

## Kittitas County Planning Commission

Minutes for January 24, 2006 – 6:30 p.m.

Meeting continued from 1/23/06

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Commissioner's Auditorium

Those in Attendance: Grant Clark, Don Williamson, Doug Harris, and David Black

Also in Attendance: Director of Community Development Services Darryl Piercy; Staff Planner II Joanna Valencia; Staff Planner Marco Rains; Clerk of the Board Susan Barret, Board Clerk and approximately 10 people representing public and applicant interest.

### I. Call to Order.

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

### II. Unfinished Business

#### A. Chamberlin Rezone (Z-05-16) Findings of Fact

The Chair opened the hearing to the Chamberlin Rezone (Z-05-16) to the Findings of Fact. Staff Planner II Joanna Valencia handed out the revised staff report with findings for the Commissioners review and consideration. Attached here in and incorporated as part of the record is that Staff report.

Williamson addressed Finding 24, b, vi, and suggested that the Fire District would be significantly impacted. The wording was changed to reflect this concern.

#### **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. Jeff Slothower, authorized agent for Sherry Chamberlin, landowner has submitted an application for a zone change of approximately 77.80 acres from Commercial Agriculture and Agriculture-20 to Rural-3. The subject parcels are located on 9201 Thorp Highway, Thorp, WA. 98946, bordering Thorp Depot Rd. on the west, Goodwin Road on the north, and the Thorp Highway on the east, within the southeast quarter of Section 11 of T18N, R17E, WM in Kittitas County. There are nine contiguous parcels within this rezone request (APN 18-17-11040-0007, 0023, 0033, 0034, 0035, 0036, 0037, and 0039).
2. Kittitas County Community Development Services Department issued a Notice of Application on October 12, 2005 with a comment deadline of November 14, 2005. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties. A Re-notice of Application was reissued to address concerns raised from adjoining landowners stating that they did not receive a copy of the Notice of Application issued on

October 12, 2005. This Re-notice extended the comment period to November 21, 2005.

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 Mitigated Determination of Non-Significance (MDNS) was issued by Kittitas County Community Development Services on December 7, 2005.

4. A SEPA appeal pursuant to KCC 15A.04 was submitted on December 23, 2005 with the appropriate fee of \$300.00 to the Kittitas County Board of Commissioners for the Chamberlain Rezone SEPA Threshold Determination was filed by Paula Thompson and others. An open record public hearing was held on January 23, 2006 to consider the SEPA Appeal. The SEPA Appeal filed is a procedural appeal pursuant to KCC 15.04.020. Kittitas County Community Development Services Department has complied with the rules and regulations for procedural compliance with KCC 15.04, KCC 15A, WAC 197-11, RCW 43.21C, and RCW 36.70B. The Planning Commission voted 5-0 to uphold the SEPA MDNS and the mitigation requirements within said document issued the December 7, 2005

5. 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.

6. The property consists of 77.8 acres located in the vicinity of the unincorporated town of Thorp, Washington.

7. The property which is the subject of the rezone consists of nine (9) separate tax parcels.

8. The property has direct access to Goodwin Road and the Thorp Highway, both county roads.

9. The property is bounded on the north, the east and the south by the Thorp Urban Growth Node.

10. The property is bounded on the west and south by the John Wayne Trail.

11. Portions of the north boundary and the east boundary abut property currently used for agricultural production.

12. The property currently has two zones. A small portion (about 4 to 5 acres) are zoned Commercial Ag. The rest of the property is zoned Ag-20.

13. All of the property is designated under the Kittitas County Comprehensive Plan as Rural.

14. In the 2005 Comprehensive Plan Amendments approximately four to five acres in the northwest corner near the intersection of Goodwin Road and the John Wayne Trail was changed from Commercial Agricultural to Rural.

15. A small (about 3 to 4 acres) portion of the property is located within the Thorp Urban Growth Node.

16. Surrounding property uses consist of agricultural uses, commercial uses, rural residential uses and recreational uses.

