

**KITTITAS COUNTY PLANNING COMMISSION MEETING
Tuesday, January 23, 2007 @ 6:30 P.M.**

COMMISSIONER'S AUDITORIUM
205 W. Fifth Street, Ellensburg

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

Chairman Black called the meeting to order at 6:30 p.m.

Those present: Chairman David Black, Grant Clark, Scott Perna, Matt Anderson, Kim Green, Rick Daugherty

Also present: Staff Planners Noah Goodrich, Scott Turnbull and Dan Valoff, CDS Director Darryl Piercy, CDS Assistant Director Allison Kimball, Public Works Planners Christina Wollman and Randy Carbary, Planning Commission Clerk Trudie Pettit and approximately 23 individuals representing applicants and public interest.

II. Correspondence-No Correspondence.

III. Approval of Minutes

Rick Daugherty moved to approve the minutes as written, **Kim Green** seconded and the motion passed with all in favor.

IV. Old Business

A. Meadow Ridge Performance Based Cluster Plat (P-06-14)

The Chair opened the hearing to Board approval of Findings of Fact.

Black stated he would like to make some suggestions regarding the suggested Findings of Fact.

Piercy stated that since this is the first time through this process, we would like to go through each project individually and make the suggested changes. **Piercy** asked the Planning Commission to move the Whitaker Rezone to the February 27, 2007 meeting and will be the first item on the agenda after the Findings of Fact in Old Business.

Black stated he would like to have the title of the project and the board decision on the top of all the findings of fact.

David Black moved to accept the suggested findings of fact as written. **Grant Clark** seconded and the motion passed with all in favor.

Black asked if the findings needed to have his signature.

Piercy stated yes or with approval the clerk can sign.

B. Three Sons LLC Rezone (Z-06-17)

The Chair opened the hearing to Board approval of Findings of Fact.

Black asked to have the findings to look more like the Freeman Rezone.

Rick Daugherty moved to approve the suggested findings of fact as written with changes. **Grant Clark** seconded and the motion passed with all in favor.

C. DJ Cattle and Land Rezone (Z-06-38)

The Chair opened the hearing to Board approval of Findings of Fact.

Black asked to shorten the verbage in the findings.

Piercy asked that this is what the board will be seeing in the future because they would support the Planning Commission recommendations as they move forward to the Board of County Commissioners.

Grant Clark moved to approve the suggested findings of fact as written. Scott Perna seconded and the motion passed with all in favor.

D. Freeman Rezone (Z-06-43)

The Chair opened the hearing to Board approval of Findings of Fact.

Grant Clark moved to approve the suggested findings of fact as written. Scott Perna seconded and the motion passed with all in favor.

E. Worley Rezone (Z-06-36)

The Chair opened the hearing to Board approval of Findings of Fact.

Black would like to have an expansion of the 7 criteria.

Perna stated there should be an 11th finding, the minority report states all 7 conditions were met.

Scott Perna moved to approve the suggested findings of fact as written with the additions. Matt Anderson seconded and the motion passed with all in favor.

F. Drebaum Rezone (Z-06-47)

The Chair opened the hearing to Board approval of Findings of Fact.

Black asked to have a finding stating the reasons why 2 members voted against the project.

Goodrich asked to have the board look at finding number 12, it states that water and access are an issue.

Black stated they would accept that finding.

Kim Green moved to approve the suggested Findings of Fact as written. Grant Clark seconded and the motion passed with all in favor.

G. Sierra Group Holdings Rezone (Z-06-39)

The Chair opened the hearing to Staff Presentation.

Staff Planner Scott **Turnbull** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

Black asked about the roads in the area.

Turnbull stated they were put in by Plum Creek.

Black asked if the 200 foot buffer does anything to the zoning.

Turnbull stated no building can be done in that 200 foot buffer.

Black asked about the zoning surrounding the subject property.

The Chair opened the hearing to Applicant Testimony.

David Taylor, 1661 Beane Road, Moxee, WA, representing the applicant, stated this application meets the 7 criteria for a rezone and presented reasons to support the project. Taylor stated there are letters in the packet to show there is potable water on the property and legal access to the property could be an issue in the future if development occurs.

Daugherty asked about the access easement to the property.

Taylor stated R & R Heights own the first part of the road and Plum Creek owns the rest that accesses the property.

The Chair opened the hearing to Public Testimony.

