

KITTITAS COUNTY PLANNING COMMISSION MEETING
Tuesday, August 28, 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, Kim Green, Larry Fuller and Aaron Langevin arrived at 6:34 p.m.

Also present: CDS Director Darryl Piercy, CDS Assistant Director Allison Kimball, Staff Planners Scott Turnbull, Dan Valoff, Trudie Pettit, Mike Elkins, Joanna Valencia and Mackenzie Moynihan, Public Works Planner Randy Carbary and Christina Wollman, Fire Marshal Brenda Larsen, Civil Deputy Prosecutor Neil Caulkins, Planning Commission Clerk Desi Stewart and approximately 7 individuals representing applicants and public interest.

II. Correspondence

The Clerk **Desi Stewart** reported a letter was received August 21, 2007 from Mr. Jeff Slothower regarding the Pine Prairie Cluster Plat.

David Black read the letter into the record. **Black** asked Neil Caulkins about reopening the public testimony for Pine Prairie Cluster Plat or if the Board should address questions to Mr. Slothower regarding this letter.

Caulkins stated that if the public testimony portion was closed that the Board should not ask a member of the public questions. **Caulkins** stated that he was asked to speak to the letter that was submitted by Sharar at the August 14 Planning Commission meeting. He also stated that he could address these issues and make comments under a closed record because he is considered staff.

Black stated that he is reluctant to open discussion because Sharar was not present.

Caulkins stated he is offering legal advice.

Black asked if we should wait for the item to come to up on the agenda.

Caulkins stated that he would be speaking in general pertaining to all items on the agenda as well as discussing the recent Hearings Board Decision. **Caulkins** stated that an application vests to the regulations in force at the time the application is made regardless of internal inconsistencies or non compliance by the Growth Management Act. **Caulkins** addressed a line in Sharar's letter that stated the more specific regulation governs the general. **Caulkins** stated that is true if the rules are governing the same issue and one does not repeal the other. **Caulkins** also stated for example rules in a R5 zone would not govern a R3 zone. He also explained that if a new code is less specific than an old code, the old code does not repeal the new one, both codes would have to be active and governing the same thing for this to occur. **Caulkins** explained the County codes and WAC rules that define a water system and sewer system. The systems contained in the application fit within the County and WAC requirements. **Caulkins** stated the County won 2 of 14 issues that were brought to the Hearings Board. They were issued an order of invalidity, first a series of Agricultural D designations and connected to that were UGA expansions one of Ellensburg and one of Kittitas. Applications that are currently submitted and any applications submitted during the period of remand, approximately 180 days from the decision are vested to the current regulations. Subsequent applications would be not be entertained.

Black stated that both applications for the land use in the UGA area had been heard by the Board and confirmed that the Board would not hear anything further regarding them.

Fuller asked if the Snoqualmie issue was at the hearing and asked if it was invalid.

Caulkins stated they were not found invalid but were found non compliant. There were two instances of invalidity and they were related to the agricultural designations and tied to that the UGA expansions around Ellensburg and Kittitas.

III. Approval of Minutes

Fuller asked to add to the minutes that the Board asked for Neil Caulkins to be at the 8-28-07 Planning Commission meeting for legal advice regarding the letter submitted by Sharar.

Kim Green moved to approve the August 14, 2007 minutes as corrected. **Larry Fuller** seconded and the motion carried with all in favor.

IV. Old Business

A. Elk Ridge Estates Plat (P-07-12)

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

Kim Green moved to accept the Findings of Fact as written. **Grant Clark** seconded and the motion carried with all in favor.

B. Cle Elum Properties Preliminary Plat (P-06-15)

The Chair opened the hearing to Planning Commission Deliberation.

Black asked if in order to ask questions about the Fire Marshal's letter would he need to reopen the public testimony.

Caulkins stated that the Fire Marshal is staff and could speak to a closed record.

Black stated the Board had questions about the turnarounds located at lot 6 and 11. He also asked about the blocks on the non motorized vehicle roads.

Brenda Larsen Fire Marshal stated that she has met with Noah Goodrich to discuss the turnarounds in question and they agreed that fire zone and fire lane signage would suffice.

Black asked about looking at all 3 plats.

Larsen stated that was just a comment. The 3 plats together would be greater than 30 lots but have been submitted separately and reviewed separately.

Black stated that the Planning Commission remanded the plats back to staff to look for a second access.

Green verified the changes would be made to the face of the plat.

Piercy offered to provide some clarification to the second access. Initially the 3 plats were submitted separately. The plats were combined for the purpose of applying fire codes and access regulations. Leo Lane could only provide access to two of the plats. The second access does exist for plat 3 but they are not connected.

Fuller asked if the Department of Health required class A water system on each plat.

Piercy stated that it was suggested but not required and that if the Department of Health wanted to make that a requirement it would be up to that department to follow through not the responsibility of the County. The County did look at this as a cumulative impact situation under the SEPA review. The reason this plat was back before the Board was because of the requirement for the second access that was not Leo Lane.

Fuller stated that he missed this staff presentation.