17. The property is capable of being served by the Kittitas County Water District No. 4 (Thorp). The property is not within the boundaries of Kittitas County Water District 4 but the district has indicated that its boundaries could be adjusted to serve the property.
18. To the east, across the Thorp Highway is property a gravel pit is operated.
19. The property has been used for a variety of agricultural and/or rural activities. Currently the bulk of the property is an open hay meadow. About 50 acres of the property is used for agricultural purposes. A Montessori School and a barn used for storing a variety of materials are also located on the property.
20. The property is within walking distance (less than a mile) of the Thorp K-12 schools.
21. The property is less than a mile from the Fire District #1 fire station.
22. The property is approximately one quarter mile from the Interstate 90 Exit 101.
23. The Planning Commission finds that the requested zone change to Rural-3 is consistent with the Rural designation of the Kittitas County Comprehensive Plan.
24. 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.*
    - i. This rezone proposal is consistent with Kittitas County Comprehensive Plan Sections 8.1 relating to rural sprawl, GPO 8.5, GPO 8.7, GPO 8.9, GPO 8.11, GPO 8.13, GPO 8.16, GPO 8.19, GPO 8.46 and GPO 8.49.
      - a. When Kittitas County adopted the Comprehensive Plan, the county specifically recognized a phenomenon in Kittitas County - "rural sprawl". The Comprehensive Plan states:
        - ii. State planners are concerned about "urban sprawl" with less than five acre minimum lots sizes. However, over the past fifteen to twenty years Kittitas County has experienced "rural sprawl" through the adoption of 20 acre minimum lot sizes.
        - iii. The Comprehensive Plan goal of decreasing rural sprawl is served by the rezone. A rezone of the property from the current multiple zones on the property to R-3 will allow the property to be used for Rural purposes but allow greater densities to be concentrated in the immediate vicinity of the unincorporated town of Thorp, an area already characterized by, and designated for, Urban-Type development.
      - iv. 3 acre parcels are rural and not urban (*Woods v. Kittitas County*)
    - b. *The proposed amendment bears a substantial relation to the public health, safety or welfare.*
      1. The Comprehensive Plan is enacted and in place to preserve, protect, and enhance the public health, safety, and welfare of Kittitas County. Rezone of this property in conformity with the Kittitas County Comprehensive Plan is a logical extension of the Plan's overall goal of enhancing, preserving, and protecting the public health, safety, and welfare.
      2. The rezone will encourage and allow for the concentration of rural residential densities in and around existing rural densities and will provide a transition

between commercial agricultural and other commercial uses and the Thorp Urban Growth Node.

3. The rezone encourages and allows for rural residential densities in an area with immediate access to county roads which can handle traffic generated by the densities allowed within the proposed zone.
4. The rezone encourages and allows rural residential densities within one mile of the Thorp K-12 schools thereby reducing the need to bus children to school.
5. The rezone encourages and allows for rural development in an area where there is a public water system that can support the residential development.
6. The rezone encourages and allows rural residential development within one mile of a fire station which will decrease and minimize impacts Fire District #1 might otherwise experience from residential growth in rural areas because it will encourage the concentration of that growth near district facilities. This reduces the need for emergency service vehicles to travel.
7. The rezone encourages and allows rural residential density in and around an area, the Thorp Urban Growth Node, which is designated for urban growth thereby reducing the conversion of resource and agricultural lands to residential uses.
8. The rezone encourages and allows rural residential densities near access to an interstate highway thereby reducing traffic congestion.
9. The rezone allows for the potential of smaller parcels. Smaller parcels are more valuable and more likely to have improvements constructed on the parcels. The creation of this potential will increase the assessed value of the property and thereby provide more revenue for essential county services, schools and the Fire District. Increases in tax values in the area will provide additional revenue for Kittitas County.

c. *The proposed amendment has merit and value for Kittitas County or a sub-area of the county.*

1. The rezone has value for Kittitas County or a sub-area. The property is located next to the unincorporated town of Thorp. This is an area of existing development in the county. The location of smaller parcels within the County near existing small parcels will prevent rural sprawl in the area. Preventing rural sprawl in this area supports and furthers the Kittitas County Comprehensive Plan.
2. This rezone preserves the agricultural lands in the area. Larger parcels in the area may not be taken out of agricultural production when individuals who want property in the area have smaller parcels (between 20 acres and 3 acres) as opposed to larger parcels (20 acres or greater) available.

