

KITTITAS VALLEY WIND POWER PROJECT

KITTITAS COUNTY PLANNING COMMISSION

Minutes for January 30, 2006 @ 6:30 P.M.

Kittitas Event Center – Home Arts Building

Kittitas County Fairgrounds

Those in attendance: Chair David Black, Doug Harris, Mark McClain, Grant Clark, Don Williamson

Also in attendance: Darryl Piercy Director of Community Development services, Jim Hurson, Prosecuting Attorney, Staff Planner II, Joanna Valencia, Board Clerk Susan Barret and approximately 20 persons representing applicant and public interests.

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

Having a quorum the meeting was called to order at 6:50

II. Unfinished Business

A. CARMEL VIEWS PRELIMINARY PLAT (P-05-33)

Closed Record Hearing

Discussion with Deputy Prosecutor Jim Hurson to clarify the legal aspects of the possible land locking situation.

Planning Commission deliberation. No discussion

Doug Harris made a motion to pass on to the Board of County Commissioners with an approval Carmel Views Preliminary Plat (P-05-33). Grant Clark seconded the motion. The motion carried with a 4/0 vote with McClain abstaining, and Perna absent.

The Commission moved to approve the Findings of fact to support decision with the addition of 8) both favorable and opposing testimony was heard and 9) legal council indicated the illegal action of forcing a development to create an easement.

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 Allen Shoval, authorized agent for Oren Development LLC, landowner, submitted an application for an 8-lot plat on approximately 24.03 acres of land that is zoned Rural 3 to the Kittitas County Community Development Services Department on October 20, 2005.
2. The Planning Commission also finds that said development application included a preliminary plat depicting the division of one parcel into 8 lots ranging in size from 3.00 to 3.03 acres.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on December 8, 2005. 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.

4. The Planning Commission finds that this application is categorically exempt from SEPA pursuant to KCC 15.04.090 and WAC 197-11-800(1)(c)(i).
5. The Planning Commission finds that an administrative site analysis was completed by the staff planner in compliance with Title 17A. The subject property is not located within a regulated critical area.
6. The Planning Commission finds that an open record hearing was held on January 23rd, 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.
7. The Planning Commission finds that additional conditions are not necessary to protect the public's interest.
8. Testimony in favor and against this project was received.
9. The Planning Commission finds that County Legal Staff has advised that the extension next door is illegal and could result in the takings of property. The requested extension is not a valid public purpose and that there is no current public road system or public loop system in place for the proposed project area and extension.

B. KITTITAS VALLEY WIND POWER PROJECT (Z-05-22)

Closed Record Hearing

Darryl Piercy, Director of Community Development Services, clarified that the hearing was closed and that the applicant and staff are available for questioning.

The Planning Commission made public disclosure statements. No member had anything to disclose. There were no objections made to the sitting of the commission.

Chairman Black opened the hearing to Planning Commission deliberation.

The deliberation centered on three major elements;

1. A site-specific amendment to the Kittitas County Comprehensive Plan from a Rural designation to Wind Resource Overlay District. There was much discussion related to the Comprehensive Plan.
2. A site-specific zone change that would overlay the existing Forest and Range and Agricultural-20 zoning with a Wind Farm Resource Overlay Zoning. Pursuant to KCC 17.98.020(E), a petition requesting a change on the zoning map must demonstrate that the seven criteria are met.
3. Is the project in accordance with KCC 17.61A.040(C), the approvals set forth in KCC 17.61A.040(A) and KCC 17.61A.040(B)
 - a. The proposal is essential or desirable to the public convenience.
 - b. The proposal is not detrimental or injurious to the public health, peace or safety or to the character of the surrounding neighborhood.

- c. The proposed use at the proposed location(s) will not be unreasonable detrimental to the economic welfare of the county and it will not create excessive public cost for the facilities and service.

McClain made a motion that the site-specific amendment to the Kittitas County Comprehensive Plan from rural designation to Wind Resource Overlay District be passed forward to the Board of County Commissioners with a recommendation for denial. Pursuant to KCC 17.61A.040(C), the approval set fourth in KCC 17.61A.040 (A) and (B) were not approved. Harris seconded the motion and it carried with a 5/0 vote of the Planning Commission with Perna absent.

Discussion of the seven criteria necessary for rezoning ensued.

McClain made a motion to deny the site-specific zone change that would overlay the existing Forest and Range and Agricultural-20 zoning with a Wind Farm Resource Overlay Zoning. Pursuant to KCC 17.98.020(E), a petition requesting a change on the zoning map. Harris seconded the motion and it carried with a 5/0 vote of the Planning Commission with Perna absent.

Discussion of the Development Permit and Development Agreement ensued.

McClain made a motion that the Wind Farm Resource Development Permit, the rezone of the Kittitas Valley Wind Power Project area, and that the amendment to the Comprehensive Plan and land use map be passed forward to the Board of County Commissioners with a recommendation of denial. Harris seconded the motion and it carried with a 5/0 vote of the Planning Commission.

McClain made a motion that the Kittitas Valley Wind Power Project Development Agreement be passed forward to the Board of County Commissioners with no recommendation, but with a general sense that it is acceptable. Harris seconded the motion and it carried with a 5/0 vote of the Planning Commission.

Chairman Black moved to continue the Kittitas Valley Wind Power Project (Z 05-22) hearing to February 13, 2006, 6:30, at the county Commissioners Auditorium, specifically to review Finding of Fact. McClain seconded and the motion carried with a 5/0 vote of the Planning Commission.

ADJOURNED AT 9:28

Susan Barret, Planning Commission Clerk