David Black moved to pass the Cle Elum Properties Preliminary Plat (P-06-15) forward to the Board of County Commissioners with a recommendation of approval. **Kim Green** seconded and the motion carried with a 4/0 poll of the Board with **Aaron Langevin** abstaining.

Findings of Fact will be brought back to the September 11, 2007 meeting for approval.

C. Pine Prairie Cluster Plat (P-07-13)

The Chair opened the hearing to Planning Commission Deliberation

Black stated that the letter from Slothower was discussed and the Board would not reopen the public testimony.

Fuller asked if this was to meet the seven requirements of a rezone.

Black stated that this was a preliminary plat not a rezone.

Clark stated that this was good use of the preliminary plat by having only one additional lot and that he appreciated the additional information provided.

Black stated the reason for not approving at the last meeting was due to needing clarification on the letter that was submitted by **Sharar**.

Kim Green moved to pass the Pine Prairie Cluster Plat (P-07-13) forward to the Board of County Commissioners with a recommendation of approval. **Grant Clark** seconded and the motion carried with a 4/0 poll of the Board with **Aaron Langevin** abstaining.

Findings of Fact will be brought back to the September 11, 2007 meeting for approval.

D. Hungry Hill Plat (P-07-33)

The Chair opened the hearing to Staff Presentation.

Staff Planner, **Mackenzie Moynahan** presented her 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 letter that is page 7 in the staff report regarding Currier Creek.

Moynahan stated that Chris Cruse will address the letter.

The Chair opened the hearing to Applicant Presentation.

Jeff Slothower, 201 7th Ave, Ellensburg WA, 98926 stated that he agreed with the staff report. He stated that the letter was from Mr. Renfro and that Mr. Renfro just wants to be involved and make sure that Currier Creek remain fish friendly. He stated the culvert will be moved per a Public Works request. Slothower submitted into the record **Exhibits A** and **B**.

Fuller verified that the driveways would be upgraded to 20 ft.

The Chair opened the hearing to Public Testimony there was none.

The Chair opened the hearing to Planning Commission Deliberation

The Board discussed the applicant addressing all issues concerning Currier Creek.

Kim Green moved to pass the Hungry Hill Plat (P-07-33) forward to the Board of County Commissioners with a recommendation of approval. Grant Clark seconded and the motion carried with a 5/0 poll of the Board.

Findings of Fact will be brought back to the September 11, 2007 meeting for approval.

V. New Business

A. Aztec Estates Preliminary Plat (P-07-09)

The Chair opened the hearing to Staff Presentation.

Staff Planner, **Dan Valoff** 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 stated that it looked like this plat was submitted as a single plat but in the staff report it is connected to Eagles Landing.

Valoff referenced the letter from Public Works in the packet as **Exhibit 7**. He stated that the map shows the two plats that are separate but under the same ownership. The 2 plats combined would have 11 total lots.

The Chair opened the hearing to Applicant Presentation.

Noah Goodrich representing Encompass, 108 E Second St Cle Elum WA 98922, stated that he agreed with the staff report. He used a PowerPoint slide show to provide the Board with maps and well logs related to the application.

Fuller asked about the connection with Eagle Landing.

Goodrich stated that the plats were physically connected but were considered separate.

Green stated that there was a letter submitted from Holly Duncan regarding sharing a class B water system.

Goodrich stated the landowner would comment on the letter.

Black stated that the applicant would have time at the end of the public testimony.

William Schmidt, 310 Mission View Drive Ellensburg WA, 98926, submitted **Exhibit A** by reading it into the record. He asked the Board to look at the map on page 3 in his exhibit regarding the group B water system being shared by Aztec and Eagle Landing. He stated that he is in the process of getting approval for 7 connections to the well on Eagle Landing. The well will serve new lots on Eagle Landing and not the Aztec Plat.

Black stated that the applicant would have time at the end of the public testimony.

The Chair opened the hearing to Public Testimony.

Harvey Dodge, 1150 Lions Road Ellensburg WA, 98926, asked if each of these properties had an entrance onto Wilson Creek Road. He also asked if there were limits to how many roads enter to Wilson Creek.

Black stated that there was only one entrance onto the Aztec Plat from Wilson Creek.

Goodrich asked for clarification to what the spacing requirements are on Wilson Creek.

Black stated that the Aztec Plat was the only subject in question.

Christina Wolman stated that there were limits to access roads onto Wilson Creek Road. She stated that it is a minor collector and the spacing requirements are 300 ft between driveways. The access road from the Aztec property is in compliance.

The Chair opened the hearing to Planning Commission Deliberation.

The Board agreed that this was a straight forward request and all of the information required was provided.

Grant Clark moved to pass the Aztec Estates Preliminary Plat (P-07-09) forward to the Board of County Commissioners with a recommendation of approval. Kim Green seconded and the motion carried with a 5/0 poll of the Board.

Findings of Fact will be brought back to the September 11, 2007 meeting for approval.

The Planning Commission meeting was adjourned at 7:46 p.m.

The next regularly scheduled meeting is September 11, 2007 at 6:30 p.m. at the Commissioner's Auditorium.

Desi Stewart, Planning Commission Clerk