

**KITTITAS COUNTY PLANNING COMMISSION MEETING
Tuesday, February 26, 2008 @ 6:30 P.M.**

COMMISSIONER'S AUDITORIUM
205 W. Fifth Street, Ellensburg

I. Call to order and introduction of members and staff.

Chairman Black called the meeting to order at 6:30 p.m.

Those present: Chairman David Black, Grant Clark, Kim Green, Larry Fuller, Matt Anderson, Jason Grant

Also present: CDS Director Darryl Piercy, CDS Assistant Director Allison Kimball, Prosecutor Neil Caulkins, CDS Staff Planners Scott Turnbull, Mackenzie Moynihan, Public Works Planners Christina Wollman and Randy Carbary, Public Works Transportation Manager Jan Ollivier, Clerk Lindsay Watkins and Mandy Weed and approximately 6 individuals representing applicants and public interest.

II. Correspondence –

Black asked when an applicant has the opportunity after the Public comment period to give their rebuttal and does not give there rebuttal are we required at that point to reopen in two weeks and allow the applicant to rebut.

Caulkins stated it is to his understanding from the direction of the court that it is to go through another open record hearing and so the documentary record is what it is, it's his understanding that the courts conception is that there will be an opportunity for the applicant to say and add whatever to the record of the testimony likewise, there would be opportunity for members of the Public to speak for and against and add whatever they wish, which would then give the applicant a chance to rebut.

Black stated during the original application we give the applicant an opportunity to rebut any of the Publics testimony and if he rejects that does that close that session as far as we are concerned?

Caulkins stated correct.

Black stated his error was to read into the record the applicants letter which was after the session had been closed.

Caulkins stated he has not read the letter.

Black asked Caulkins to read letter on page 3.

Caulkins stated there is also consideration in the letter that there wasn't anything specific stated as to what grounds are for reconsideration.

Black stated he thinks by his stand point back on page 8 in which the applicant says in error committed by the Planning Commission a recommended findings based on apparent evidence outside the open record which was peculated by BOCC when it adopted resolution 2007-53 and there made Findings of Fact 1A and 73A that exceeded the minimum for fire safety apparently that was not in the public testimony but was in the private testimony.

Caulkins stated one just needs to go through each element of a rezone and make sure it is pointing to something in the record or an absence in the record so as to justify the finding in conclusion as to each of those elements.

Fuller stated when the public testifies we have to consider their information whether it's right or wrong and in

most cases we have know idea of knowing what is right or wrong.

III. Approval of Minutes

Larry Fuller moved to approve minutes as written. Grant Clark seconded and the motion carried with all in favor.

IV. Old Business

A. Public Works Long Range Transportation Plan

Chair opened the hearing to Findings of Fact.

Kim Green moved to pass forward the Kittitas County Long Range Transportation Plan to the Board of County Commissioners for approval. Larry Fuller seconded and the motion passed with all in favor.

B. Younger Preliminary Plat (P-07-63)

Chair opened the hearing to Findings of Fact.

Grant Clark moved to pass forward Younger Preliminary Plat (P-07-63) to the Board of County Commissioners as written. Kim Green seconded and the motion passed with all in favor.

C. Hazel Preliminary Plat (P-07-36)

Chair opened the hearing to Findings of Fact.

Green stated there should be a Plat note attached stating the Group B Water System is to be metered individually.

Turnbull stated it is Valoff's project and we will make sure the changes are made and the wording is the same as the number 10 in the Findings of Fact.

Larry Fuller moved to pass forward the Hazel Preliminary Plat (P-07-36) with the corrections to number 6 as noted to the Board of County Commissioners for approval. Kim Green seconded and the motion passed with all in favor.

D. Midfield LLC Preliminary Plat (P-07-22)

Chair opened the hearing to Findings of Fact.

Grant Clark moved to pass forward Midfield Preliminary Plat (P-07-22) with the correction to number 7 to the Board of County Commissioners for approval. Larry Fuller seconded and the motion passed with all in favor.

E. Crowe Preliminary Plat (P-07-51)

Moynihan stated she received a letter asking for the hearing to be continued and submitted a letter into the record as **Exhibit A**.

Board members agreed to continue the hearing to March 11, 2008.

V. New Business

A. Wedgwood Estates Preliminary Plat (P-07-56)

Chair opened hearing the hearing to Staff Presentation.

Staff Planner, **Mackenzie Moynihan** read portions of her staff report into the record. Attached hereto and incorporated is a copy of that staff report.

Fuller asked if there were any well logs.

Moynihan stated she had the well log and then submitted **Exhibit A** into the record.

Chair opened the hearing for Applicant Presentation.

James Carmody Attorney, Velikanje Halverson P.C., 405 E. Lincoln, Yakima, WA 98901, representing the applicant, stated he agrees with the staff report and then gave a brief overview of the project.

Chuck Cruse, 217 E. 4th Street, Ellensburg, WA 98926, stated he has been doing the surveying on the application and if the public or Commissioners have any questions he would be happy to answer.

Chair opened the hearing for Public Testimony

No Public Testimony

Chair opened the hearing for Planning Commission deliberation and motion.

