Board members present: Chairman Gary Berndt, Vice-Chairman Obie O’Brien, and Commissioner Paul Jewell.

Others: Julie Kjorsvik, Clerk of the Board; Angela San Filippo, Staff Planner; Neil Caulkins, Deputy Prosecutor; Christina Wollman, Staff Planner; Amber Green, Plans Examiner; Holly Duncan, Environmental Health Specialist; and approximately 10 members of the public.

**PUBLIC HEARING ANNUAL COMP. PLAN AMENDMENTS CDS**

At 6:00 p.m. **CHAIRMAN BERNDT** opened a Public Hearing to consider the Planning Commission’s recommendations on the Kittitas County Comprehensive Plan and County Code Amendments.

**DOCKET 15-04 (15-05 WAS INCORPORATED WITH 15-04) ROAD STANDARDS**

**CHRISTINA WOLLMAN, STAFF PLANNER** reviewed a Staff Report and proposed amendments to the Road Standards including the timing of improvements, storm water, road design and road certifications.

**THOSE PRESENT & TESTIFYING: MARGE BRANSRUD** said she would like to see the second access applied to no more than 10 units instead of 40. **PAULA THOMPSON** said she agreed with Ms. Bransrud and there are houses located in areas with a large amount of timber and was concerned with fire and emergency responders not being able to get access. She urged the Board to reduce the lots from 40 to 10. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER JEWELL** moved to approve Docket Item 15.04, and to instruct Staff to continue working on the secondary access standard of being required when more than 40 units utilize an access route is not changed and will be addressed before March 2016. **COMMISSIONER O’BRIEN** seconded. Motion carried 3-0.

**DOCKET 15-10 – GRADING**

**CHRISTINA WOLLMAN, STAFF PLANNER** reviewed proposed amendments to the Grading Ordinance Title 14.05 which included changes to the title and definitions.

**THOSE PRESENT & TESTIFYING: BRAD HABERMAN, REPRESENTING THE KITTITAS COUNTY FARM BUREAU AND HIMSELF** explained how the Grading Ordinance should go back to the way it was as it seemed to work for everyone. He reviewed
how the proposed changes did not support farmers and urged the Board to deny the proposed changes. **URBAN EBERHART, MEMBER OF KITTITAS COUNTY FARM BUREAU AND KITTITAS COUNTY RECLAMATION DISTRICT** reviewed portions of the proposed changes and did not support the changes as they would have a negative impact to landowners. **KEITH ESLINGER, A MEMBER OF THE FARM BUREAU MEMBER** supported the previous testimony given and said he was against the 500 square cubic yard requirements for farmers needing to obtain permits in order to move dirt around within their own property. **KAREN POULSEN** provided examples grading and said if someone plowed a one acre field, 1 foot deep, it would equal 50,000 cubic yards of material and how no one should have to go into the Public Works Department each time and obtain a permit. She felt specific words could result in unintended consequences. **MARK CHARLTON, FARM BUREAU PRESIDENT** said he had worked on irrigation and there are ways of creating better water savings, less erosion, and felt the proposed language would be very limiting and the County should readress the 500 square cubic yards. **BRENT MELLEGARD** opposed changes and felt it should go back to the original document. **PAULA THOMPSON** spoke against the proposed changes as the farmer’s purpose is to grow and the proposed changes would prevent them from doing so. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION RELATING TO THE ISSUE WAS CLOSED.**

**COMMISSIONER JEWELL** said he had worked with some of the Farm Bureau members in creating some of the language. He said it was not unusual to change farm pasture from one use to another due to changes to crops, irrigation infrastructure, etc. He felt agriculture activities relating to traditional farming need to be exempt from the 500 cubic yard requirements. **COMMISSIONER O’BRIEN** said he thought the issue was more about developers changing land in its entirety and would be in favor of exempting farming, but would like to take a look at the language a little more in depth. **CHAIRMAN BERNDT** agreed with Commissioner Jewell’s suggestions.

**COMMISSIONER JEWELL** moved to approve Docket Item No. 15-10, eliminating the limitation on agriculture activities and to allow the activities to continue. **COMMISSIONER O’BRIEN** seconded. Motion carried 3-0.

