Planning Commission Present:
   Mike Alberg, Chair, Scott Pernaa, James Landreth, David Black and Doug Harris
Staff Present:
   Jan Sharar and Marco Rain, Staff Planners and Loma Kenny, Clerk
Public Present:
   Approximately twenty-five people were present representing public and applicant interest.

With a quorum present, the Chair called the special meeting of the Planning Commission to order at 6:40 PM with the introduction of the Commission, staff and clerk. With the Commissioner Auditorium unavailable, the meeting was posted directing the public on the doorways and hallway and held in the Lower District Courtroom. The meeting is the continuation from August 30, 2004 public hearing of the 2004 Annual Comprehensive Plan Amendments.

The Chair opened the hearing to Chad Bala – Doug Weis, Change Commercial Forest Designation to Rural Designation. Jan Sharar introduced the application with staff report to change commercial forest designation to rural designation for tax parcel 21.14.35000.0002, 40 acres. Jan presented a land use map for reference.

The hearing was opened to applicant testimony. Chad Bala, PO Box 462, Roslyn WA testified and presented copies, Exhibit A, representing 40.15 acres. The property has two zones on the parcel and has two land uses. The 40.15-acre lot is a non-conforming lot and the proposed amendment will make the land designation consistent to rural. Zoned land directly to the south and north allows for minimum lot size of 3 acres (Ord. 2004-10). South of the property is Forest & Range zoning and Plum Creek did harvest the land and sold the timber.

The hearing was opened to public testimony. James Boyle, PO Box 39, Ronald WA testified in opposition to the application and is recommending that the Planning Commission motion denial of the application to the Board of County Commissioner, Exhibit B.

Pat Legrand, PO Box 1672, Seattle WA 98116 testified as a Sunshine Estate resident and owning roads in the development. He was informed of the meeting at the last minute. Concerns are directed towards erosion control regarding water runoff with the change in designation from Forest to Rural 3. Access of the lots is questionable and he would like to see an impact study done regarding water resources.

Cordy Cooke, PO Box 441, Roslyn WA testified in behalf of Ridge in opposition to the application. The application is not appropriate, as it would greatly impact the area. He supports the comments made of James Boyle, Exhibit B, on this issue.

Doug Weis, PO Box 171, Roslyn WA testified as the property owner of the application consisting of 40 acres Commercial Forest, which does not comply with current zoning. There is a buffer behind the house from Plum Creek and road access is through Weis property.
Mike Alberg questioned the one-acre parcel and Lot #68, #69 and #70 abutting the 40-acre parcel plus 10 acre lot.

Pat Deneen, 1890 Nelson Siding Road, Cle Elum testified that the 40 acre parcel was on a steep slope with two zones not practical for logging. The Comprehensive Plan will bring the non-conforming lot into conformance and R-3 zoning can cluster with wells. The application is not a zone change but a Comprehensive Plan designation change.

Clint Perry, Ronald WA agrees with the previous testimony of the applicant for a need to focus on conformance. The topography is difficult to log without helicopters.

Steve Lathrop testified representing the applicant. The character of the area has changed and Commercial Forest is not practical to the small parcel any longer. His recommendation is to designate the property to rural.

The Chair asked if there was any additional testimony and being none the meeting was opened to the Board’s deliberation. Discussion included referencing the non-conforming parcel in an 80-acre land area with two land uses on the property which needs to brought into conformance with one land use. The property is abutting a higher density development with a 200’ buffer acts as a no build zone.

Dave Black moved to recommend approval for the Doug Weis, Change Commercial Forest Designation to Rural Designation, complete with Findings of Fact, to the Board of County Commissioner. The motion was seconded and opened to discussion. The motion was approved by a 5/0 poll of the Commission.

Findings of Fact, Doug Weis, Rural Designation:

A. The Planning Commission finds that Chad Bala (representative for Doug Weis) submitted an application to the KC Community Development Services Department on June 30, 2004 to change commercial forest designation to rural designation (parcels 21.14.35000.0002, 40 acres).

B. The Planning Commission finds that the KC Community Development Services Department issued a notice of public hearing pursuant to KCC 15A and KCC 15B on August 12, 2004, which was sent to all interested parties. Further, legal notices were published in the Daily Record on August 13 and August 20, 2004 and published in the NKCT on August 19, 2004.

C. Testimony was given by the proponent.

D. Adverse testimony was given on this proposal.

E. On August 31, 2004 the Planning Commission recommended approval to the Board of County Commissioners based on the information submitted.

F. The Planning Commission finds that the proposed Comprehensive Plan Amendment will change a non-conforming lot into conformance.

