSIONER JEWELL** felt that documentation would exceed what the Board is looking for, but indicated he would like to see it.

COMMISSIONER JEWELL moved to continue the Public Hearing to July 3, 2012 at 10:00 a.m. under Board Discussion and Decision, noting the record is closed. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

APPEAL HEARING KUHN SHORT PLAT (SP-11-12) APPEAL COMMISSIONERS

At 3:50 p.m. **CHAIRMAN CRANKOVICH** opened a Hearing to consider an Administrative Appeal of the Kuhn Short Plat Application (SP-11-12). He explained the hearing procedures and noted it was limited to only Board deliberation.

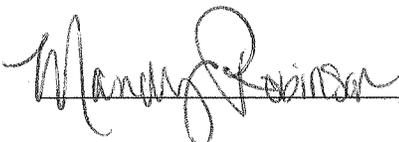
DAN VALOFF, STAFF PLANNER reviewed a staff report. He stated that on October 3, 2011 David Kuhn submitted a preliminary short plat application to subdivide approximately 21.00 acres into two 5.24 acre lots, noting the subject property is zoned Rural 5. He stated that the subject property is located approximately 0.5 miles north of Cle Elum at the end of Sun Ridge Drive, in a portion of Section 25, T20N, R15E, WM in Kittitas County, Assessor's map number 20-15-25059-0002. He explained that on March 9, 2012 the application was granted preliminary approval subject to conditions. On March 19, 2012 the applicant submitted a timely appeal of the administrative decision.

Each Commissioner made remarks relating to the appeal and all were in agreement and support of the decision from CDS, and to deny the Administrative Appeal for the Kuhn Short Plat Application (SP-11-12) in its entirety.

COMMISSIONER JEWELL moved to deny the Administrative Appeal of the Kuhn Short Plat Application (SP-11-12), affirming the County's decision. **COMMISSIONER O'BRIEN** seconded. **COMMISSIONER JEWELL** stated that he felt it was a very clear case. Motion carried 3-0.

Meeting adjourned at 4:09 p.m.

DEPUTY CLERK OF THE BOARD



**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**



Mandy Robinson

Alan Crankovich, Chairman