**DOCKET 15-12 - HEARING EXAMINER**

**ANGELA SAN FILIPPO, STAFF PLANNER** and **DOC HANSEN, PLANNING OFFICIAL/INTERIM PLANNING DIRECTOR** explained the proposed changes to Title 15A, authorizing the Hearing Examiner to make final land use decisions. The proposed changes would allow the Commissioners to focus more on policy, better concentrate on policy-making and reduce the local government liability exposure through what should be more consistent legally sustainable quasi-judicial decisions. It was noted the Hearing Examiner would be hired by the Board of County Commissioners and would serve at their will. **COMMISSIONER O’BRIEN** explained various reasons for supporting the proposal including the ability to discuss matters with constituents and to engage with them one on one. **COMMISSIONER JEWELL** described reasons why he opposed the changes and believed the elected officials should be responsible for decision making and not a Hearing Examiner.
THOSE PRESENT & TESTIFYING: ALAN CRANKOVICH felt the proposal was a dramatic change. He said besides being in charge of the County budget it’s the second most important function of the County Commissioners. He spoke against the County Commissioners giving their decision making authority to a Hearings Examiner and felt it would never eliminate the opportunity for litigation and be a disservice to the citizens of Kittitas County, if approved. PAULA THOMPSON felt a Hearing Examiner would not have any idea of what goes on, as the Planning Commission does, as well as the previous Board of Adjustment. The County Commissioners live within the County and know the people, culture and issues. THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING RELATING TO THE ISSUE WAS CLOSED.

COMMISSIONER JEWELL moved to deny Docket No. 15-12, as presented. CHAIRMAN BERNDT seconded.

COMMISSIONER JEWELL described his opinion of why he was against the proposal. COMMISSIONER O’BRIEN felt due to the complexity of decisions, someone who is familiar with laws would better serve the citizens. He noted the Hearing Examiner was hired a long time ago and is familiar with the County and how the citizens would get the best service from someone who is trained in the details. CHAIRMAN BERNDT described how the issues can be complex and when he was elected he had no knowledge of findings of fact, conclusions of law, legal research and felt how it can be daunting at times. He understood Commissioner Jewell and former Commissioner Crankovich’s concerns and indicated he only wants what is best for the citizens and it seemed they are now at a crossroads but would vote in favor of the motion.

Motion carried 2-1 to deny the request to authorize the Hearing Examiner to make final land use decisions. (Commissioner O’Brien opposed the motion).

DOCKET 15-06 – CONSERVATION EASEMENT

ANGELA SAN FILIPPO, STAFF PLANNER reviewed proposed changes to Kittitas County Chapter 13.35 which would allow subdivisions without requiring mitigation when a conservation easement is placed on the property which could be removed by a subdivision amendment.

THOSE PRESENT & TESTIFYING: MARGE BRANDSRUD submitted a letter into the record and asked for clarification of the proposed changes. She felt the language was vague and open to abuse and asked if the easement would continue with changes in ownership and would the subdivision adhere to underlying zoning. PAULA THOMPSON questioned the minimum lot size. She expressed support of the amendment and felt it was a good idea to allow people to split property who have no intentions on developing it and therefore no need for a well. KAREN POUlsen commented on the proposal and felt there was a legal definition for conservation easement and suggested changing the title. THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING RELATING TO THE ISSUE WAS CLOSED.

There was Board discussion on the proposed amendment. COMMISSIONER JEWELL moved to approve the amendment to Kittitas County Chapter 13.35, as presented. CHAIRMAN
BERNDT seconded. COMMISSIONER JEWELL said he felt it was necessary and believed it’s a solution in order to remain in compliance and honor the Settlement Agreement with various parties that was done back in 2014. Motion carried 3-0.

DOCKET 15-11 – ESTABLISH VESTING

ANGELA SAN FILIPPO, STAFF PLANNER reviewed the proposed amendment which would establish vesting for land use permits to supplement vesting governed by RCW 58.17 and RCW 19.27.095.

THOSE PRESENT & TESTIFYING: MARGE BRANDSRUD noted Futurewise had submitted testimony and that she agreed with their comments. PAULA THOMPSON explained how she did not believe it was in the best interest for the citizens if the proposed amendments were approved. THERE BEING NO OTHERS REQUESTING TO TESTIFY THE PUBLIC PORTION OF THE HEARING WAS CLOSED. COMMISSIONER O'BRIEN moved to defer the item to the 2016 docket. COMMISSIONER BERNDT seconded. Motion carried 3-0.