G. The Planning Commission finds that the parcel also has two land use designation which needs to be brought into compliance as one land use designation.
The Chair opened the hearing to the **David Gerth, Text Amendment to Zoning Criteria KCC 17.98.020(E)**. Jan Sharar introduced the withdrawal of the application and read the letter into the record.

The Chair opened the hearing to the **City of Roslyn, Jeri Porter Comprehensive Plan Text Amendment – Rezone Moratorium**. Jan Sharar introduced the application for a Comprehensive Plan Text Amendment to add a new section to the Comprehensive Plan addressing an emergency moratorium on all rezones in Upper County from Forest and Range 20 to Rural 3. The moratorium would allow an environmental review process to be accomplished to consider the cumulative impacts on the Cities of Roslyn, Cle Elum and the Town of So. Cle Elum.

The hearing was opened to applicant testimony. **Cordy Cooke**, PO Box 441, Roslyn WA testified for the City of Roslyn and opposition to growth without a plan for services in place to offer fire/police/water and sewer protection. They are requesting that the County take the time to consider the impact to residences in the Upper County.

**Pat Deneen** testified, there is nothing to be rezoned. The City of Roslyn has never supported anything proposed to them. He is opposed to the rezone moratorium request and notes that there will always be a shortage of land even with R-3 zoning the issue is in need of discussion in a different form other than a Comprehensive Plan Amendment. He also noted that CTED sees the definition of five acres as rural.

**Jeff Howard**, 21 Fawn Rd., Cle Elum WA testified his understanding for the City’s concern but does oppose the request for a moratorium on all rezoning in the Upper County.

The Chair asked if there was any additional testimony and being none the meeting was opened to Commission deliberation. Discussion included that a moratorium in the Comprehensive Plan is not appropriate and a public hearing process is needed to determine a moratorium for the Upper County. Dave Black would like to see the Cities lobby the Board of County Commissioners for the application request.

David Black moved to recommend denial to the City of Roslyn Comprehensive Plan Text Amendment Rezone Moratorium, complete with Findings of Fact, to the Board of County Commissioner. The motion was seconded and opened to discussion. The motion was approved by a 5/0 poll of the Commission.

Findings of Fact, City of Roslyn Comprehensive Plan Text Amendment:

A. The Planning Commission finds that Jeri B. F. Porter, Mayor of the City of Roslyn, requested for a Comprehensive Plan Text Amendment to add a new section to the Comprehensive Plan to address an emergency moratorium on all rezones in Upper County from Forest & Range 20 to Rural 3 until an environmental review can be accomplished to consider the cumulative impacts on the cities of Roslyn, Cle Elum and Town of So. Cle Elum.

B. The Planning Commission finds that the KC Community Development Services Department issued a notice of public hearing pursuant to KCC 15A and KCC 15B on
August 12, 2004, which was sent to all interested parties. Further, legal notices were published in the Daily Record on August 13th and August 20, 2004 and published in the NKCT on August 19, 2004.

C. Testimony was given by the proponent.
D. Adverse testimony was given on this proposal.
E. On August 31, 2004 the Planning Commission did not recommend approval to the Board of County Commissioners based on the information submitted.

The Chair opened the hearing for **Steve Lathrop, Thomas Bull, UGA Expansion City of Ellensburg, Change Designation from Commercial Agriculture to Urban Residential/UGA.** Jan Sharar introduced the application to change the commercial agriculture designation to urban residential and to expand the Urban Growth Area of the City of Ellensburg (Parcels 17.18.12010.0006, 17.18.12010.0009, 17.18.12010.0010 and 17.18.12010.0011 approximately 190.95 acres).

The hearing was opened to applicant testimony. **Thomas Bull** testified representing himself and his brother who own 190 acres of Commercial Agriculture, **Exhibit C.** The land has been farmed by family members since 1981 by himself and his brother who have continued to farm a few alternative crops of alfalfa hay and sweet corn. Farming expenses have increased and the profit margin has dwindled. It takes two jobs to support the farming hobby. Soil types are Class 3-4 W (wet ground) ponds on 30 acres and not appropriate for farming. Irrigation water is difficult to get from Town Ditch down to the farm through the grassland area. Access to the farm is from Bull Road and morning and evening traffic is not suitable for farm machinery and farming is not cost effective. The land is bordered on two sides by Ellensburg City limits.

**Steven Lathrop** testified representing the applicant and presenting **Exhibit D, Soils Study to the Commission.** The Soils Study defines Class 3 & 4 with reduced and severe limitations with crops to be used are limited. Reference is made to GPO 2.92 – not in package and GPO 2.93 urban residential land use. The property sits against the Ellensburg UGA. GPO 2.94 – 2.98 applicable to property. Commercial Ag. To Urban residential is a big jump but a rural designation does not fit the property. He recommends the Comprehensive Plan change from Commercial Ag to Urban Residential.

