Kittitas County Planning Commission
Meeting Minutes – September 1, 2004

Planning Commission Members:
Mike Alberg, Chair, Scott Pernaa, John Pickett, David Black and Doug Harris

Staff Present:
Jan Sharar, Staff Planner and Lorna Kenny, Clerk

Public Present:
Approximately forty people were present representing applicant and public interest.

With a quorum present, the Chair called the Special Public Hearing for the 2004 Annual
Comprehensive Plan Update to order at 6:30 PM with the introduction of the Commission Members
present, staff and clerk.

The first item on the agenda is Bob Mitchell (Amerigas) – Cle Elum-Roslyn School Dist. #404,
Change from Rural Designation to Commercial Designation a continuation from August 31,
2004 agenda. Jan Sharar did call Bob Mitchell and left a message for his attendance tonight.
There are two propane storage containers on the Roslyn/Cle Elum school site; one container is an
existing 1,800-gallon tank, and one container as the proposed 30,000-gallon propane tank added
for bulk storage.

The hearing was opened to applicant testimony. Bob Mitchell, 2362 Brown Road, Ellensburg WA
testified the approval for the placement of the propane storage tank. Amerigas has built fencing
around the site for safety issues. The site is located across from the water treatment facility on a
small triangular site.

Doug Harris questioned the normal distance from the playground? Randy White, Amerigas, 2900
Canyon Road, Ellensburg WA responded that the tank is 500 feet from any roadway or structure
with the well beyond that distance. The County has concerns regarding the zoning to distribute
propane for usage. The property is outside the UGA area with no additional proposed Commercial
zoning. A legal description has not been provided to remove the small triangular parcel from the
thirty-three acre site. However a legal description is available from Cruse & Associates and will be
available at a later date for the file.

The hearing was opened to public testimony. Don Oakland, 550 Shaft Street, Roslyn WA testified
referencing the meeting going on in Cle Elum with the Planning Commission to expand Bullfrog
and SR 903. There are three other property owners who would like to be incorporated into the
UGA.

The chair asked if here was any additional public testimony and since there was none opened to
Commission deliberation. Discussion included the applicant's proposal to change to commercial
zoning without adding into the UGA. David Black moved to recommend approval for Bob
Mitchell (Amerigas) – Cle Elum-Roslyn School Dist. #404 – Change from Rural Designation
to Commercial Designation, complete with Findings of Fact, to the Board of County
Commissioner. The motion was seconded and opened to discussion. Discussion included the
changing of the acreage from 33 acres to a smaller parcel is required with a new legal description.
The motion was approved by a 6/0 poll of the Commission.
Finding of Fact – Bob Mitchell (Amerigas):
A. The Planning Commission finds that Bob Mitchell representing the Cle Elum-Roslyn School District #404 re-designated a parcel from Rural to Commercial. The parcel number is 20.15.28000.0003, approximately 33.41 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. Adverse testimony was not given on this proposal.
E. On September 1, 2004 the Planning Commission recommended approval to the Board of County Commissioners based on the information submitted.
F. The Planning Commission finds that a pending legal description is required prior to an acceptance into the City of Cle Elum’s UGA.


The Chair opened the hearing to applicant testimony. Steve Lathrop testified representing the application stating that at the time the MPR was created the subarea plan was created within the MPR under the Comprehensive Plan. Section 24 references 8 – 5-acre parcels extending into a 40 acre piece at the end of a rectangle of private land. Within the eight parcels a couple of existing cabins which use the existing roadway. The 40-acre parcel provides buffering outside the road system and some lots will be approved. One-half of the section is Commercial Forest and Rural, Exhibit A. Additional Findings of Fact.

The Chair opened the hearing to public testimony. With no public testimony the hearing was opened to Commission deliberation. Discussion included that the extension to change Rural and Commercial Forest to Master Plan Resort Designation is part of what has already been approved and part of the process already agreed upon.

Dave Black moved to recommend approval Steve Lathrop – Mountain Star Resort Dev., Inc. – Change Rural and Commercial Forest to Master Plan Resort 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 6/0 poll of the Commission.
Findings of Fact – Mountain Star Resort Dev., Inc.:


B. The Planning Commission finds that the KC Community Development Services Department issued a notice of public hearing pursuant to KCC15A 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 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 Kittitas County established the Mountain Star Master Planned Resort Subarea boundary under Ordinance 2000-12, which boundary may be amended from time to time by the County as provided in Chapter Nine of the County Comprehensive Plan.

