

**COMMISSIONERS MINUTES  
KITITAS COUNTY, WASHINGTON  
SPECIAL MEETING  
KITITAS COUNTY FAIRGROUNDS/EVENT CENTER  
HOME ARTS BUILDING**

**WEDNESDAY**

**6:00 P.M.**

**NOVEMBER 28, 2007**

Board members present: Chairman Alan Crankovich, **Vice-Chairman David Bowen (came in at 7:40)**; Commissioner Mark McClain.

Others: Mandy Robinson, Deputy Clerk of the Board; Joanna Valencia, CDS Staff Planner; Darryl Piercy, Director of Community Development Services; Scott Turnbull, CDS Staff Planner; Allison Kimball, Assistant Director of Community Development Services and approximately 22 members of the public.

**PUBLIC HEARING**

**2007 COMP. PLAN AMENDMENTS**

**CDS**

At approximately 6:00 p.m., **CHAIRMAN CRANKOVICH** opened a special meeting to consider the 2007 docketed items for the annual comprehensive plan amendments. He stated Commissioner Bowen would be joining us later as he was on his way back from Olympia. **JOANNA VALENCIA, CDS STAFF PLANNER** explained that all testimony and information from the Planning Commission had been forwarded to the Board of County Commissioners and entered into the record. She noted acknowledged a letter dated November 27, 2007 received from James T. Denison Jr., Attorney and agent for School Heights, LLC, which was hand delivered to their office, withdrawing docket item No. 07-03 from the proposed amendments. **JOANNA VALENCIA, CDS STAFF PLANNER** reviewed the definition of the Open Open classification as well as the RCWs pertaining to Open Open Classification and what Criteria's have to be met.

**OPEN SPACE/OPEN SPACE TAXATION DESIGNATION REQUESTS:**

**LARRY & LINDA HANSEN – JOANNA VALENCIA, CDS STAFF PLANNER** noted the Planning Commission recommended approval of the request. **RICK COLE REPRESENTING THE APPLICANT** requested the Commissioners uphold the decision and approve the request. **THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**HENLEY GROUP LTD, THOMAS ROTH & GLORIA HART – MS. VALENCIA** noted the Planning Commission recommended denial. **COMMISSIONER McCLAIN** questioned why the Planning Commission would deny the request. **MS. VALENCIA** stated that was the way they decided to vote, if the applicant did not show up then the applicant's application was denied. **THERE BEING NO PUBLIC TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**IAN ELLIOT, ALFRED & ANNA LAMOTTE, NELS & CHARLI SORENSON, TYLER OXLEY- MS. VALENCIA** noted the Planning Commission recommended denial. **COMMISSIONER McCLAIN** indicated that he knew Mr. Elliot and was unsure if there were any issues with him remaining seated. **THERE WERE NO ISSUES WITH COMMISSIONER McCLAIN REMAINING SEATED. THERE BEING NO PUBLIC TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**CIRCLE N LLC, DANIEL NELSON – MS. VALENCIA** noted that the Planning Commission recommended approval of the request. **THERE BEING NO PUBLIC TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**MOE/NISBET – MS. VALENCIA** noted that the Planning Commission recommended approval of the request. **ERIC S. MOE** indicated he was present for any questions. **THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**PAUL LYMAN & MATT COE – MS. VALENCIA** noted that the Planning Commission recommended denial of the request. **RICK COLE REPRESENTING THE APPLICANT** felt there was no reason to deny the request especially for the reason of lack of attendance. He indicated that Mr. Coe intended on coming to the Planning Commission meeting but was stuck on the other side of the pass the night the Commission met. **CATHERINE CLERF** indicated that the Land Use Advisory Committee (LUAC) is strongly pushing to keep land and declare it as open space. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

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**07-01**

**ELLENSBURG CEMENT PRODUCTS – MAP AMENDMENT**

**MS. VALENCIA** reviewed a staff report and explained that the Planning Commission finds that Bruce Terrell, authorized agent for Ellensburg Cement Products (ECP), applicant and Frank Gregerich of Three Bar G Ranch Inc., landowner, applied for a map amendment to designate approximately 80 acres from Rural to Mineral Lands of Long Term Commercial Significance. Location: off of I-90 Exit #93 south of I-90 and Thorp Prairie Road and southeast of Elk Heights Road in a portion of Section 25, T19N, R16E, WM in Kittitas County. Map number 19-16-25020-0009 and a portion of map number 19-16-25030-0001.