The Chair opened the hearing to public testimony. **Mike Smith, City of Ellensburg,** testified referencing his correspondence of August 17, 2004 letter from staff and September 21, 2004 Planning Commission and October 4, 2004 from the City Council. The property is outside of the City UGA and has to be out of Commercial Ag. He does not agree with lands of long term significance and has not revised the UGA Boundary since 1997. The City staff has made a recommendation to the Planning Commission and City Council to look at the area by 2006 for an update proposal with agriculture lands abutting City limits. He supports a change in designation however UGA needs guidance from the City Council. West Side Bull Road is in the UGA as Commercial Tourist, hotel/motel/office, there is need for input from the City Planning Commission and City Council.
The Hearing was opened to public testimony. Since there was no public testimony the hearing was opened to Commission deliberation. Dave Black moved to recommend approval for the Thomas Bull, UGA Expansion City of Ellensburg Change Designation from Commercial Agriculture to Urban Residential/UGA, complete with Findings of Fact, to the Board of County Commissioner. The motion was seconded and opened to discussion. The motion was approved by a 5/0 poll of the Commission.

Findings of Fact Thomas Bull:

A. The Planning Commission finds that Steve Lathrop, representative for Thomas Bull, submitted an application to the KC Community Development Services Department on June 25, 2004 to change the commercial agriculture designation to urban residential and to expand the Urban Growth Area of the City of Ellensburg (parcels 17.18.12010.0006, 17.18.12010.0009, 17.18.12010.0010 and 17.18.12010.0011 – approximately 190.95 acres.

B. The Planning Commission finds that the KC Community Development Services Department issued a notice of public hearing pursuant to KCC 15A and KCC 15B on August 12, 2004, which was sent to all interested parties. Further, legal notices were published in the Daily Record on August 13 and August 20, 2004 and published in the NKCT on August 19, 2004.

C. Testimony was given by the proponent.

D. Adverse testimony was not given on this proposal.

E. On August 31, 2004 the Planning Commission recommended approval to the Board of County Commissioners based on the information submitted.

F. The Planning Commission finds that the proximity of the property to the City of Ellensburg and the high zoning to the west of the property creates a difficult situation to continue farming on a Commercial Agriculture basis.

G. The Planning Commission finds that approximately one-third of the property is unsuitable for continued agricultural practices due to wetlands, floodplain and neighboring land uses.

H. The Planning Commission finds that the property is more suitable as urban residential than continued as agricultural production.

I. The Planning Commission finds that the property is located immediately adjacent to the Ellensburg UGA and meets the criteria contained in the County Wide Planning Policies (UGA, Designation Criteria, Policy A & B) for inclusion in the UGA.

J. The Planning Commission finds that City water and sewer services are located immediately adjacent to the subject property. Topographical conditions made delivery to the subject property cost effective and efficient.

K. The Planning Commission finds over the past several years' urban growth has occurred in the northern portions of the UGA for the City of Ellensburg. However, environmental constraints (i.e. floodplain, wetlands, shallow soils, groundwater depth, etc.) and the recently adopted Airport Overlay restrict the densities necessary to cost effectively extend water and sewer services.

L. The Planning Commission finds that with only 89 shares of irrigation water from the Ellensburg Water Company, the subject property does not receive adequate water to
sustain long-term agricultural production. No additional water rights are appurtenant to the property.

M. The Planning Commission finds the land use settlement patterns in the area include urban density residential development to the north and west of the subject property. There is also commercial development to the west of the property. Residential development in the area has hindered delivery of irrigation water and has made farm management practices difficult.

The Chair opened the hearing for Ron McMillan, Rural and Commercial Agriculture Designation to Mineral Lands of Long Term Commercial Significance. Jan Sharar introduced the application to change the rural and commercial agriculture designations to mineral lands of long term commercial significance (parcels 18.17.22020.0001 and 18.17.15030.0002 approximately 35 designed acres). Jan noted that she did visit the property and the legal description did not include the entire area within parcel 1 & 2.