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.*

**1. Change in Circumstances**

1. The property was designated rural property by the adoption of the current comprehensive plan by the Board of County Commissioners in the mid 1990's.
2. The Ag 20 zoning designation of the property was in place prior to the enactment of the Comprehensive plan.
3. There are a significant number of parcels of less than 20 acres in size that have been created in the area since the original zone.
4. A portion of the property was re-designated from Commercial Agriculture under the comprehensive plan to Rural in 2005.

**2. Need for More Property in the Zone**

1. The Kittitas County Council of Governments issued an updated population for forecast which document projected increases in population in the future in 2005.
  2. The population forecast adopted was the high end of the forecast.
  3. With increases in population there will be an increase in the need for residential acreage and development.
  4. This rezone has the potential to increase the available housing and thus fulfill some of that anticipated housing need.
  5. Currently there is a strong demand for residential parcels of property.
- 3. Reasonable development of the subject property**
1. The rezone is necessary for the reasonable development and use of the subject property.
  2. The property, given its size and location is not economical to farm.
  3. The property is leased to individuals to farm and is not farmed by the owner.
  4. The farmable acreage is approximately 50 acres.
  5. The lease payments received for the farm ground are \$5000.00 per year.
  6. In 2005, the property taxes on the agricultural portion of the land were approximately \$600.00 and the water assessments were over \$ 3,600.00.
  7. Additional amounts were expended for insurance and other incidental costs of ownership. And the owner lost money on the operation of part of the property for Agricultural purposes.
- e. *The subject property is suitable for development in general conformance with zoning standards for the proposed zone.*
1. The property has access to county Roads.
  2. The property is within one mile of a K through 12 schools and a fire station.
  3. The property is within ¼ mile of interstate 90.
  4. County parcel maps for each parcel show the property is not in the floodplain and show no regulated critical areas.
  5. The property has a well located on it and can also be served by the water district.
  6. The property has had perk tests done on it in the past which have demonstrated that the property can be served by individual septic systems.
- f. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.
1. There is no specific development proposal which accompanies this rezone.
  2. The impacts of small parcels in the vicinity are already present. The Rezone will allow a number of permitted and conditional uses.
  3. The rezone will not automatically result in an increase in density.
  4. Any increase in the number of available lots and thus residential homes sites can only be accomplished through a project specific development proposal governed by Kittitas County Code.
  5. Each of these processes will require additional environmental review and public participation.
  6. There are specific conditions placed on the SEPA Mitigated Determination on Non-Significance which are designed to ensure that future development on the property is conducted in such a way as to prevent or minimize impacts on surrounding property owners.
  7. Any new development on the property will trigger compliance with Department of Health, Department of Ecology and Kittitas County Road Standards dealing with septic systems, water use, storm water run off and road types.
  8. The rezone of this property will not trigger any impacts to surrounding property.

- g. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.
25. Opponents to the rezone have suggested this is a spot rezone.
- a. A spot rezone is defined as a zoning action in which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with the classification of surrounding land and not in accordance with the Comprehensive Plan.
  - b. The rezone is compatible with and implements the comprehensive plan. The rezone will not result in uses totally different from surrounding land uses.
26. The Planning Commission finds that additional conditions are not necessary to protect the public's interest.
27. Testimony for and against the rezone was received during the Planning Commission Public Hearing.

Black made motion to approve the Chamberlin Rezone (Z-05-16) Findings of Fact as Revised and corrected, the motion was carried as moved with a unanimous vote.

Continuation of New Business

**G. Kely Preliminary Plat (P-05-27)**

The Chair opened the hearing to the Kely Preliminary Plat (P-05-27) Staff Planner Marco Rains read into the record his staff report. Attached herein and incorporated into the record is that Staff Report.

The Chair opened the hearing to the Applicant presentation.

**Marc Kirkpatrick**, Encompass Engineering and Surveying, representing the applicant, made himself available for questions.

**Clark** questioned the access to lots 3 and 4. **Black** questioned water availability and voiced his substantial concern over the accessibility to the Plat via the Forest Service Road 3350. Much discussion over Forest Service Road 3350 ensued.

**Darryl Piercy** spoke to the issue of road standards and suggested that conditions could be placed on this for a final plat approval and pointed out the fact that the county is operating with new road standards and that this application is consistent with county codes.

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

The chair opened the hearing to commission deliberation and motion.

