

**Kittitas County Planning Commission**

Minutes for January 23, 2006 – 6:30 p.m.

Commissioners Auditorium

Planning Commissioners present: Chair David Black, Doug Harris, Scott Perna, Grant Clark and Don Williamson.

Staff members present: Director of Community Development Services Darryl Piercy; Staff Planners Joanna Valencia and Marco Rains; Susan Barret, Board Clerk

Approximately 50 people were present representing the public and applicant interest.

I. Call to Order.

David Black called the meeting to order with the introduction of members and staff present.

II. Elections for 2006 Chairperson and Vice-Chairperson

Harris moved that the current Chair and Vice-Chair remain in position for 2006. The motion was seconded and carried by a unanimous vote of the board.

III. Minutes of November 28, 2005, December 5, 2005 and December 12, 2005 were approved with one correction to the December 5, 2005 minutes.

New Business

**A. Chamberlain Rezone SEPA Appeal (Z-05-16)**

The Chair opened the hearing to the Chamberlain Rezone SEPA Appeal, Staff Planner II; Joanna Valencia presented her staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report.

**Darryl Piercy** advised on procedure related to questioning.

**Jeff Slothower**, 201 W. 7<sup>th</sup> Ave., Ellensburg, Washington, representing the applicant, Ms. Chamberlain, wants the appeal to be dismissed based on the appeal not coming in a timely manner.

**Piercy** responded with clarification of the timeliness issue based on publication dates of the notification.

**Paula Thompson**, 551 Goodman Road, Thorp, Washington, representing the appellants, cross examined Valencia relating to the completeness of information in the application, how the SEPA works and the responsiveness of governmental agencies in this process.

**Valencia** responded and discussion ensued.

**Thompson** presented **Exhibit A** by reading it into the record. Attached hereto and incorporated herein is a copy of that document.

**Slothower** cross examined Valencia over several points.

**Valencia** responded in detail.

**Thompson** called Darryl Piercy as a witness and cross examined him.

**Piercy** responded in detail to questioning.

**Slothower** summarized by reiterating that the rezone is a non-project action and referenced his letter dated January 17, 2006 as part of the record. Slothower pointed out that the appellant raised no procedural issues with respect to the process utilized by Kittitas County Community Development Services Department as mandated in applicable administrative code provisions in county and state regulations. And that the testimony given was directed at the substance of the rezone not the procedural areas and therefore the SEPA Appeal should be denied.

**Thompson** summarized by reiterating that the WAC 197-11-340-(3)(a)(iii) has not been fulfilled and stating her belief that WAC 197-11-350 Mitigated DNS, items 3 and 4, have not been adequately followed. **Black** asked Thompson to read into the record the referenced WAC.

**Thompson** stated in final arguments that the DNS is not an adequate document, the process was not fully and diligently followed as far as to identify mitigating measures or to kick it up to a determination of significance given the amount of input and data provided by various sources.

The Chair opened the hearing to Planning commission deliberation and Motion.

**Don Williamson** stated his belief that staff has supplied significant evidence to the fact that proper, normal and routine procedures have been followed. **Clark** and **Perna** voiced their agreement.

**Grant Clark made a motion to uphold the Kittitas County decision of Mitigated Non Significance. The motion was seconded by Don Williamson. The motion carried by a 5/0 poll of the Board, with one member absent.**

#### **B. Chamberlin Rezone (Z-05-16)**

The Chair opened the hearing to the Chamberlin Rezone, Staff Planner II; Joanna Valencia presented her staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report.

The Chair opened the hearing to Applicant presentation.

**Jeff Slothower**, 201 W. 7<sup>th</sup> Ave., Ellensburg, Washington, representing the applicant, cited his letter of January 17, 2006 as part of the record. Slothower made statements in support of the seven criteria required for the rezone findings.

**Joe Howe**, 1441 Watt Canyon Road, Thorp, Washington, representing applicant, gave financial background of the property and noted the property's road access, proximity to school, fire and water districts.

**Black** asked for description of surrounding properties and asked why this property was not originally not put into the Thorp Urban Growth Node.

**Ellen Howe**, 1441 Watt Canyon Road, Thorp, Washington, representing proponent, spoke in support of the rezone. Howe submitted 4 letters of support and read her own letter into the record. Attached hereto and incorporated herein are submitted letters **Exhibit B 1-5**.

The Chair opened the hearing to public testimony

**Paula Thompson**, 551 Goodman Road, Thorp, Washington read a letter dated 1/23/06 into the record. Attached hereto and incorporated herein as **Exhibit C**. Also submitted was Signature sheet for Comments for the Chamberlin Rezone Application. Attached hereto and incorporated herein are submitted letters **Exhibit D**.