G. The Planning Commission finds that changing the comprehensive plan designation of the subject properties from Commercial Forest and Rural to Master Planned Resort will require those properties to apply and qualify for a rezone under the conditions of Chapter 17.37 KCC.

H. The Planning Commission finds that this change in designation is consistent with Planned Action Ordinance 2000-17.

The Chair opened the hearing for Don Oakland/Gail Norris Smith – Change from Rural Designation to Commercial Designation. Jan Sharar introduced the application representing several landowners requesting a change from rural designation to commercial designation for parcels 20.15.21030.0011. 0012. 0014. 0030. 0031, 0034, 0036 and 0043, approx. 7.79 acres.

The hearing was opened to applicant testimony. Don Oakland, 550 Shaft Street, Roslyn WA testified as an area resident approximately 100 yards from the Bull Frog Intersection, Exhibit B. He appreciates the Planning Commission participation in the process. He references the Jeff Anderson property near the Bull Frog Intersection and including the Sportland facility in the Roslyn UGA. Six lots exist at the corner of the intersection consisting of a three-bedroom home, Sportland, a drive in espresso, fruit stand, tan saloon, mini-storage, etc. Horses and stables have been replaced by storage units. His recommendation is for the overlay to be changed to rural. A proposal was submitted to the City of Roslyn to include the properties into the UGA, however that was declined. A proposal is going before the City of Cle Elum tonight for their consideration to include the properties into the UGA. GPO 2.98, para. C references an 8.5-acre, five home site with 4,000 new home sites to the west as the Master Planned Resort. The City of Cle Elum has only one grocery store and traffic congestion is imminent. Municipal services are KC sheriff, fire services with City of Roslyn Agreement with Fire #7; the City of Roslyn has their own water system.
and does not share with the MPR. The urban area needs to be commercial and they would like to be included in the City of Cle Elum UGA.

Mike Alberg noted that the properties are not contiguous to the City of Cle Elum UGA and the property does need to be contiguous.

The hearing was opened to public testimony. Jeri Porter, City of Roslyn Mayor read into the record the City's opposition to the application, Exhibit C. She feels that the application is not consistent with the City of Roslyn's Comprehensive Plan. The City feels it must be able to provide adequate water service at full buildout. It is not clear that there is a surplus of water available from the current source to support additional annexations.

The Chair asked if there was any additional testimony and being none the meeting was opened to Commission deliberation. David Black moved to recommend approval for Don Oakland/Gail Norris Smith - Change from Rural Designation to Commercial 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 6/0 poll of the Commission.

Findings of Fact – Don Oakland/Gail Norris Smith:
A. The Planning Commission finds that Don Oakland and Gail Norris-Smith representing several land owners requesting a change from rural designation to commercial designation for parcels 20.15.21030.0011, 0012, 0014, 0030, 0031, 0034, 0036 and 0043, approximately 7.79 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. Adverse testimony was not given on this proposal.
E. The Planning Commission finds that on September 1, 2004 the City of Cle Elum Planning Commission recommended approval of the application.
F. The Planning Commission finds that prior to property being commercially zoned the property does need to be in the UGA.
G. The Planning Commission finds that urban services including water and sewer are available to some parcels.
H. The Planning Commission finds that parcels are already in urban density.

The Chair opened the hearing for Kittitas County Recreation Advisory Committee – Yearly Update to the Kittitas Comprehensive Plan for Revised Recreation Committee Plan. Jan Sharar introduced the application for the recreation component of the Kittitas County Comprehensive Plan proposed to be updated by inclusion of the "Kittitas County Outdoor Recreation Inventory" completed June 1, 2004. A diverse group of volunteer citizens and support staff known as the Kittitas County Recreation Advisory Committee produced the inventory. Adopted by reference into the Comprehensive Plan and copies of the recreation plan to be made
available to the public. GPO’s 8.54 - 8.61 referenced as goals, policies and objectives for recreation in Kittitas County.

The Chair opened the hearing to public testimony. With no public testimony the hearing was opened to Commission deliberation. Discussion included the John Wayne Trail mentioned on public lands and public easements over private lands. The application is consistent with GPO’s and reference was made to a Disclaimer as noted on page 4.

David Black moved to recommend approval for the Kittitas County Recreation Advisory Committee – Yearly Update to the Kittitas Comprehensive Plan for Revised Recreation Committee Plan, 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 6/0 poll of the Commission.