**Harris** moved to pass the Kely Preliminary Plat (P-05-27) forward to the Board of County Commissioners with a recommendation for approval. The motion was seconded by **Williamson** and carried by a 3/1 poll of the Commission with Clark, Harris and Williamson voting for; Black voting against, Perna and McClain absent.

**Black** added a condition to the Findings of Fact (#6) and stated his concern and belief that the road is not satisfactory to develop these lots.

**SUGGESTED FINDINGS OF FACT**

**THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.**

1. The Planning Commission finds that Darren Buck submitted a complete application to the Community Development Services Department on August 30<sup>th</sup>, 2005.
2. The Planning Commission also finds that said development application included a preliminary plat (Kely Plat P-05-27) depicting the division of one 21.00 acre parcel into 7 lots all 3.00 acres each.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on December 15<sup>th</sup>, 2005. The Planning Commission finds further that said notice solicited comments from jurisdictional agencies and landowners as required by law.
4. The Planning Commission finds that an open record hearing was held on January 23<sup>rd</sup>, 2006 to consider this matter and that testimony was taken from those persons present who wished to be heard. The Planning Commission 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 subdivision.
5. The Planning Commission finds that additional conditions **are** necessary to protect the public's interest.
6. The Planning Commission believes the roads currently are not suitable for development.
7. The Planning Commission emphasizes the fact that access and road improvement issues should be resolved prior to final approval of the plats.
8. No Adverse testimony was heard.

Findings of fact were approved with amendments with a unanimous vote of the Commission.

#### **H. Huntrick Properties Preliminary Plat (P-05-29)**

The Chair opened the hearing to the Huntrick Properties Preliminary Plat (P-05-29) Staff Planner Marco Rains read his staff report into the record. Attached here in and incorporated as part of the record is that Staff report.

The Chair opened the hearing to Applicant presentation

**Marc Kirkpatrick**, Encompass Engineering and Surveying, representing the applicant, pointed out that there has been no adverse testimony for the plats. He also clarified the easement that the Forest Service has over private lands for the Forest Service Road 3350.

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

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

Black reiterated his concerns regarding the access using Forest Sevice Road 3350, and stated he felt the road issues should be resolved prior to building prethat the road currently is not suitable for d

**Harris** moved to pass the Huntrick Properties Preliminary Plat (P-05-29) forward to the Board of County Commissioners with a recommendation for approval. The motion was seconded by Williamson and carried by a 3/1 poll of the Board with Clark, Harris and Williamson voting for; Black voting against, Perna and McClain absent.

**SUGGESTED FINDINGS OF FACT**

**THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.**

1. The Planning Commission finds that Jeffrey Hunter and Kevin Tedrick submitted a complete application to the Community Development Services Department on September 22<sup>nd</sup>, 2005.
2. The Planning Commission also finds that said development application included a preliminary plat (Huntrick Properties P-05-29) depicting the division of one 21.00 acre parcel into 7 lots, all 3.00 acres each.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on December 21<sup>st</sup>, 2005. The Planning Commission finds further that said notice solicited comments from jurisdictional agencies and landowners as required by law.
4. The Planning Commission finds that an open record hearing was held on January 22<sup>nd</sup>, 2006 to consider this matter and that testimony was taken from those persons present who wished to be heard. The Planning Commission 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 subdivision.
5. The Planning Commission finds that additional conditions **are** necessary to protect the public's interest.
6. The Planning Commission believes the roads currently are not suitable for development.
7. The Planning Commission emphasizes the fact that access and road improvement issues should be resolved prior to final approval of the plats.
8. No Adverse testimony was heard.

Findings of fact were approved with amendments with a unanimous vote of the Commission

#### **I. Waldwoods Preliminary Plat (P-05-32)**

The Chair opened the hearing to the Waldwoods Preliminary Plat (P-05-32). Staff Planner Marco Rains read his staff report into the record. Attached here in and incorporated as part of the record is that Staff report.

The Chair opened the hearing to Applicant presentation.

**Marc Kirkpatrick**, Encompass Engineering and Surveying, 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.

**Clark** moved to pass the Waldwoods Preliminary Plat (P-05-32) forward to the Board of County Commissioners with a recommendation for approval. The motion was seconded by Williams and carried by a 3/1 poll of the Board with Clark, Harris and Williamson voting for; Black voting against, Perna and McClain absent.