David Girth, 205 Alaska Ave, Roslyn, WA, representing himself, stated he submitted a written letter and would like to publicly speak regarding this application. **Girth** stated this property is 300 acres of protected property and putting a 3 acre density into the forest would not meet the 7 criteria of a rezone. **Girth** submitted into the record a letter from the Forest Practice District Manager as **Exhibit A**.

Deidre Link, 560 Hawk Haven Road, Cle Elum, WA, representing herself, stated she agrees with David **Girth** and expressed her concerns with this rezone and submitted a map into the record as **Exhibit B**.

Jan Sharar, 390 Cattail Road, Ellensburg, WA, representing herself, stated she supports the previous speakers and that Forest and Range 20 is the appropriate zone between the city and forest.

Black stated the Board will accept the public testimony for both the Sierra Group Holdings and Manna Funding Rezones.

Virginia Lund, Peoh Point, Cle Elum, WA, representing herself, stated she has a question about 20 acre sprawl and her concerns with water.

Black stated the applicant must prove they have potable water before they are allowed to build.

The Chair opened the hearing to Planning Commission Deliberation.

Taylor, stated the Savoy and Sierra Group holdings are not the same owner. **Taylor** stated the city has been buffered by 310 acres that can not be developed and 20 acre lots can create rural sprawl.

Black questioned the letter from Henderson vs. Kittitas County, and that the letter states health, welfare and safety would be issue.

Taylor stated public health, safety and welfare will be satisfied.

Green asked about the letter from the City of Roslyn and their concerns with the water on the property.

Taylor stated these are 2 issues that will be dealt with at time of future development.

Anderson asked if there is a protocol about 2 rezones being submitted side by side.

Black stated they are 2 separate applications and will have opportunity to look at the application again if they apply for a plat and it is approved.

Daugherty questioned the access to the property.

Black stated traditionally we request legal access.

Anderson asked if Urban Forest is a city zone.

Turnbull stated the zoning to the south in the City of Roslyn is Urban Forest.

Anderson asked if Roslyn was a historic district and the SEPA checklist states that there is no cultural significance and he believes that this is an issue that needs to be looked at.

Turnbull stated yes the city is designated historic district in the Comprehensive Plan.

Daugherty asked where the issue of cohop.

Piercy stated we can not answer that question correctly at this time, staff can research this issue and bring the answer back to the next Planning Commission meeting.

Daugherty stated he has an access issue.

Piercy stated he is not sure of the easement to the subject property and would have to research with the Public Works Department and SEPA.

Daugherty stated if there are issues with this application the same issues will come up in the Manna Funding application.

The board went through the 7 criteria for a rezone to see if the application meets the criteria.

Perna states he believes the application does not meet the health, safety and welfare criteria.

Green stated it puts a tremendous burden on the City of Roslyn.

Anderson stated he has issues with the historic district.

Piercy stated the increased tax revenue was the reason for the merit of this application and that the public testimony heard tonight states there will be no increase in tax revenue but will actually not create additional tax revenue.

Daugherty stated this area is rather steep and questioned the suitability for development.

Clark stated the access concerns would mean it is not suitable for development because they don't have access.

Green stated her concerns with the amount of homes that could be developed.

Black stated there is no irrigation water on the subject property.

Kim Green made a motion to pass the Sierra Group Holdings Rezone (Z-06-39) forward to the Board of County Commissioners with a recommendation of denial. Rick Daugherty seconded and the motion carried with a 6/0 poll of the board.

Findings of fact will be brought to the February 13, 2007 meeting for approval.

H. Manna Funding Rezone (Z-06-46)

The Chair opened the hearing to Staff Presentation.

Staff Planner Scott **Turnbull** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

The Chair opened the hearing to Applicant Testimony.

David Taylor, 1661 Beane Road, Moxee, WA, representing the applicant, stated the application is nearly identical to the previous application. **Taylor** stated there is access to this property according to the title report.

The Chair opened the hearing to Public Testimony.

David Girth, 205 Alaska Ave, Roslyn, WA, representing himself, stated his issues with the impact to the forest land, City of Roslyn and Kittitas County.

Black stated the comments from the previous application will be used for this application.

The Chair opened the hearing to Planning Commission Deliberation.

Perna stated the property has forest surrounding the land.

Green stated the access is much cleaner.

Daugherty asked where the easements come through the subject property.

Taylor stated the easments are recorded down to road 903.

The board went through the 7 criteria for a rezone.

Black stated there is no irrigation water for this property.

Rick Daugherty made a motion to pass the Manna Funding Rezone (Z-06-46) forward to the Board of County Commissioners with the recommendation of denial. Kim Green seconded and the motion carried with a 6/0 poll of the board.

