

KITTITAS COUNTY PLANNING COMMISSION MEETING
Tuesday, March 14, 2006 @ 6:30 P.M.

COMMISSIONER'S AUDITORIUM
205 W. Fifth Street, Ellensburg WA

Planning Commissioners present: Chair David Black, Doug Harris, Grant Clark, Don Williamson, Mark McClain, Well Bartsma with Scott Perna absent.

Staff members present: Assistant Director of Community Development Services Allison Kimball, Staff Planners Marco Rains, Noah Goodrich and Scott Turnbull, Department of Public Works Planner II Randy Carbery and Planning Commission Clerk Susan Barret.

Approximately 12 people were present representing public and applicant interest.

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

Having a quorum present the Chair called the meeting to order at 6:35 p.m.

II. Correspondence

Clerk reported no new correspondence.

III. Approval of Minutes

Grant Clark moved to accept as presented the minutes for the January 23, January 24, 2006 regular meetings and January 10, 11, 12, 30 and February 13, 2006 KVVPP meetings. Doug Harris seconded and the motion carried with unanimous vote of the board.

IV. New Business

A. Bull Rezone (Z-05-29)

The chair opened the hearing to the Bull Rezone (Z-05-29); Staff Planner Marco Rains presented his 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.

Steve Lathrop, 201 West 7th Ave., Ellensburg, Washington, authorized agent representing the applicant began by going over the necessary criteria for the rezone and stating that this rezone is not only compatible with the Comprehensive Plan it is necessary for zoning as the Commercial Ag zone is no longer applicable in this area. Lathrop spoke of the cities future long term utility plan for this area as being part of the urban growth area for Ellensburg. He stated Ellensburg Water Company has expressed their support of this project.

Black questioned the 89 water shares and the cattle equipment tunnel. **Lathrop** responded and further discussion ensued.

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

The Chair opened the hearing to Board deliberation and motion.

Clark stated that this seems like a logical next step. **Bartsma** questioned the lot sizes and **Black** responded that County Code dictates the size.

Doug Harris moved to pass the Bull Rezone (Z-05-29) forward to the Board of County Commissioners with the recommendation of approval. Don Williamson seconded and the motion carried with a 6/0 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. Steve Lathrop, authorized agent for Thomas Bull and Curtis Bull, landowners, submitted a complete application requesting a zone change of four tax parcels totally approximately 190.52 acres from Commercial Agriculture to Residential to the Community Development Services Department on December 6th, 2005. The subject property involves tax parcel numbers 17-18-12010-0006, 0009, 0010, and 0011. The applicants address is 43 Red Mountain Drive, Ellensburg, WA. 98926.
2. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on December 30th, 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 February 17th, 2006. 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 March 14th, 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 subject property abuts the City of Ellensburg city limits to the north and is entirely located within the City of Ellensburg urban growth area.
6. The Planning Commission finds that the subject property does contain regulated critical areas including Lyle Creek along the western edge of the property and wetland areas on the eastern portion of tax parcel 17-18-12010-0010.
7. The Planning Commission finds that city utilities are in close proximity to the subject property and appear to be obtainable for future development.
8. The Planning Commission finds that urban density development and residential zoning districts are adjacent to the proposed rezone property to the north and northwest.
9. The Planning Commission finds that the requested zone change is consistent with the Residential land use designation of the Kittitas County Comprehensive Plan.
10. 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

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

12. No adverse public testimony was received during the public hearing.

The Planning Commission voted 6/0 to accept the Finding of Fact with additions.

B. Steamboat LLC Preliminary Plat (P-05-36)

The chair opened the hearing to the Steamboat LLC Preliminary Plat (P-05-36); Staff planner Scott Turnball submitted a letter from the Department of Ecology as **Exhibit A** and presented his 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.

Marc Kirkpatrick, Encompass Engineering and Surveying, 108 East 2nd Street, Cle Elum, Washington, representing the applicant, addressed Public Works comments on Wiehl Road improvements and his efforts in working with adjacent property owners for these improvements. He stated that he has completed an application with BPA for use within their right of way. It is being held until the outcome of this hearing before submittal. He stated the need to review the lot sizes to be certain they are the requisite 3 acres.