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

**THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A**

**RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.**

1. The Planning Commission finds that Mark and Maria Wald submitted a complete application to the Community Development Services Department on October 7<sup>th</sup>, 2005.
2. The Planning Commission also finds that said development application included a preliminary plat (Waldwoods P-05-32) depicting the division of one 21.00 acre parcel into 7 lots all 3.00 acres each.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on December 21<sup>st</sup>, 2005. The Planning Commission finds further that said notice solicited comments from jurisdictional agencies and landowners as required by law.
4. The Planning Commission finds that an open record hearing was held on January 23<sup>rd</sup>, 2006 to consider this matter and that testimony was taken from those persons present who wished to be heard. The Planning Commission 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 subdivision.
5. The Planning Commission finds that additional conditions **are** necessary to protect the public's interest.
6. The Planning Commission believes the roads currently are not suitable for development.
7. The Planning Commission emphasizes the fact that access and road improvement issues should be resolved prior to final approval of the plats.
8. No Adverse testimony was heard.

Findings of fact were approved with amendments with a unanimous vote of the Commission.

**J. Carmel Views Preliminary Plat (P-05-33)**

The Chair opened the hearing to the Carmel Views Preliminary Plat (P-05-33). Staff Planner Joanna Valencia read her staff report into the record. Attached here in and incorporated as part of the record is that Staff report. Comments from Kevin Paulich and Marc Kirkpatrick submitted into the Record as **Exhibit A**.

The Chair opened the hearing to Applicant presentation.

**Chuck Cruise**, Cruise and Associates, representing the applicant, made himself available for questions.

Black questioned the road accessibility

**Stephen Kelstad**, Attorney for the applicant, referenced January 19, 2006 letter from Mr. Paulich (ExhibitA) and made several points to support the denial of requested access to Wagner property through the use of Carmel Views plat.

The Chair opened the hearing to public testimony

**Shelly Safronic**, representing self and family, spoke to the future nature of this plat as a small, private family compound and urged the denial of access to Wagner property.

**Kevin Paulich**, 801 Second Ave., suite 1500, Seattle, Washington, Attorney representing the Wagner's, noted his clients objection to this plat is the lack of access road. Paulich gave a brief history of the "landlocked" Wagner property and submitted an Arial Map into the record as

**Exhibit B.** Asserted that the property can not knowingly be made landlocked, and would like a condition assuring the road be built as part of the final plat approval.

**Black** spoke to the road standards in providing access to adjacent properties whenever such provision is reasonable and practical, and questioned what the obligation of property owners is in such a case. Further discussion ensued related to historic easements and accesses.

**Pat Deneen**, 1890 Nelson Siding Road, spoke to the new road standards in relation to a property owner's obligation for access.

**Mark Kirkpatrick**, 108 E. Second Street, Cle Elum, Washington, representing Encompass Engineering and Surveying, would like to strike any testimony related to Encompass Engineering through Mr. Pualich's testimony.

**Black** declined to strike testimony and let it go into the record as stated

**James Safronic**, representing self and family, felt the Wagner's had no prior right to access their property through the Carmel Views Plat.

**Piercy** addressed safety issues related to access of the plat and the overall access to the area. The Department does not believe that it is appropriate to require an extension or easement off the proposed plat. Also addressed the combined certification process between Community Development Services, Public Works and the Health Department in which the preliminary plat review contains a consolidated staff report that serves as an indication how the codes of Kittitas County are being met.

**Pualich** rebuts making three points

**Cruise** pointed out the Chandler road as an example of a private road and the cost associated with such construction, he stressed the point of this request not being reasonable or practical.

**Kelstad** pointed out that the Wagner request is a civil matter and inappropriate for this plat review.

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

**Black** indicated his desire to continue this hearing in order to be clear on the legal matters related to this decision.

**Piercy** spoke to the continuation, regulatory time threshold and specifics of a continuation.

**Black** made a motion to continue this Carmel Views Preliminary Plat (P-05-33) hearing to January 30<sup>th</sup>, 6:30 p.m. at the Kittitas County Home Arts Center as the first item on agenda as a closed record deliberation in which legal council representing Kittitas County may be consulted. The motion was seconded and carried by a 4/0 poll of the Board with Perna and McClain absent.