Findings of Fact will be brought to the February 13, 2007 meeting for approval.

Chairman Black called for a break.

I. Minor Rezone (Z-06-40)

The Chair opened the hearing to Staff Presentation.

Staff Planner Scott **Turnbull** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

The Chair opened the hearing to Applicant Testimony.

John Ufkes, 200 E 3rd, Ellensburg, WA, representing the applicant, stated that the applicant was working tonight and if the board had questions for the applicant to continue the hearing to the next meeting. **Ufkes** described the surrounding areas and stated the road infrastructure is already in place and this would be positive tax revenue for the city. **Ufkes** stated the area surrounding the property has changed drastically in the past few years and that smaller lots are already in the area of the subject property and submitted into the record **Exhibit A**.

Daugherty asked about the surface water on the property and questioned the flood issues with the Wilson Creek and KRD canal.

Ufkes stated there are areas that have been developed off Wilson Creek and there are requirements that have to be met and that the property is at a higher level.

Black asked about the surrounding lots and who owns them.

Ufkes stated the lands are owned by a Minor.

Green asked if anyone surrounding the parcel have signed a right to farm.

Ufkes stated he has seen them before but not for this property.

The Chair opened the hearing to Public Testimony.

Betsy Billeter, 390 Bar 14 Road, Ellensburg, WA, representing herself, stated her concerns with rezones being a non project action and submitted into the record **Exhibit B**.

William Theler, 7300 Wilson Creek Road, Ellensburg, WA, representing himself, stated his concerns with irrigation and questions the issue of non tillable land. **Theler** stated the area is open range and the area is not prepared for this amount of traffic.

Vernon Stokes, 9720 Wilson Creek Road, Ellensburg, WA, representing himself, stated the land is farmable because he worked on that land 30 years ago, and he agrees with the previous speakers. **Stokes** stated the issues with the ground water and the requirements DOE has on creeks that run through the subject property.

Daugherty asked what the issue was with the Department of Ecology.

Stokes stated they are trying to keep animals 30 feet from the creek and public from working within 30 feet.

Theler stated anyone living on Wilson Creek must have a water flow meter and must report monthly to the DOE how much usage they take out of that creek.

Jim Jenkins, 851 Bar 14 Road, Ellensburg, WA, representing himself, stated his concerns with the access to the property, and the traffic problems it would cause.

Pricilla Wood, 350 Bar 14 Road, Ellensburg, WA, stated she feels the rezone is not appropriate because of access issues and open range issue. **Wood** also stated she believes the area should be changed from open range to closed stock land and submitted into the record **Exhibit C**.

Anderson asked how far open range goes.

Wood stated all the way up Wilson Creek Road north to Brick Mill Road and east past Fairview Road.

Jan Sharar, 390 Cattail Road, Ellensburg, WA, stated her concerns with the rezone and submitted into the record **Exhibit D**.

Ken and Terry Niles, 231 Alford Road, Ellensburg, WA, submitted into the record **Exhibit E**.

Ufkes, discussed the conditions that would be required if future development occurred and that there are 2 available accesses.

The Chair opened the hearing to Planning Commission Deliberation.

Anderson stated there is a larger issue that needs to be addressed and this looks like a spot rezone and this is not the last time we are going to see this, wanted to know if the board has a plan to deal with these issues in the future.

Black stated each application will have to be looked at on an individual basis.

The board went through the 7 criteria for a rezone.

Green stated her issues with the ground water and well.

Anderson asked about the number of accidents on that portion of the road.

Randy Carbary, Public Works Planner, stated in depth studies have not been done and access would be addressed at project stage.

Anderson stated the open range is a big issue for this area and is an issue for public health, safety and welfare.

David Black made a motion to pass the Minor rezone (Z-06-40) forward to the Board of County Commissioners with a recommendation of denial. Matt Anderson seconded and the motion carried with a 6/0 poll of the board.

Black asked **Carbary** to present accident numbers for the intersection with the findings of fact.

Findings of fact will be brought to the February 13, 2007 meeting for approval.

V. New Business

A. Whispering Spirits Plat (P-06-41)

The Chair opened the hearing to Staff Presentation.

Staff Planner Noah **Goodrich** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

Green asked why this application is exempt from SEPA review.

Goodrich stated anything 9 lots and under do not require SEPA review.

Daugherty asked if a 200 foot buffer would be required around the subject property.

Green asked about the seasonal runoff.

Goodrich stated there is a critical area ordinance.