She explained that the Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on August 16, 2007. She indicated that the notice had been published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties. Furthermore she noted that the legal notices were published in the Daily Record on August 18 and 24, 2007 and the Northern Kittitas County Tribune on August 23 and 30, 2007.

She noted that public hearings were held on September 25 & 26, 2007 to review and receive testimony on the 2007 docketed items. Testimony was given by the proponent and adverse testimony was given on this proposal as well. She explained that the final deadline to submit written comments for the Planning Commissions consideration was on October 3, 2007 at noon. She indicated that all timely comments were included in the record. She indicated that the Planning Commission held a continued hearing with the record closed on October 23, 2007 for decision and deliberation. She noted that the Planning Commission found that the applicant had not met the burden of proof and that the applicant had not met the #9 criteria as provided in the Kittitas County Comprehensive Plan. She indicated that the information and studies were not sufficient to determine if the site met the criteria of the designation of Mineral Lands of Long Term Commercial Significance. Testimony given raised concerns regarding the general land use patterns in the area, impact to surrounding uses that included residential and commercial use, adequacy of access, and impact to water supplies and wildlife. She noted that on October 23, 2007 the Planning Commission recommended denial of the proposal to the Board of County Commissioners on the application based on the information submitted with a vote of 5-0 (two members absent).

**GREG MCELROY, REPRESENTING ELLENSBURG CEMENT PRODUCTS** spoke in favor of the applicants request and indicated that he has represented the applicant for a number of years through previous Comp Plans. He discussed previous requests the Company has brought forward and the

consideration give to the locations chosen in the past. He reviewed the importance and history of the rock at this location. He felt that the location was good, as it had no immediate closeness to the actual residential surrounding areas. The type of rock in the pit and quantity is important he indicated that the rock is a cobbled rock it is not a basalt type rock and that it is a commercially important facility that can provide commercial quality pit material. He indicated that it is a desirable site that will allow the trucks to cut down on their trips through the town as it provides close freeway access. He felt that the application would not affect the permitting of the site just the public notice of the site.

**LENNY MORRISON**, spoke in favor of the application and reviewed the benefits of the map amendment. He stated the quarry site is very good quality and by using the well logs from nearby wells he can see that it will be a lasting resource for at least over twenty years with intermittent mining over the years. He indicated that the location is in a very good site for mining and it gives excellent access to the main sales area of the County, and it allows them to haul materials to the Ellensburg Pit site (home base).

**COMMISSIONER McCLAIN** questioned the map and well depth's and indicated that he could not see the actual well locations on the map. He indicated that the legend did not depict any on the site. He reviewed the location of the wells into the record after Lenny Morrison confirmed them. He cited that the location is west of the boundary for the map that was provided.

**HOWARD BRIGGS** felt this application would only benefit **(ECP)**. He indicated that there were many issues brought up on previous testimonies some of which are the noise from the crushing is a big concern especially for the residents that are close by where the mining operation would be. It is right by the freeway and that it interferes with the Mountain to Sound Greenway. There were also water impact concerns. He expressed his concern for the turnout for tonight's hearing and indicated that the dangerous weather played a large impact in why there was a low turnout.

**LAURIE MOE** strongly disagreed with the application. Her house is right next to the proposed area and she felt it would disrupt daily life with the added noise, traffic, lights, dust etc... She also felt that the overpass was not wide enough and that would create safety concerns. She expressed her concerns for the wildlife being run off as well.

**MARGRET SCHOBBER** wanted to be on record for her non- support for the application and fully agreed with all the testimony that was opposing the application. She expressed her concerns over the potential to contaminate there drinking water.

**GERALD KOSAB** indicated he is a resident on the north side of the property where the application request was put in for. He expressed his concern for the blasting and disturbance for daily life. He expressed his support for the opposing testimony given today.

**NATHAN WEIS** felt it was important to address the positives that have come from having the **(ECP)** plant here. He felt that without the plant being local we would not be allowed such affordable concrete. He also expressed the same concerns for the eyesore it would present.