Findings of Fact – Kittitas County Recreation Advisory Committee:
A. The Planning Commission finds that the Kittitas County Recreation Advisory Committee has submitted its yearly update to the Kittitas Comprehensive Plan for Revised Recreation Committee Plan on June 28, 2004
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 not given by the proponent.
D. Adverse testimony was not given on this proposal.
E. On September 1, 2004 the Planning Commission recommended approval to the Board of County Commissioners based on the information submitted.

The Chair opened the hearing for Wayne Nelsen – Nelsen Development Group – UGA Expansion City of Cle Elum – Change Designation from Rural to Rural/Cle Elum UGA. Jan Sharar introduced the application from Matthew Sweeney, for MVO LLC to expand the Urban Growth Area of Cle Elum (parcel 20.15.22000.0015), totaling approx. 347 acres) currently designated rural. The parcel is located on the ridge area above the City of Cle Elum Forest & Range zone and rural designation.

The hearing was opened to applicant testimony. Wayne Nelsen, 14025 SE 36th Bellevue, WA testified representing the property owner and using an overhead projection demonstration depicting the proposed area south of the BPA easement and adjacent to the City limits of Cle Elum. The expansion to the UGA would accommodate trails, parks, roads, etc. The City of Cle Elum City Council is considering the proposal tonight. He would have preferred that the process would have gone by the City of Cle Elum prior to proposing to the County but the dates coincide. Twenty-five acres are currently in the City. A conceptual development plan for 25 acres has been prepared to the City and access to the property is the City’s responsibility in the Cle Elum UGA.
Doug Harris referenced the build out of the 25-acre site could be a 5,000 sq. ft. minimum lot size cluster phase development of a possible 64 residents. Mike Alberg noted that a pre-annexation agreement would be necessary to receive City services and necessary for the property to be within the UGA.

The hearing was opened to public testimony. With no public testimony the hearing was opened to Commission deliberation. Discussion included a controlled subdivision by the City of Cle Elum in the UGA allowing the developer to upgrade streets.

Doug Harris moved to recommend approval of the Wayne Nelsen – Nelsen Development Group – UGA Expansion City of Cle Elum - Change Designation from Rural to Rural / Cle Elum UGA, complete with Findings of Fact and Condition: that the City of Cle Elum approve the application to add into the City’s UGA, to the Board of County Commissioner. The motion was seconded and opened to discussion. The motion was approved by a 6/0 poll of the Commission.

Findings of Fact – Nelsen Development Group, UGA Expansion City of Cle Elum:
A. The Planning Commission finds that Michael L. Sweeney (representative for MVO, LLC) submitted an application to the KC Community Development Services Department on June 30, 2004 for a Cle Elum UGA expansion for inclusion of parcel 20.15.22000.0015, totaling approximately 347 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. Adverse testimony was not given on this proposal.
E. On September 1, 2004 the Planning Commission recommended approval with the Condition that the City of Cle Elum approve the application to add into the City’s UGA, to the Board of County Commissioners based on the information submitted.

The Chair opened the hearing to the Chris Taylor – Wind Ridge Power Partners Comp Plan Text Amendment with Mike Alberg requesting that testimony be limited to the text amendment to the Comprehensive Plan. Jan Sharar introduced the application to add language to GPO 6.34 for Conditions for Requirements for Comprehensive Plan Consistency for applicants who have received a Wind Farm Site Certificate through EFSEC. Correspondence was received 9/1/04 from Rosemary Monaghon and distributed to the Commission.

The hearing was opened to the applicant. Andrew Young, 222 E Fifth Street testified that the proposed Comprehensive Plan text amendment’s intent is to avoid any redundancy with EFSEC and the County. This has been done with other counties with success. Mike Alberg questioned how many members EFSEC has in its membership? Mr. Young commented that EFSEC has a total of six members represented by state agencies, i.e.; Dept of Fish & Wildlife, etc. with one representative from the county.
Darrel Peoples, 851 Ct NE, Olympia WA 98506, Atty. for Zilkha testified regarding mitigation impacts with Kittitas County, i.e. staff.

Steve Lathrop testified on behalf of himself that he is concerned about advocating all authority to a State agency. Zilkha quit the county before it was ever really started. Zilkha is not here to help the County. EFSEC does not have jurisdiction to override GMA. Mr. Lathrop stated no redundancy is in the process. The proposal is absurd and should not be allowed to rubber stamp the process on to the Governor by stepping around all County regulations applicable to the site facility.