Clark asked what the fire district chose to do.

Piercy stated the areas outside the urban growth area are under the Urban Wildlife Interface Code. The code has requirements based on the category the property falls under. Some of the requirements could be creating a defensible space, building types and exterior type, onsite storage of water, and fire sprinklers. Piercy stated the fact of the plat would state what requirements they would have to meet.

The Chair opened the hearing to Applicant Testimony.

Mark Kirkpatrick, 108 East 2nd St., Cle Elum, WA, Encompass Engineering and Surveying, representing the applicant, presented a powerpoint presentation and submitted a copy of that presentation into the record as **Exhibit A**. **Kirkpatrick** described the surrounding areas and the proposed well and septic designs.

Black asked if Morgan and Grandview roads are privately owned.

Kirkpatrick stated yes and they have an agreement for keeping the roads clear in the winter time.

Black asked about the well system.

Kirkpatrick stated he recommends a Class B well system.

Black asked how much water the test well provided.

Kirkpatrick stated the current well gets 7-10 gallons a minute on the air test and that could serve up to 5 lots.

Black asked about the community septic system.

Kirkpatrick stated they would have individual septics.

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

The Chair opened the hearing to Planning Commission Deliberation.

Daugherty asked **Carbary** if the roads meet the private road standards.

Carbary stated that the road improvements would have to be met before a building permit would be issued.

Black asked about the access driveway off of Bear Grass Road.

Carbary stated they do have access.

Rick Daugherty made a motion to pass the **Whispering Spirits Plat (P-06-41)** forward to the **Board of County Commissioners** with a recommendation of approval. **Kim Green** seconded and the motion carried with a 6/0 poll of the board.

Findings of fact will be brought to the February 13, 2007 meeting for approval.

B. Misty Mountain Rezone and Plat (Z-06-49, P-06-42)

The Chair opened the hearing to Staff Presentation.

Staff Planner Noah **Goodrich** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

Green asked about the BPA easement through the property.

Goodrich stated there is a recorded easement.

Daugherty asked about the total acreage of the property.

Goodrich stated 21 acres, but the rezone request is only for 10 acres.

The Chair opened the hearing to Applicant Testimony.

Mark Kirkpatrick, 108 East 2nd St., Cle Elum, WA, Encompass Engineering and Surveying, representing the applicant, presented a powerpoint presentation and submitted into the record a copy of that presentation as **Exhibit A**.

Anderson asked if the Group B well had been approved.

Kirkpatrick stated the county and the state are in limbo and don't have any design issues but have not approved it yet.

Black stated that is a requirement and would have to be done before approval.

Clark asked about the secondary access requirement.

Kirkpatrick stated there is a 60 foot easement available to provide the secondary access.

Daugherty asked how many lots the plat is asking for 7 or 9.

Kirkpatrick stated 7 lots.

The Chair opened the hearing to Public Testimony.

Deidre Link, 560 Hawk Haven Road, Cle Elum, WA, stated her concerns with the diversity in the area, water issues, number of wells being drilled in the area and submitted maps into the record as **Exhibit B** and **Exhibit C**.

The Chair opened the hearing to Planning Commission Deliberation.

Black asked how much water the well is producing.

Kirkpatrick stated one well will be serving all the lots.

Piercy stated the Group B well system must be put online and approved prior to final approval.

Black stated his concerns with the 3350 Road.

Carbary stated the road has been improved, and is up to forest service standards and widened to 28 feet. Public Works is waiting for certification.

Daugherty asked about the interconnectivity of the roads.

Carbary stated they have options for secondary access.

Anderson thanked the applicant for presenting a project along with the rezone.

The board went through the 7 criteria for a rezone.

Scott Perna made a motion to pass the **Misty Mountain Rezone (Z-06-49)** forward to the **Board of County Commissioners with a recommendation of approval. Grant Clark** seconded and the motion carried with a **6/0 poll of the board.**

Scott Perna made a motion to pass the **Misty Mountain Preliminary Plat (P-06-42)** forward to the **Board of County Commissioners with a recommendation of approval. Grant Clark** seconded and the motion carried with a **6/0 poll of the board.**

Findings of fact will be brought to the February 13, 2007 meeting for approval.

Chairman Black read Scott **Perna's** letter of resignation.

The Planning Commission meeting was adjourned at 10:30 p.m.

The next scheduled meeting is February 13, 2007 at 6:30 p.m. in the Commissioner's Auditorium.

Trudie Pettit, Planning Commission Clerk