**Craig George**, 322 E. Taneum Rd, Thorp, Washington, gave testimony.

**Valencia** spoke to the audience as to the comp plan land use designation

**John Carlson** questioned what this hearing will accomplish with a rezone.

**David Fudacz** Spoke to water issues, rights and springs. And spoke to his belief that this land is actually good farm land.

Break 8:30—reconvened 8:38

**Joy Fields**, 1190 Thorp Depot, Thorp, Washington spoke in opposition to the rezone.

**Toni Stroscher**, 3740 Robinson Canyon, Ellensburg, Washington, spoke in support of the rezone.

**Nancy Jantzer**, PO Box 13, Thorp, Washington, spoke in opposition to the rezone.

**Wayne Stroscher**, 3740 Robinson Canyon, Ellensburg, Washington, spoke in support of the rezone.

**Sandra Rivera**, spoke in opposition to the rezone. Voiced her concern about where the drain fields would drain. Voiced concern for the school being able to accommodate growth and gave her opinion that the land is better for farming.

**Rob Rivera**, spoke in opposition to the rezone and voiced concern for the Fire District

**Don Page**, PO Box 39, Thorp, Washington, spoke to water issues and voiced concern for the ground water.

**Brian Greagage** brought up issues and concerns Westside Irrigation has, and stated the Westside Irrigation takes no position on this rezone.

**Holly Hutchinson**, Spoke against the rezone, read her letter into the record. Attached and incorporated into the record as **Exhibit E**.

**Wayne Nelson**, PO Box 52, Cle Elum, Washington, spoke in support of the rezone.

**Pat Deneen** reiterated that this is a non-project rezone and action.

**Linda Rubio**, 1671 Goodwin Road, Thorp, Washington, spoke in opposition to the rezone.

**Lois Wells**, 9360 Thorp Highway North, Thorp, Washington, voiced her opposed to the rezone and her concern with water and sewage issues.

**Stephanie Hansen**, 901 Weihl Road, Cle Elum, Washington, supported the rezone.

**Carla Smith**, 301 Didley Road, Thorp, Washington, spoke in opposition of the rezone

**Jeff Slothower** in rebuttal reiterated the point that the subject property is already, as per the Comprehensive Plan, designated as a rural area and suggested that this was anticipated growth for this area. He also rebutted some of the key points and issues raised during public testimony such as water proximity to Thorp Urban Growth Node.

**Harris** asked the audience if they would like clarification on the rezone process and the planning commission role in this process.

**Slothower** gave a brief overview of the rezone process and the hierarchy of state growth planning.

The Chair opened the hearing to Planning commission deliberation and Motion.

The Planning Commission went over the required findings for rezone criteria.

**Scott Perna** made a motion to pass the Chamberlin Rezone (Z-05-16) to the Board of County Commissioners with the recommendation of approval. Grant Clark seconded and the motion carried with a 3/2 vote. Perna, Clark and Black voting for; Harris and Williamson voting against; McClain was absent.

Findings of fact are to be continued to Tuesday, January 24, 2006 at 6:30 in the Commissioners Auditorium.

**C. Martens Rezone (Z-05-01)**

The Chair opened the hearing to the Martens Rezone (z-05-01). Staff planner, Marco Rains read his staff report into the record. Attached herein and incorporated as part of the record is that Staff report.

The Chair opened the hearing to Applicant presentation

**Jerry Martens**, Ronald, Washington, applicant, made himself available for questions.

The Chair opened the hearing to public testimony

**Chad Bala**, Terra Design Works, testified in support of the rezone.

The Chair opened the hearing to Planning commission deliberation and Motion.

The Planning Commission discussed the seven criteria.

**Doug Harris** made a motion to pass the Martens Rezone (Z-05-01) forward to the Board of County Commissioners with a recommendation of approval. The motion was seconded by **Don Williamson**, the motion carried by a unanimous poll of the Board.

**SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS & CONCLUSIONS OF LAW HAVE BEEN PREPARED BY THE PLANNING DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING A RECOMMENDATION ON THIS MATTER. ADDITIONAL SPECIFIC FINDINGS MAY ALSO BE NECESSARY.

1. Jerry Martens submitted a complete application requesting a zone change of tax parcel numbers 20-15-07050-1201 and 20-15-07050-1202 (.229 acres) from Residential-2 to General Commercial. The application was submitted to the Community Development Services Department on January 31<sup>st</sup>, 2005. The applicant's address is P.O. Box 458, Cle Elum, Wa. 98922.
2. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on October 12<sup>th</sup>, 2005. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
3. A SEPA Determination of Non-Significance was issued by the Community Development Services Department on December 8<sup>th</sup>, 2005. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code.
4. An open record hearing was held by the Planning Commission on January 23<sup>rd</sup>, 2006 to consider this general rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County

Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest to be served by this non-project action.