Bartsma questioned the land type and if it is part of an irrigation district. **Kirkpatrick** described the topography and stated that the subject property was not part of an irrigation district. **Williams** questioned the placement of the access road. Discussion ensued over the placement based on topography, roads and county private roads requirements. **Harris** questioned where the BPA towers were located in relation to the subject property and questioned the cul-d-sac placement.

Randy Carbury, department of Public Works, concurred that the planned road makes sense based on the topography; he reiterated that the developers in the area are coordinating among themselves to make the necessary road improvements. He stated that Public Works does not get involved on this level. He stated that he is satisfied with the Preliminary plat.

Williamson questioned how much of Wiehl road would require improvements to meet county standards. **Carbary** responded that improvements depended on density thresholds as calculated per Public Works policy and County road standards. Much discussion ensued related to ensuring the actualization of conditions being met, what the safeguards are within our county policies to assure the planning commission and the public that these conditions are in fact being met. **Allison Kimball** and **Marc Kirkpatrick** both spoke to the process and how it dictates the necessity of meeting conditions placed upon the developers before final plat approval and that Building Permits are dependent on county road standards being met. Much discussion followed.

The Chair opened the hearing to public testimony. There was no public testimony.

The Chair opened the hearing to Board deliberation and motion.

McClain voiced his concern over the lot size being slightly under the 3 acre designation and the cost burden of road development.

Joe Delvo, 1261 No. 6 Road, Ellensburg, Washington, spoke to McClain's comment as someone that has been on both sides of the issue. He indicated the burden falls to the landowners.

Williamson feels there needs to be some kind of mechanism in place to enforce the participation of past and future developers to share in the cost of roads development. **Black** suggests the concerns of the planning commission be put forth in the form of conditions. **Kimball** reiterated that processes are in place to ensure conditions are met. **Carbary** also stated that within the Public Works process there are back up measures in place to insure codes are met.

Mark McClain moved to pass the Steamboat LLC Rezone (Z-05-36) forward to the Board of County Commissioners with the recommendation of approval. Don Williamson seconded and the motion carried with a 4/2 poll of the board, with Harris, McClain, Clark and Williamson voting for; Black and Bartsma voting against.

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 Encompass Engineering, authorized agent for Steamboat LLC, landowner, submitted an application for an 6-lot plat on approximately 18.14 acres of land that is zoned Rural 3 to the Kittitas County Community Development Services Department on November 22, 2005.
2. The Planning Commission also finds that said development application included a preliminary plat depicting the division of one parcel into 6 lots ranging in size from 3.00 to 4.14 acres.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on February 8, 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.
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 March 14th, 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** necessary to protect the public's interest.
8. The Planning Commission finds that the lot sizes must be reexamined and resized as needed to reach the minimum lot size of 3 acres.
9. The Planning Commission finds that all BPA approvals must be submitted to the Kittitas County Department of Community Development Services prior to final plat approval.
10. The Planning Commission finds that a road standard agreement must be in place prior to final plat approval. That agreement shall include wording to the effect that the applicant shall contribute to Wiehl Road at such time as a minimum of number of improved lots (40 lots) be reached contributing based on a pro rated basis.

The Planning Commission voted 3/2/1 to accept the Finding of Fact with conditions. McClain and Black voted against and Bartsma abstaining.

C. Jaydeekay Preliminary Plat (P-05-40)

The chair opened the hearing to the Jaydeekay Preliminary Plat (P-05-40); Staff Planner Noah Goodrich presented his 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.

Dave Nelson, Encompass Engineering and Surveying, 108 East 2nd Street, Cle Elum, Washington, representing the applicant, gave a brief update of various agencies, access and water. He stated that the Cascade Irrigation district has given approval of their design.

Joe Delvo, 1261 No. 6 Road, Ellensburg, Washington, answered questions related to the Class B Water system.

The Chair opened the hearing to public testimony.

Jerry Pettit, 831 Number 6 Road, Ellensburg, Washington, He expressed his appreciation to Delvoe for taking appropriate actions to ensure his land will continue to get irrigation water.

Delvoe spoke to irrigation issue and management.