**JOANNE BRIGGS** wanted to be on the record to show non-support for the application.

**GEORGE SINCLAIR** indicated that we are becoming the gateway to the east side of the state. He indicated that our beautiful open spaces are a huge attraction to the east side of the state. He indicated

it is a beautiful area for the Elk to have their babies in. He stated that there are signs all over the area for the Mountain to Sound Greenway and they state if you pack it in, pack it out, keep it clean.

**JEFF HUTCHINSON** felt that there was a large mis-conception on what types of noises run off the wildlife. He indicated that its people with guns that scare the elk, not noises from the pit or the equipment.

**CATHERINE CLERF** referred to an article in the Yakima newspaper specific to mining (**Exhibit 1**) and submitted it to the record. She indicated that the Land Use Advisory Committee is currently working on clearly identifying the resource lands that can be found in Kittitas County for the next 50-100 years. She indicated that there was no reason not to deny the land use change.

**ALLAN BAKALIAN ATTORNEY REPRESENTING MOE'S** submitted a packet to the Commissioners (**Exhibit 2 submitted to the record**) of information on the Moe property with their concerns as well as pictures of the way the land is presently is.

**DAVID TAYLOR** felt it was important to note he helped write the Ordinance and felt that at times it is usually interpreted incorrectly. He indicated that he is happy to answer any questions the Commissioners may have.

At 7:05 p.m., the Board recessed for approximately 10 minutes. The Board reconvened back into session at 7:15 p.m.

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**07-02**

### **GRAYBILL MAP - AMENDMENT**

**MS. VALENCIA** reviewed a staff report and explained that on June 26, 2007 Kittitas County Community Development Services received an application for David Taylor, authorized agent for Brian Graybill, landowner to re-designate 35.80 acres from Commercial Ag to Rural. Location located at 5800 Thrall Road, south of Thrall Road, west of Denmark Road, and east of Payne Road within a portion of Section 34, T17N, R19E, WM in Kittitas County. Map numbers: 17-19-34000-0001 and 17-19-340000049.

She explained that the Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on August 16, 2007. The notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Furthermore, legal notices were published in the Daily Record on August 18 and 24, 2007 and the Northern Kittitas County Tribune on August 23 and 30, 2007.

She noted that Public Hearings were held on September 25 and 26, 2007 to review and receive testimony on the 2007 Docketed items. The proponent gave testimony and adverse testimony was given on this proposal as well. She explained that the final deadline to submit written comments for Planning Commission consideration was on October 3, 2007 at noon. All timely comments were included in the record. The Planning Commission held a continued hearing with the record closed on October 23, 2007 for decision and deliberation. She noted the Planning Commission found that the burden of proof had not been met by the applicant for the change in designation, nor had any proof regarding economic viability been provided. She indicated that the Planning Commission also recognized that in light of the Eastern Washington Growth Hearings Board Decision (EWGMHB Case No. 07-1-0004c), an area wide look of the County should occur for Commercial Agriculture Land Use

designation in order to determine appropriateness of such designation, review of such should utilize the County's Agricultural Lands Advisory Committee. She indicated that on October 23, 2007 the Planning Commission recommended denial of the proposal to the Board of County Commissioners she noted that the decision was based on the information submitted with a vote of 5-0 (two members absent).

**DAVID TAYLOR, REPRESENTING THE APPLICANT** gave testimony in support of the Amendment and gave a brief history of the property location. He spoke under the vested rules of growth management. He explained that it is important to be consistent and either make your decisions based on the rules of growth management or not but we cannot flip back and forth. He indicated that 7% of employment in Kittitas County is Agriculture. He referred back to CDS Staff Planner Joanna Valencia's staff report and re-stated the part that spoke to the Planning Commission was first the burden of proof not being met by the applicant for the change in designation and that no proof regarding economic viability had been provided. And secondly where Ms. Valencia stated that the Planning Commission recognized that in light of the EWGMHB Case No. 07-1-0004c an area wide look of the County should occur for the Commercial Ag land use designation in order to determine appropriateness of such designation, in addition, that review of such should utilize the County's Agriculture Lands Advisory Committee. He expressed his desire to have the Board approve the requested Map Amendment. **(Exhibit 3 submitted to the record).**

**CATHERINE CLERF** indicated her support for the map amendment before the Board, but indicated that it should be considered at a later date since there are current legal issues being considered.