5. The Planning Commission finds that the requested zone change to General Commercial **is** consistent with the Commercial designation of the Kittitas County Comprehensive Plan.

6. The Planning Commission finds that the proposed requested zone change **does** meet all seven criteria as listed in KCC 17.98.020 (E).

1. The proposed amendment is compatible with the comprehensive plan
2. The proposed amendment bears a substantial relation to the public health, safety or welfare
3. The proposed amendment has merit and value for Kittitas County or a sub-area of the county
4. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property
5. The subject property is suitable for development in general conformance with zoning standards for the proposed zone
6. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property
7. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties

7. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.

8. No Adverse testimony was heard.

Findings of fact were approved with amendments with a 5/0 vote of the Commission, with McClain absent.

#### **D. Suncadia Rezone (Z-2005-13)**

The Chair opened the hearing to the Suncadia Rezone (Z-2005-13). Staff planner, Marco Rains read his staff report into the record. Attached herein and incorporated as part of the record is that Staff report.

The Chair opened the hearing to Applicant presentation

**Jeff Slothower**, 201 W. 7<sup>th</sup> Ave., Ellensburg, Washington, representing the applicant, made himself available for questions.

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

The Chair opened the hearing to Planning commission deliberation and Motion.

The Planning Commission discussed the seven criteria.

**Grant Clark** made a motion to pass the Suncadia Rezone (Z-2005-13) forward to the Board of County Commissioners with a recommendation of approval. The motion was seconded by **Doug Harris**, the motion carried by a unanimous poll of the Board.

#### **SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS & CONCLUSIONS OF LAW HAVE BEEN PREPARED BY THE PLANNING DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING A RECOMMENDATION ON THIS MATTER. ADDITIONAL SPECIFIC FINDINGS MAY ALSO BE NECESSARY.

1. Suncadia, LLC submitted a complete application requesting a zone change of three parcels/tracts (1.1 acres) from Master Planned Resort and No Known Designated Zone to General Commercial, Master Planned resort and County Right of Way. The application was submitted to the Community Development Services Department on June 29<sup>th</sup>, 2005. The applicants address P.O. Box 887, Roslyn, Wa, 98941.
2. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on October 14<sup>th</sup>, 2005. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
3. A SEPA Determination of Non-Significance was issued by the Community Development Services Department on December 8<sup>th</sup>, 2005. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code.
4. An open record hearing was held by the Planning Commission on January 23<sup>rd</sup>, 2006 to consider this general rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest to be served by this non-project action.
5. The Planning Commission finds that the requested zone change **is** consistent with the General Commercial, Master Planned Resort, and Public Right of Way designation of the Kittitas County Comprehensive Plan.
6. The Planning Commission finds that the proposed requested zone change **does** meet all seven criteria as listed in KCC 17.98.020 (E).
  - a. The proposed amendment is compatible with the comprehensive plan
  - b. The proposed amendment bears a substantial relation to the public health, safety or welfare
  - c. The proposed amendment has merit and value for Kittitas County or a sub-area of the county
  - d. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property
  - e. The subject property is suitable for development in general conformance with zoning standards for the proposed zone
  - f. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property
  - g. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties
7. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.
8. No Adverse public testimony was heard.

**E. Old #3 LLC Rezone (Z-05-14)**

The Chair opened the hearing to the Old #3 LLC Rezone (Z-2005-14). Staff planner, Marco Rains read his staff report into the record. Attached herein and incorporated as part of the record is that Staff report.

The Chair opened the hearing to Applicant presentation. There was no applicant presentation.

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

The Chair opened the hearing to Planning commission deliberation and Motion.

Planning Commission discussed the seven criteria.

**Don Williamson** made a motion to pass the Old #3 LLC Rezone (Z-05-14) forward to the Board of County Commissioners with a recommendation of approval. The motion was seconded by **Scott Perna**, the motion carried by a unanimous poll of the Board.

### **SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS & CONCLUSIONS OF LAW HAVE BEEN PREPARED BY THE PLANNING DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING A RECOMMENDATION ON THIS MATTER. ADDITIONAL SPECIFIC FINDINGS MAY ALSO BE NECESSARY.