The Chair opened the hearing to Board deliberation and motion.

Mark McClain moved to pass the Jaydeekay Preliminary Plat (P-05-40) forward to the Board of County Commissioners with the recommendation of approval. Grant Clark seconded and the motion carried with a 6/0 poll of the board.

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 Dave Nelson of Encompass engineering and surveying has submitted a complete application on behalf of Joey Delvo., landowner, to the Community Development Services Department on December 16, 2005.
2. The Planning Commission also finds that said development application included a preliminary plat depicting the division of one parcel into 12 lots ranging in size from 1.00 to 1.74 acres each.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on February 7, 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.
4. The Planning Commission finds that Community Development Services issued a Notice of Action pursuant to KCC 15A.04 and Chapter 43.21C RCW on February 22, 2006. The Planning Commission finds further that said notice solicited comments from jurisdictional agencies, parties of record and landowners within 300 feet of the subject properties as required by law.
5. The Planning Commission finds that an open record hearing was held on March 14th, 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.
6. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interests.
7. Public testimony was heard.

The Planning Commission voted 6/0 to accept the Findings of Fact.

D. Williams Preliminary Plat (P-05-41)

The chair opened the hearing to the Williams Preliminary Plat (P-05-41); Staff Planner Noah Goodrich presented his 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.

Chris Cruse, 821 Robinson Canyon Road, Ellensburg, Washington, authorized agent for the Williams family. Cruse stated that the Williams family has owned the subject property since the 60's, neighboring properties off Klocke road have subdivided, and the plat meets all county codes for the Ag-3 zone. Cruse addressed concerns regarding water and set backs and stated that the plat must

prove adequate water supply and complete soil logs for each lot. He spoke to the cul-de-sac location based in relation to the pond. **McClain** had concerns as to the septic and the amount of water on this property. **Williams** questioned access to lot F. **Cruse** explained the access and road plans. There was much discussion on access.

The Chair opened the hearing to public testimony. There was no public testimony

The Chair opened the hearing to Board deliberation and motion.

Clark questioned **Carbary** in regards to access to lots and asked for county code and requirements. **Carbary** clarified codes, descriptions and explained that the road they were referencing, the one to the last lot, was actually a private driveway, not a road. Discussion ensued over fire codes, safety issues, and access. **Bartsma** questioned the proximity of building to the creek. **Goodrich** responded with information related to the creek being a shoreline of the state with standard buffers that must be adhered to. **Williamson** summarized the issues brought forward by stating that County Codes and various departments regulate these issues. And that the Planning Commission is an advisory board that can set forth concerns through conditions placed on the approvals. **McClain** concerned with the drive way definition for health and safety issues.

Well Bartsma moved to pass the Williams Preliminary Plat (P-05-41) forward to the Board of County Commissioners with the recommendation of denial. David Black seconded and the motion failed with a 2/4 poll of the board. Bartsma and Black voting for denial; Harris, McClain, Clark and Williamson voting against the denial.

Mark McClain moved to pass the Williams Preliminary Plat (P-05-41) forward to the Board of County Commissioners with no recommendation. Grant Clark seconded and the motion carried with a 4/2 poll of the board. Harris, McClain, Clark and Williamson voting for the recommendation; Bartsma and Black voting against.

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 Chris Cruse, authorized agent for Don and Mike Williams submitted a complete application to the Community Development Services Department on December 22nd, 2005.
2. The Planning Commission also finds that said development application included a preliminary plat (Williams Plat P-05-41) depicting the division 38.71 acres into 8 lots. Five of the lots are 3.00 acres in size, followed by one (1) lot at 3.78 acres, one (1) lot 7.05 acres, and the last lot 12.89 acres in size.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on February 9th, 2006. 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 March 14th, 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. Road access to lots F and H need to be clarified as to fire access issues and if the proposed drive way meets current road standards.
6. No adverse testimony was heard.

The Planning Commission voted 4/2 to accept the Finding of Fact with conditions. Bartsma and Black voting against.

***The meeting was adjourned at 9:15 p.m.
The next scheduled meeting is Tuesday, March 28, 2006.***

Susan Barret, Planning Commission Clerk