James Carmody, 405 E Lincoln, Yakima WA testified that the Planning Commission is being asked to implement a policy to allow the County not to participate in the settings in the county. Zilkha has never participated in the County’s process by going to EFSEC. Zilkha is based in Portland and EFSEC is based in Olympia. The public cannot participate in the legal process. Zilkha does not want three/four years of appeals. By taking the County out of the process they can bypass the County by making a decision with the Governor prior to his leave of office. EFSEC concerns are not County planning concerns and he strongly advises the County to not approve the text amendment and giving the County’s voice up. Please deny the proposal.

Lee Bates, 1509 Bates Road, Ellensburg WA testified in opposition to the Zilkha application for the changing to the Comprehensive Plan. He wants the County to decide the proposal and not EFSEC. The Governor’s decision is a rubber stamp. Jeff Howard, 21 Farm Road, Exhibit E, testified that Zilkha is proposing a blatant attempt to by pass officials and property owners.

Mike Gossler, 3212 74th Pl. SE Mercer Island WA testified as a landowner of a 20 acre parcel representing himself and several neighbors who are opposed to by passing the county. He agrees with Steven Lathrop and James Carmody.

Ron Nelon, PO Box 25, Thorp WA 98946 testified his opposition to the amendment. The power generated from the wind farm will affect only those facilities that power is sold to. If Zilkha wants to be good neighbors he feels they should compromise with the County.

Elizabeth Robertson, 4101 Bettas Road, Cle Elum WA testified that Cle Elum does not agree with the Comprehensive Plan Change, Exhibit F.

Ray Ridenoise, 5391 Smithson Rd, Ellensburg WA 98926 the proposal is for an industrial complex eating up thousands of acres.

Ed Garrett, 19205 67th Ave SE, Snohomish WA testified in opposition to the proposal and representing himself, wife and several residents.

Darrel Peoples, Zilkha’s Attorney, testified to the emotional issues before the Commission. Energy resources are going toward wind power generation. Wind and coal resources are considered as energy resource. Zilkha has dedicated a great deal of time and finances to the project.
Andrew Young, Zilkha testified that several hearings have been held here in Ellensburg by EFSEC on the proposal.

The Chair asked if there was any additional testimony and being none the meeting was opened to Commission deliberation. Discussion included the feelings of having the County decide over Olympia. EFSEC is appointed by the governor and cannot speak to the Council. Keep the decision making in the County and do not turn it over to State government.

Doug Harris moved to recommend denial for the Wind Ridge Power Partners, Comp Plan Text Amendment, 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 6/0 poll of the Commission.

Findings of Fact, Wind Ridge Power Partners Comp Plan Text Amendment:
A. The Planning Commission finds that Chris Taylor representing Zilkha Renewable Energy to add language for Conditions for Requirements for Comp. Plan Consistency for applicants who have received a Wind Farm Site Certificate through EFSEC.
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 September 1, 2004 the Planning Commission Did Not Recommend Approval to the Board of County Commissioners based on the information submitted.

The Commission addressed the holdover items not heard for open open space as incomplete applications and all to be denied by the Commission.

David Black moved to recommend denial for the Margaret Walsh, Open Open Space Request, 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 6/0 poll of the Commission.

Findings of Fact – Margaret Walsh:
A. The Planning Commission finds that Margaret Walsh submitted a request for open open space tax classification on June 30, 2004.
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 13, 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 not given by the proponent.
D. Adverse testimony was not given on the proposal.
E. On September 1, 2004 the Planning Commission did not recommend approval to the Board of County Commissioners due to the application being incomplete.

Doug Harris moved to recommend denial for the Scott Repp, Open Open Space Request, 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 6/0 poll of the Commission.

Findings of Fact – Scott Repp:
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 13, 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 not given by the proponent.
D. Adverse testimony was not given on this proposal.
E. On September 1, 2004 the Planning Commission did not recommend approval to the Board of County Commissioners due to the application being incomplete.

Scott Pernaa moved to recommend denial for the Los Abuelos, Inc., Open Open Space Request, 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 6/0 poll of the Commission.

Findings of Fact, Los Abuelos, Inc.:
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 13, 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 not given by the proponent.
D. Adverse testimony was not given on this proposal.
F. On September 1, 2004 the Planning Commission did not recommend approval to the Board of County Commissioners due to the application being incomplete.

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