

KITTITAS COUNTY BOARD OF ADJUSTMENT

March 8, 2006 - 7:00 PM - Commissioners Auditorium

MINUTES

I. Call to Order.

Chairman Roy Chance called the regular meeting of the Board of Adjustment to order at 7:00 p.m.

II. Roll Call

Those present: Roy Chance, Stan Bossart, Frank Jones

Also present: Community Development Services Staff Planner Joanna Valencia, Clerk of the Board Susan Barret and approximately 10 people representing public and applicant interests.

III. Correspondence.

The Clerk reports no new correspondence.

IV. Minutes

Stan Bossart moved to approve the minutes of 1-18-2006 as corrected. The motion was seconded by Frank Jones and carried with a 3/0 poll of the Board.

V. Unfinished Business.

A. Williams Conditional Use Permit (C-05-08)

The chair opened the hearing to the Findings of Fact and Conclusions of Law for the Williams Conditional Use Permit (C-05-08). Attached hereto and incorporated herein is a copy of those findings.

The chair opened the hearing to deliberation and motion.

Frank Jones moved to approve the findings of fact and conclusions of law for the Williams Conditional Use Permit (C-05-08) as amended. The motion was seconded by Stan Bossart and carried with a 3/0 vote of the Board.

VI. Declarations of Disclosure.

There were no declarations made by the Board of Adjustment.

VII. New Business

A. Thomas Conditional Use Permit (C-05-09)

The Chair opened the hearing to the Thomas Conditional Use Permit (C-05-09)

Staff Planner II Joanna Valencia read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report. Valencia submitted+ and Exhibits A and B were submitted into the record

Frank Jones questioned Valencia over the suggested hours of operation. Valencia stated that in the past the Board has recommended conditions based on comments received from the public in relation to noise. She also suggested defining the meaning of "temporary".

The chair opened the hearing to applicant presentation.

Peter Ewen, 300 N. Sprague, Ellensburg, Washington, representing Ellensburg Cement Products, made himself available for questions.

Chance questioned the size of the area. **Ewen** replied that there would be no further excavation of the subject property. **Jones** questioned the water used on site. **Ewen** replied that there will be a water tank on premise and a water truck would supply the tank. Discussion ensued over the meaning of "temporary" and to determine reasonable hours of operation.

Jeff Hutchinson, representing Ellensburg Cement Product, spoke to the hours of operations.

The Chair opened the hearing to public testimony. No public testimony was heard.

The Chair opened the hearing to deliberation and motion.

Frank Jones moved to approve the Thompson Conditional Use Permit (C-05-09). The motion was seconded by Stan Bossart. The motion was carried by a 3/0 poll of the Board with conditions.

Suggested Findings of Fact:

This matter having come before the Kittitas County Board of Adjustment upon the above referenced Conditional Use Application of Don Williams, the Board of Adjustment makes the following Findings of Facts, Conclusions at Law and Decision related to the above referenced matter:

1. The Board of Adjustment finds that Peter Ewen of Ellensburg Cement Products, authorized agent for Carla Thomas, landowner, submitted a complete application for a temporary cement concrete batch plant in the Forest & Range zone (KCC 17.56.030(I)) to Kittitas County Community Development Services on December 30, 2005.
2. The Board of Adjustment finds that the site is located east of Bettas Road and west of State Highway 97 at Mile Post 146.9 on Highway 97, Ellensburg, WA 98926 which is a portion of Section 03, T 19N., R 17E., W.M. in Kittitas County located on a portion of parcel number 19-17-03000-0001.
3. The Board of Adjustment finds that the site is also known as the Ellensburg Cement Product's Thomas Quarry Site. The current use of the property is for sand and gravel operations. The site is also permitted for a temporary asphalt plant (Conditional Use Permit File # C-03-10). All conditions and applicable SEPA mitigations will continue to apply for the Conditional Use Permit of the Asphalt Plant.
4. The Board of Adjustment finds that the subject property underwent a rezone from Agriculture-20 to Forest and Range. The rezone was approved on May 21, 1996. (Rezone File # Z-94-13) All conditions of the rezone and applicable SEPA mitigations will continue to apply.

5. The Board of Adjustment finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on February 6, 2006. The Board of Adjustment finds further that said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law.
6. The Board of Adjustment finds that written comments were solicited written comments were solicited and received from the Kittitas County Community Development Services Enforcement and Investigation Division, Thomas Roth, Washington State Department of Transportation, and the State of Washington Department of Ecology.
7. The Board of Adjustment finds that Based on the comment period and other information submitted with this project permit application, a SEPA Determination of Non-Significance (DNS) was issued by the Community Development Services Department on February 23, 2006. The Board finds that the notice of said determination was provided to all required parties of record pursuant to 43.21C RCW.
8. The Board of Adjustment finds that an open record hearing was held on March 8, 2006 and that testimony was taken from those persons present who wished to be heard. The Board of Adjustment also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed project.
9. The Comprehensive Plan's Land Use Element designates the subject parcel as Rural. Such areas are generally characterized by lands that can support residential development, but also farming, mining and forestry. Consequently, particular precaution must be taken to minimize conflict between new residential developments and natural resource activities. The economy of our rural community has traditionally been based on natural resource activities and Kittitas County encourages and supports their continuation in Rural Lands.
10. The Thomas Pit Site is designated in the Comprehensive Plan as a Mineral Lands of Long-Term Commercial Significance.
11. The site is located within the Forest and Range Zone. The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged.
12. Per KCC 17.56 gravel extraction and rock crushing are permitted uses but temporary concrete plants are a conditional use as stated in KCC 17.56.030(I) and are subject to the conditions set forth in Chapter KCC 17.60 (Conditional Uses).
13. An administrative site analysis was completed by the staff planner in compliance with Title 17A. The subject property contains some moderate to steep slopes. There will be no requirements pursuant to KCC 17A: Critical Areas.
14. The subject property is zoned Forest and Range. The properties to the north and west are zoned Agriculture-20, properties to the south are zone Forest and Range and Agriculture-20, and properties to the west are zoned Forest and Range.
15. The Board of Adjustment finds that the proposed development **has** met the requirements of KCC. 17.60.010 as listed below:
 - a. The Board of Adjustment finds that the proposed use is essential or desirable to the

public convenience and not detrimental or injurious to the public health, peace, or safety or to the character of the surrounding neighborhood.

- b. The Board of Adjustment finds that the proposed use at the proposed location will not be unreasonably detrimental to the economic welfare of the county and that it will not create excessive public cost for facilities and services by finding that (1) it will be adequately serviced by existing facilities or (2) that the applicant shall provide such facilities and (3) has demonstrated that the proposed use will be of sufficient economic benefit to offset additional public costs or economic detriment.
16. The Board of Adjustment finds that the recommended conditions contained within the staff report as part of Section IV **shall** be conditions of approval of the Conditional Use Permit.
 17. The Board of Adjustment finds that additional conditions **are** necessary to protect the public's interest.
 18. Legal water must be used on the premises.
 19. The operation may be permitted to run 24 hours a day as long as they stay below legally allowed decibel levels.

With no further business, the meeting was adjourned at 7:46 p.m. The next regularly scheduled meeting is April 12, 2006.

Susan Barret, Clerk of the Board