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**07-03**

**SCHOOL HEIGHTS LLC MAP- AMENDMENT**

**ITEM PULLED/ WITHDRAWN AT THE REQUEST OF JAMES T. DENISON JR. (SEE LETTER EXHIBIT 4)**

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**07-04**

**R&R HEIGHTS LAND CO. INC., MAP – AMENDMENT**

**MS. VALENCIA** reviewed a staff report and indicated that the Planning Commission found that Vernon Swesey, authorized agent for R&R Heights Land Co. Inc., landowner to re-designate approximately 18.74 acres from Rural and General Commercial. Location north of Horvatt Road and south of SR-903 off of Horvatt Road within a portion of Section 18, T20N, R15E, WM in Kittitas County. Map numbers 20-15-18052-0001, 0002, 0003, 0004.

She indicated that the Planning Commission has found that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on August 16, 2007. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Furthermore, legal notices were published in the Daily Record on August 18 and 24, 2007 and the Northern Kittitas County Tribune on August 23 and 30, 2007.

She noted that Public Hearings were held on September 25 and 26, 2007 to review and receive testimony on the 2007 Docketed items. Testimony was given by the proponent, and it was also noted that there was **no** adverse testimony given on this proposal. She explained that the final deadline to submit written comments for Planning Commission consideration was on October 3, 2007 at noon. All timely comments were included in the record. The Planning Commission held a continued hearing

with the record closed on October 23, 2007 for decision and deliberation. She noted that the Planning Commission found that the surrounding area including commercial use areas and proposed development areas would be subject to regulations in place for commercial development outside Urban Growth Areas. She noted that on October 23, 2007 the Planning Commission recommended approval of the proposal to the Board of County Commissioners the application based on the information submitted with a vote of 4-1 (two members absent). She indicated that there was in fact, no minority report presented.

**VERNON SWESEY REPRESENTING THE APPLICANT** reviewed a power point presentation and submitted a copy of the presentation to the record (**Exhibit #5**).

**PAULA THOMPSON** expressed her concerns relating to issues with Urban Growth Area (UGA) and Growth Management Act (GMA).

**NATHAN WEIS VICE PRESIDENT OF R&R HEIGHTS** wanted to make sure it was noted on the record that the Map Amendment before the Commissioners was filed prior to everything with the EWGMHB transpiring. He requested that the Commissioners approve the Map amendment request and felt that there were plenty of buffers for the citizens that are located near the proposed site.

**COMMISSIONER CRANKOVICH** noted for the record that he is a member of the Coal Mines Trail Commission and he has abstained and not taken a part of any comments that have come up with this application, knowing full well the application would be coming before the Board.

**COMMISSIONER BOWEN** noted for the record that he would obtain the recording from this evenings Hearing and listen to the previous testimony as well as review the documents provided this evening so he will be caught up for the continuance hearing. He apologized to the Board and the citizens for his tardiness and explained that the Pass was bad and he decided to take his time coming home so he could arrive in one piece.

**COMMISSIONER CRANKOVICH** moved to continue the Public Hearing to Thursday November 29, 2007 at 6:00 p.m. at the Kittitas Valley Event Center in the Home Arts Building / Teanaway Hall to hear the rest of the docketed items. **COMMISSIONER BOWEN** seconded. Motion carried 3-0.

The meeting was adjourned at 7:50 p.m.

**DEPUTY CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

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**Mandy Robinson**

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**Alan Crankovich, Chairman**

<b>Exhibit #</b>	<b>Document</b>	<b>Submitted by</b>	<b>Date</b>
1	Yakima Newspaper Article (Specific to Mining)	Catherine Clerf	11/28/07
2	Letter with attachments	Allan Bakalian on behalf of Laurie and Jason Moe	11/28/07
3	Consultant's Report from Taylor Consulting Group	David Taylor	11/28/07
4	Letter from James T. Denison Jr.	CDS Staff Planner Joanna Valencia	11/28/07
5	Power Point Presentation R&R Heights Land Co.	Vernon Swesey	11/28/07
6	Sign in Sheet	Mandy Robinson, Deputy Clerk of the Board	11/28/07