1. Clay Wickstrom submitted a complete application requesting a zone change of tax parcel number 20-15-07050-1102 (7,031 square feet) from Residential to General Commercial. The application was submitted to the Community Development Services Department on July 5<sup>th</sup>, 2005. The applicant's address P.O. Box 1378, Ronald, Wa. 98940.
2. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on October 12<sup>th</sup>, 2005. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
3. A SEPA Mitigated Determination of Non-Significance was issued by the Community Development Services Department on December 7<sup>th</sup>, 2005. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code.
4. An open record hearing was held by the Planning Commission on January 23<sup>rd</sup>, 2006 to consider this general rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest to be served by this non-project action.
5. The Planning Commission finds that the requested zone change to General Commercial **is** consistent with the Commercial designation of the Kittitas County Comprehensive Plan.
6. The Planning Commission finds that the proposed requested zone change **does** meet all seven criteria as listed in KCC 17.98.020 (E).
  - a. The proposed amendment is compatible with the comprehensive plan
  - b. The proposed amendment bears a substantial relation to the public health, safety or welfare
  - c. The proposed amendment has merit and value for Kittitas County or a sub-area of the county
  - d. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the

- proposed zone is appropriate for reasonable development of the subject property
- e. The subject property is suitable for development in general conformance with zoning standards for the proposed zone
  - f. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property
  - g. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties
7. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.
  8. No Adverse public testimony was heard.

**F. Ronald Mill Site #1 and Teanaway Ridge LLC Rezone (Z-05-21)**

The Chair opened the hearing to the Ronald Mill Site #1 and Teanaway Ridge LLC Rezone (Z-05-21). Staff planner II, Joanna Valencia read her staff report into the record. Attached herein and incorporated as part of the record is that Staff report.

The Chair opened the hearing to Applicant presentation.

**Chad Bala**, Terra Design Works, PO Box 461, Roslyn, Washington, representing the applicant, briefly outlined how this rezone meets the necessary criteria.

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

The Chair opened the hearing to Planning commission deliberation and Motion.

Planning Commission discussed the seven criteria.

**Grant Clark** made a motion to pass the Ronald Mill Site #1 and Teanaway Ridge LLC Rezone (Z-05-21) forward to the Board of County Commissioners with a recommendation of approval. The motion was seconded by **Doug Harris**, the motion carried by a 5/0 poll of the Board.

**SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS & CONCLUSIONS OF LAW HAVE BEEN PREPARED BY THE KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING A RECOMMENDATION ON THIS MATTER. ADDITIONAL SPECIFIC FINDINGS MAY ALSO BE NECESSARY.

1. Terra Design Works, agent for the Ronald Mill Site #1 and Teanaway Ridge LLC, submitted an application for a zone change from General Industrial to General Commercial of approximately 12.15 acres. The subject parcels are located north of SR 903, 9291 SR 903, Ronald, WA 98941, and are described as being a portion of tax parcel numbers 20-14-12010-0004 and 20-14-12041-0001 encompassing 300 feet north of SR 903 and being 1765.59 feet in length.
2. Kittitas County Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on October 21, 2005. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
3. Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this comment period and other information on file with our office, a SEPA Determination of Non-Significance (DNS) was issued by Kittitas County Community Development Services on December 22, 2005. A revised DNS was issued on December 29, 2005 with an appeal deadline of January 13<sup>th</sup>, 2006. No SEPA Appeals were received.

4. An open record hearing was held by the Planning Commission on January 23, 2006 to consider this rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest to be served by this non-project action.
5. The Planning Commission finds that the requested zone change to General Commercial **is** consistent with the Commercial designation of the Kittitas County Comprehensive Plan.
6. The Planning Commission finds that the proposed requested zone change **does** meet all seven criteria as listed in KCC 17.98.020 (E).
  - a. *The proposed amendment is compatible with the comprehensive plan. The Comprehensive Plan designation for the subject property is Commercial and the requested zone change is compatible with this designation.*
  - b. *The proposed amendment bears a substantial relation to the public health, safety or welfare. The more intense industrial uses would no longer be allowed per the zone change.*
  - c. *The proposed amendment has merit and value for Kittitas County or a sub-#8209; area of the county. The project site is located within the Ronald UGN.*
  - d. *The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.*
  - e. *The subject property is suitable for development in general conformance with zoning standards for the proposed zone.*
  - f. *The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property. The subject property is adjacent to Highway Commercial and General Industrial zoning, and fronts SR-903.*
  - g. *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties. There is no irrigation on the subject property.*
7. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.
8. No Adverse public testimony was heard.

**The Planning Commission moved to continue the meeting to Tuesday, January 24, 2006 in the Commissioners Auditorium at 6:30 p.m. The motion carried with a 5/0 vote of the board, with McClain absent.**

The meeting was adjourned at 10:19 p.m. The continued meeting is scheduled for Tuesday, January 24, 2006.

Susan Barret, Clerk