#### **K. Lannigan Meadows 14-Lot Performance Based Cluster Preliminary Plat (P-05-38)**

The Chair opened the hearing to the Lannigan Meadows 14-Lot Performance Based Cluster Preliminary Plat (P-05-38). Staff planner II Joanna Valencia read her staff report into the record. Attached herein and incorporated into the record is that staff report.

**Piercy** introduced Lannigan Meadows 14-Lot Performance Based Cluster Preliminary as the first of its kind for our county and gave a brief overview of the Performance Based Cluster Plan, and made himself available for questions. Discussion ensued for clarification of the process.

**Williamson** made a point of disclosure and offered to step down if anyone opposed his sitting for the Lannigan Meadow hearing. No objection was offered.

The Chair opened the hearing to Applicant presentation.

**Chad Bala**, Terra Design Works, PO Box 462, Roslyn, Washington, representing the applicant introduced Terra Design Works intern, **Lindsey Ozbolt**, who then began their Power Point Presentation by reading it into the record. Attached herein and incorporated into the record as **Exhibit C-1** (paper version) and **Exhibit C-2** (CD version).

**Chad Bala** continued an extensive presentation, giving greater detail and specifics of the planned design. Topics covered include but not limited to were Tax Parcel, Current Zoning, & Parcel Boundary; Topography; Description of Surrounding Area; Airport Aerial Photo; Vicinity; Access; Access Easement and Lot Layout; Performance Based Cluster Process; Urban Redevelopment Area; Open Space and Urban Redevelopment Area; Conservation Measures; Drain Field and Well Location; Recreational Uses; Passive and Active Recreation; Points and Percentage Breakdown; Density Calculations and Conclusion.

**Bala** would like to recommend that the Planning Commission forward this with approval with conditions to the Board of County Commissioners. He also created some additional Findings of Facts, submitted into the record as **Exhibit D**, to be reviewed and incorporated into the proposal. Discussion ensued. Bala submitted further supporting documentation, including Access Permit, Site Evaluation, and Well Site Inspection into the record as **Exhibit E**.

The Chair opened the hearing to public testimony.

**Anne Watanabe**, 5791 Red Bridge Road, Cle Elum, Washington, spoke in support of the Lannigan Meadows 14-Lot Performance Based Cluster Preliminary Plat as an initial test plat under the new cluster code provision.

**Pat Deneen**, applicant, elaborated further on the development plan and discussion ensued.

The Chair opened the hearing to Planning commission deliberation and Motion

**David Black** made a motion to pass the Lannigan Meadows 14-Lot Performance Based Cluster Preliminary Plat (P-05-38) forward with a recommendation of approval to the Board of County Commissioners. The motion was seconded by Doug Harris and carried by a 4/0 poll of the Board with Perna and McClain absent.

### **Findings of Fact**

**Piercy** suggested the addition of a condition that all proposals of the applicant shall be conditions of approval.

## SUGGESTED FINDINGS OF FACT

**THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.**

1. The Planning Commission finds that Chad Bala of Terra Design Works, Inc., authorized agent for Teanaway Ridge LLC, landowner, submitted an application for a 14-lot Performance Based Cluster Plat pursuant to Kittitas County Code 16.09 on approximately 21.49 acres of land that is zoned Agriculture-3 to the Kittitas County Community Development Services Department on November 28, 2005.
2. The Planning Commission finds that 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 Mitigated SEPA Determination of Non-Significance (MDNS) was issued by Kittitas County Community Development Services on January 6, 2006. The Planning Commission finds further that said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law.
3. The Planning Commission finds that an administrative site analysis was completed by the staff planner in compliance with Title 17A. A small portion of the southeast property line is within the 100-year floodplain, and a small part of the east portion of the property contains a PEMF wetland.
4. The Planning Commission finds that an open record hearing was held on January 23<sup>rd</sup>, 2006 and that testimony was taken from those persons present who wished to be heard. The Planning Commission 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 subdivision.
5. The Planning Commission finds that additional conditions **are** necessary to protect the public's interest.
6. The Planning Commission finds that all proposals of the applicant shall be conditions of approval.
7. No Adverse testimony was received during the public hearing for this project.

**Black** moved to approve the Findings of Fact, the motion was seconded and carried with a 4/0 vote of the board with Perna and McClain absent.

With no further business the meeting was adjourned at 10:15 p.m. The next regular meeting is scheduled for February 27, 2006.

Susan Barret, Clerk