Cruse stated he would like to ask the Commission as a member of the applicant's team to allow them to apply for future road variances if needed.

Fuller stated he wasn't really in favor of the road variances.

Green asked where the variance would be located.

Cruse stated he did not know, the road standards are so thick they haven't really been on sight to do a lot of engineering analysis, they have done enough to get a plain Jane application. Cruse stated the main reason for the request of variance was just to have it incase anything came up where they would need to have one.

Moynihan stated we do have conditional preliminary approval from Public Works on this project and there is no mention of variance requirements.

Piercy stated the position CDS has always been in is if a variance is going to be necessary it's known up front by the applicant, that should be disclosed if it's not disclosed then it should be brought back to the Planning Commission for further discussion and because the Planning Commission makes their decision based on information they have if that information is missing from the file the Planning Commission's decision may have been different.

Clark asked what the process for approving those variances is.

Piercy stated currently there is an application that goes through Public Works for a variance request from the road standards, there's a committee of 5 people which include Director of Public Works, Director of CDS, Fire Marshal, and 3 citizens, those 5 people make the determination of the variance.

Fuller asked is there any way to move the Variance Committee to where the Public would have input.

Piercy stated they are working on that with in the Variance Committee. We established a draft set of procedural rules that will follow very closely the process for Short Plat approvals, there will be public

notification of property owners within 500 feet, there will also be legal notices published into the paper, and there will be procedures within the variance group that allows for public participation.

Carmody stated there are no known variances, so the issue Piercy raised about is there anything known at this point, the answer is no, it seems that it is appropriate for Staff to work through a procedure that yields something in the future but he also thinks its fair that an applicant right now be entitled to the process that's in place.

Anderson stated he thinks the Plat its self is fine, if there is a variance that process was already built.

Black stated if there is a variance required it should come back to the Planning Commission to have another public hearing.

Anderson stated he thinks it would happen either way.

Fuller stated that Piercy said it would not come back to the Planning Commission the variance would go to the Road Committee.

Larry Fuller moved that Wedgwood Estates Preliminary Plat (P-07-66) be passed forward to the Board of County Commissioners with a recommendation of approval with the Finding of Fact reflecting that should there be a variance that the Wedgwood Estates Preliminary Plat come back to Planning Commission for additional Public Hearing. David Black seconded the motion failed 2/3/1 with Grant Clark, Matt Anderson, and Kim Green declining and Jason Grant abstaining.

Matt Anderson moved that Wedgwood Estates Preliminary Plat (P-07-66) be passed forward to the Board of County Commissioners with recommendation of approval with the Findings of Fact to be as shown on pages 2 and 3 of the Staff Report. Grant Clark seconded and the motion passed with a 3/2/1 poll of the board with David Black and Larry Fuller declining and Jason Grant abstaining.

Findings of Fact will be brought back to the March 11, 2008 meeting.

B. Waldwoods Preliminary Plat (P-07-07)

Turnbull stated staff determined the bonus density that was supplied from the applicant did not meet the necessary points to come up with the amount of lots they proposed. The proposal has been sent back to the applicant and for a revised Plat Drawing, the Plat Drawing was not submitted in time for Public Works to provide comments for the Planning Commission which he then asked for a continuance to March 11, 2008 meeting.

Board members agreed to continue the hearing to the March 11, 2008 meeting.

C. Dantzler- Teanaway Plat (P-07-46)

CDS Staff Planner, **Scott Turnbull** read portions of his staff report into the record. Attached hereto and incorporated is a copy of that staff report.

Green questioned how the issues going to be addressed with the Fire Marshal regarding a letter on page 7.

Chair opened the hearing for Applicant Presentation.

Noah Goodrich, 108 E 2nd Street, Cle Elum, WA 98922, representing applicant, stated he agrees with the staff report and presentation and gave a brief overview of the project and submitted **Exhibit A**.

Clark asked if the property has irrigation rights.

Goodrich stated no.

Clark asked if there are covenants through other properties that do.

Goodrich stated the covenant is still there but it is not used anymore.

Jeff Dantzler, 4260 Red Ridge Road, Cle Elum, WA 98922, landowner, gave brief overview of the project.

Piercy stated the comments stated by past Fire Marshal where an error and should not be required to the Dantzler- Teanaway Plat.

Chair opened the hearing for Public Testimony

No Public Testimony

Chair opened the hearing for Planning Commission deliberation and motion.

Clark stated the plat looks good to him, he agrees we should condition this with the recommendation concerning the Group B System and making sure they're all 3 acre lots.

Green stated to add conditions must apply to International Fire Code standard.

Kim Green moved that Dantzler – Teanaway Plat (P-07-46) be passed forward to the Board of County Commissioners with a recommendation of approval with the conditions of the International Fire Code and with Group B Well System. Grant Clark seconded and the motion passed with a 6/0 poll of the board.

Next regularly scheduled meeting is March 11, 2008 at 6:30pm at the Commissioner's Auditorium.

Meeting was adjourned at 7:52 pm.

Lindsay Watkins, Planning Commission Clerk