

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

THURSDAY

1:30 P.M.

SEPTEMBER 6, 2012

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

Others: Julie Kjorsvik, Clerk of the Board and 5 members of the public.

APPEAL HEARING FRUIT STAND - COMMERCIAL AGRICULTURE COMMISSIONERS

At 1:30 p.m. **CHAIRMAN CRANKOVICH** opened a hearing continued from September 5, 2012 to consider an appeal filed by William Rowley of an administrative decision to permit a fruit stand within property zoned "Commercial Agriculture" within the Kittitas County Zoning Code. He noted the briefs and information provided in the record was what the Board bases their decision on.

COMMISSIONER JEWELL reviewed the reasons why he felt the matter was properly before the Board of County Commissioners for making a determination of the appeal filed by Mr. Rowley. He reviewed Kittitas County Code Chapter 17.31.020(6) stating it was clear, unambiguous and not subject to interpretation and must be applied based on its plain meaning. He explained County Code allows the Planning Official to make a decision to permit in a zone any use not described in the title and deemed to be of the same character and in general keeping with the uses authorized in such zone. If that action is taken however there is a specific process outlined and the record contains clear evidence that the specific process was not followed, as the determination and notification to landowners was completed after the use began. He said the appeal by Thorp Fruit and Antique Mall, LLC should be affirmed and the decision by the County Planning Official declaring Gibson Produce a permitted use in the Commercial Agriculture Zone be overturned.

COMMISSIONER O'BRIEN said he would support the appeal, stating it was valid and the function of the Planning Official was improper and should be overturned.

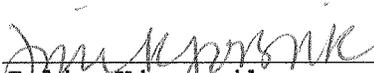
CHAIRMAN CRANKOVICH stated he would also be in favor of upholding the appeal filed by the appellant.

APPROVED
9/18/2012

COMMISSIONER JEWELL moved to render a decision that the Board of County Commissioners is the correct body to hear the appeal; Kittitas County Code Chapter 17.31.020(6) has clear language and intent; and to affirm the appeal filed by William Rowley to overturn the Planning Officials decision. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0

The meeting was adjourned at 1:44 p.m.

CLERK OF THE BOARD


Julie Kjørsvik

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Alan Crankovich, Chairman