The Chair opened the meeting to applicant presentation. Steve Lathrop testified for the applicant submitting Exhibit F, aerial photos of commercial agricultural land to the Commission. The property does not fit the Commercial Agricultural definition. Heavy rock mining is performed under a conditional use permit used for dyke repair and heavy rockwork being used for Cascade Irrigation. The applicant does have a Department of Natural Resources Surface Mining Permit. Mr. Lathrop recommends removing the property from Commercial Agriculture, as the application is consistent with County Wide Planning Policies. The general location of the property is at the end of Hunter Road, southwest of Thorp. Rock Crushing is not being done, however rock hauling is an activity. There is a portable rock crusher occasionally crushing rock with removal from the site. Heavy rocks are necessary for shoring dykes and adding needed pressure. Dust concerns for air quality per county ordinance are not enforced.

Doug Harris noted that he can see the area becoming more residential and has concern for the welfare of people coming into the area. Mr. Lathrop noted that the site is isolated up the canyon at a unique area conforming to agricultural zone and an appropriate site for mining.

The Chair opened the hearing to public testimony. With no public testimony the hearing was opened to Commission deliberation. Discussion included concerns for the area leaning towards residential. Mining is a past activity known to the area with an active Department of Natural Resource permit and a Conditional Use Permit. Jan Sharar noted a total of twenty plus sites scattered throughout the county as mineral lands of long term commercial significance.

Mike Alberg moved to recommend approval of Ron McMillan Change Designation from Rural and Commercial Agriculture to Mineral Lands of Long Term Commercial Significance, complete with Findings of Fact, to the Board of County Commissioner. The motion was seconded and opened to discussion. The motion was approved by a 5/0 poll of the Commission.

Findings of Fact – Ron McMillan:
The Planning Commission finds that Steve Lathrop, representative for Ron McMillan, submitted an application to the KC Community Development Services Department on June 28, 2004 to change the rural and commercial agriculture designations to mineral lands of long term commercial significance (parcels 18.17.22020.0001 and 18.17.15030.0002 approximately designated 35 acres).

The Planning Commission finds that the KC Community Development Services Department issued a notice of public hearing pursuant to KCC 15A and KCC 15B on August 12, 2004, which was sent to all interested parties. Further, legal notices were published in the Daily Record on August 13th and August 20, 2004 and published in the NKCT on August 19, 2004.

Testimony was given by the proponent.

Adverse testimony was not given on this proposal.

On August 31, 2004 the Planning Commission recommended approval to the Board of County Commissioners based on the information submitted.

The Planning Commission finds that the site has an approved Surface Mine Permit by the WSDNR and a Conditional Use Permit (C99-05) by Kittitas County.

The Planning Commission finds that WSDNR has an approved Reclamation Plan for the site.

The Planning Commission finds that the material contained in the site includes basalt which is used for road construction, flooring for hay barns, rip rap, etc. and can be difficult to locate within the Kittitas Valley.

The Planning Commission finds that the proposed re-designation is consistent with the County Wide Planning Policies.

The Planning Commission finds that the proposed re-designation meets the designation criteria contained in the Kittitas County Comprehensive Plan.

The Planning Commission finds that the proposed re-designation of the property requires no extension of public facilities or services.

The Planning Commission finds that mining and associated activities are considered a natural resource based industry and is consistent with the Growth Management Act.

The Planning Commission finds that a recent Hearings Board decision indicates the GMA does not require more protection of one resource over another.

The Chair opened the hearing for Rory Savage / Sam Wray, Change Urban Density Residential (Ellensburg) Designation to Commercial Designation (Ellensburg). Jan Sharar introduced the application to re-designate his property from Urban Density Residential (Ellensburg) to Commercial (Ellensburg). The parcels involved include 17.19.06075.0001 and 17.19.06075.0002, approximately 4.42 acres.

The Chair opened the hearing for applicant testimony. Sam Ray, 6791 Tjossem Road, Ellensburg testified as owner of the property 1200 feet east of Phenning Road south of Veterinary Hospital and a southern boundary from the John Wayne Trail with vacant land to the east. The property is suited as Commercial designation close to the Fire District, Knutson Lumber, Veterinary Hospital and Logging Operation. He proposes the possibility to building commercial buildings in 2005. There is a need for small commercial buildings, retail stores, cabinet shop etc.
Doug Harris questioned the access to the property from the 100' frontage strip off of the Vantage Highway.

Mark Hayden testified as the property owner for the 1.35-acre parcel adjacent to the Veterinary Hospital purchased last fall. The County application benefits his property and the Veterinary Clinic of 40 years fits the property use with no negative impacts to Commercial designation.

The hearing was opened to public testimony. Mike Smith, City of Ellensburg testified referencing his letter from August 17, 2004 and land use map. Comments from staff only were sent to the City of Ellensburg Planning Commission who will hear the application on September 21st with the City of Ellensburg City Council hearing the request on October 1, 2004. The City’s UGA ends 1200 feet to the east and the City of Ellensburg agrees it is appropriate for a Commercial zone area. A contract rezone could be addressed.