DOCKET 15-07 – ADEQUATE WATER SUPPLY

HOLLY DUNCAN, ENVIRONMENTAL HEALTH SPECIALIST reviewed the proposed changes to the language to Kittitas County Code Chapter 13.35, to streamline water availability process for building permits on lots within plats that have determined “adequate water availability”. THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER JEWELL moved to approve Docket No. 15-07, as presented. COMMISSIONER O'BRIEN seconded. Motion carried 3-0.

DOCKET 15-08 - BUILDING & CONSTRUCTION

AMBER GREEN, PLANS EXAMINER reviewed proposed changes to Kittitas County Code Title 14, relating to permit applications deemed complete; manufactures home definition and snow load exemptions; definition of RV for consistency; definition of other factory built dwellings; delete dry cabins; and to update language to existing codes in 17A.06.

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

COMMISSIONER O'BRIEN moved to approve Docket Item 15-08, noting the removal of Item E (deleting dry cabins). COMMISSIONER JEWELL seconded. Motion carried 3-0.

DOCKET 15-09 - SMALL RESIDENTIAL STRUCTURES
AMBER GREEN, PLANS EXAMINER reviewed Docket Item 15-09 relating to clarification of small residential structures. THERE BEING NO PUBLIC REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER O’BRIEN moved to approve Docket Item 15-09. COMMISSIONER JEWELL seconded. Motion carried 3-0.

At 8:45 p.m. the Board recessed for a 5 minute break.

At 8:50 p.m. the Board reconvened back into their Public Hearing.

DOCKET 15-14 – AGRICULTURAL SUSTAINABILITY CENTER & RURAL TOURISM

ANGELA SAN FILIPPO, STAFF PLANNER reviewed the proposed changes to the County Code and Planning Commission recommendations to include a definition on allowance of an agricultural sustainability center and rural tourism and to allow such uses in Ag 20, Commercial Ag, and Forest & Range Zones. CHRIS MARTIN, APPLICANT spoke in favor of the proposal and described various types of activities that could be included for the public if allowed.

COMMISSIONER JEWELL moved to postpone decision on the request to a later date. COMMISSIONER O’BRIEN seconded. Motion carried 3-0.

DOCKET 15-01 – HUNTING RESTRICTIONS

CHRISTINA WOLLMAN, STAFF PLANNER reviewed the proposed amendment with changes to reflect the correct names and legal descriptions for hunting restricted areas. THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER JEWELL moved to approve Docket Item 15-01, as presented. COMMISSIONER O’BRIEN seconded. Motion carried 3-0.

DOCKET 15-02 – PUD MAP AMENDMENTS

ANGELA SAN FILIPPO, STAFF PLANNER reviewed Docket Item 15-02, to update PUD zoning maps to be consistent with Kittitas County Code Section 17.36.090. THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER JEWELL moved to approve Docket Item 15-02, as presented. COMMISSIONER O’BRIEN seconded. Motion carried 3-0.

DOCKET 15-03 – MAP CORRECTIONS
ANGELA SAN FILIPPO, STAFF PLANNER reviewed Docket Item 15-03, amending the zoning map to reflect the approved Calaway Rezone (CP12-02) and to amend the Ronald LAMIRLD map to include house and adjacent property not considered in prior logical outer boundary analysis. THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER JEWELL moved to approve Docket Item 15-03, as presented. COMMISSIONER O'BRIEN seconded. Motion carried 3-0.

DOCKET 15-13 – HOUSEKEEPING AMENDMENTS

ANGELA SAN FILIPPO, STAFF PLANNER reviewed Docket 15-13, relating to various housekeeping amendments.

THOSE PRESENT & TESTIFYING: MARGE BRANSRUD objected to duplexes in rural zones. She felt there would be unintended consequences in primitive campgrounds including homeless camps. PAULA THOMPSON testified relating to fences and how they are important to Ag producers as a way of keeping out unwanted wildlife. She said the County needed to demonstrate that duplexes in rural areas meet GMA requirements. THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

The Board asked questions of Staff and for clarification relating to Docket Item 15-13.

COMMISSIONER JEWELL moved to approve Docket Item 15-13, striking item D relating to duplexes being allowed in the Rural Zones. COMMISSIONER O'BRIEN seconded. Motion carried 3-0.

The meeting was adjourned at 10:45 p.m.

CLERK OF THE BOARD

Julie Kjorsvik

KITTITAS COUNTY COMMISSIONERS

KITTITAS COUNTY, WASHINGTON

Vice-Chairman Obie O'Brien