The Chair asked if there was any additional public testimony and being none the meeting was opened to Commission deliberation. Doug Harris moved to recommend approval for Rory Savage/Sam Wray, Change Urban Density Residential (Ellensburg) Designation to Commercial Designation (Ellensburg), complete with Findings of Fact, to the Board of County Commissioner.

The motion was seconded and opened to discussion. The motion was approved by a 5/0 poll of the Commission.

Findings of Fact, Rory Savage/Sam Wray:
A. The Planning Commission finds that Rory Savage, representing Sam Wray, submitted to the KC Community Development Services on June 25, 2004 to re-designate his property from Urban Density Residential (Ellensburg) to Commercial (Ellensburg). The parcels involved include 17.19.06075.0001, 17.19.06075.0002 and 17.19.06020.0002-1.35 acre (approximately 4.42 acres).

B. The Planning Commission finds that the KC Community Development Services Department issued a notice of public hearing pursuant to KCC 15A and KCC 15B on August 12, 2004, which was sent to all interested parties. Further, legal notices were published in the Daily Record on August 13th and August 20, 2004 and published in the NKCT on August 19, 2004.

C. Testimony was given by the proponent.

D. Public testimony was given on this proposal.

E. On August 31, 2004 the Planning Commission recommended approval to the Board of County Commissioners based on the information submitted.

F. The Planning Commission finds that Commercial land use is desired for future and present use of the property.

The Chair opened the hearing for Vickie Scribner, Land Use Designation Change from Rural to Commercial. Jan Sharar presented the application to re-designate the property from Rural to Commercial. The parcel #20.16.06020.0009, .88 acres. The parcel is a small piece on which sits a non-conforming use or the Teanaway Store.
The Chair opened the hearing for applicant testimony. Vickie Scribner testified that the Teanaway Store was started in the 1920/30's to accommodate logging patrons. The store became a grocery store in the 1960's and changed hands three times from 1960-89. In the year 2001 the store closed with the death of the owner. The store is 16/17 miles from the City of Cle Elum and she has signatures from Dept. of Natural Resources, visitors and residents to reopen the store. The building itself has not been used since 2001 and houses one large room with a walk in frig/freezer with a restroom on the outside.

The Chair opened the hearing for public testimony. Kelli Highley, 8511 Teanaway Rd., Cle Elum WA testified as a Teanaway resident and stating that the reopening of the store will benefit the area and would not impact traffic. The store would be a convenience to area residents and would be an asset to the County's tax base.

The Chair asked if there was any additional testimony and being none the meeting was opened to Commission deliberation. Doug Harris moved to recommend approval for the Vickie Scribner, Land Use Designation Change from Rural to Commercial, complete with Findings of Fact, to the Board of County Commissioners. The motion was seconded and opened to discussion. The motion was approved by a 5/0 poll of the Commission.

Findings of Fact, Vickie Scribner, Land Use Designation Change:

A. The Planning Commission finds that Vickie Scribner submitted to the KC Community Development Services on June 25, 2004 to re-designate her property from Rural to Commercial. The parcel number is 20.16.05020.0009 - .88 acre.
B. The Planning Commission finds that the KC Community Development Services Department issued a notice of public hearing pursuant to KCC 15A and KCC 15B on August 12, 2004, 2004 which was sent to all interested parties. Further, legal notices were published in the Daily Record on August 13 and August 20, 2004 and published in the NKCT on August 9, 2004.
C. Testimony was given by the proponent.
D. Adverse testimony was not given on this proposal.
E. On August 31, 2004 the Planning Commission recommended approval to the Board of County Commissioners based on the information submitted.

The Chair opened the hearing to Bob Mitchell (Amerigas) - Cle Elum-Roslyn School Dist. #404, Change from Rural Designation to Commercial Designation. Jan Sharar introduced the application to re-designate a parcel from Rural to Commercial. The parcel number is 20.15.28000.0003, approximately 33.41 acres. The application submitted to the Community Development Services is a violation of the KC zoning code for a commercial size propane tank. The applicant is not available for testimony.

The hearing was opened to public testimony. With no public testimony the hearing was opened to Commission deliberation. Discussion questioned how long the tanks have been there. Jan Sharar responded the tanks have not been in place on property owned by the school district for very long, sometime this spring.
Dave Black moved to continue the application for Bob Mitchell (Amerigas) – Cle Elum-Roslyn School District #404 to September 1, 2004 to allow for applicant testimony. It was moved, seconded and carried to approve the motion as submitted.

There being no further business, the meeting was adjourned at 10:15 PM.