

**KITTITAS COUNTY PLANNING COMMISSION MEETING
Tuesday, September 25, 2007 @ 6:00 P.M.**

Fairgrounds Home Arts Building

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

Chairman Black called the meeting to order at 6:00 p.m.

Those present: Chairman David Black, Grant Clark, Kim Green, Larry Fuller, Rick Daugherty, and Matt Anderson.

Also present: CDS Director Darryl Piercy, CDS Assistant Director Allison Kimball, Staff Planners Scott Turnbull, Joanna Valencia and Trudie Pettit, Planning Commission Clerk Desi Stewart and approximately 35 individuals representing applicants and public interest.

David Black stated that all Open-Open space and Docket items on the agenda for tonight would be open for testimony and the Board deliberation and decision would be continued to the October 23, 2007 Planning Commission meeting. **Black** stated the record would be open until October 3, 2007 at 12 noon. **Black** stated that the location for the meeting scheduled for October 23, 2007 would be announced at the September 26, 2007 meeting. **Black** stated the reason for holding the testimony portion open is to allow the Board enough time to review all correspondence.

II. Correspondence

There was no correspondence.

III. Open-Open Space Classification Applications

Staff Planner **Joanna Valencia** stated that all comments received thus far had been passed to the Planning Commission members and are available online with the staff reports for all of the items on the agenda.

Valencia stated the hearings were being held to review and make recommendations on the applications to amend the 2007 Comprehensive Plan. **Valencia** stated that she would address each case in order.

A. OS-07-01 Larry and Linda Hansen Open-Open Space Classification

The Chair opened the hearing to Staff Presentation.

Staff Planner **Joanna Valencia** read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report with suggested findings of facts.

The Chair opened the hearing to Applicant Presentation.

Rick Cole, 660 Southridge Drive, Ellensburg WA, 98926, representing the applicants, stated the application should have been checked as #6 to enhance scenic and natural resources instead of farm and agricultural land. Cole submitted **Exhibit A** into the record. **Cole** described the location of the property and stated there was no development on it. **Cole** stated there was an error on one of the applications and the applicants would like to request designation under the RCW 84.34.0201 for the 20 acre parcel.

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

The Chair opened the hearing to Board Deliberation.

Rick Daugherty moved to pass the OS-07-01 Larry and Linda Hansen Open-Open Space Classification application forward to the Board of County Commissioners with a recommendation of approval. Larry Fuller seconded and the motion carried with a 6/0 poll of the Board.

David Black moved to approve the Findings of Facts as written and the motion carried with all in favor.

B. OS-07-02 Henley Group Ltd, Thomas Roth and Gloria Hart Open-Open Space Classification

The Chair opened the hearing to Staff Presentation.

Staff Planner **Joanna Valencia** read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report with suggested findings of facts.

The Chair opened the hearing to Applicant Presentation. There was no applicant presentation.

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

The Chair opened the hearing to Board Deliberation.

David Black moved to pass the OS-07-02 Henley Group Ltd, Thomas Roth and Gloria Hart Open-Open Space Classification application forward to the Board of County Commissioners with a recommendation of denial. Larry Fuller seconded and the motion carried with a 6/0 poll of the Board.

David Black moved to approve the Findings of Facts as written and the motion carried with all in favor.

Daugherty asked to add to the findings of facts that the applicant was not present.

Black stated that there was also no public testimony.

C. OS-07-03 Ian Elliot (640 LLC), Alfred and Anna Lamotte, Nels and Charli Sorenson, Tyler Oxley Open-Open Space Classification

The Chair opened the hearing to Staff Presentation.

Staff Planner **Joanna Valencia** read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report with suggested findings of facts.

The Chair opened the hearing to Applicant Presentation. There was no applicant presentation.

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

The Chair opened the hearing to Board Deliberation.

Rick Daugherty moved to pass the OS-07-03 Ian Elliot (640 LLC), Alfred and Anna Lamotte, Nels and Charli Sorenson, Tyler Oxley Open-Open Space Classification application forward to the Board of County Commissioners with a recommendation of denial. Kim Green seconded and the motion carried with a 6/0 poll of the Board.

Rick Daugherty stated Black read parcel number 17-20-12000-0003 and it should be 17-20-12000-0002.

David Black moved to approve the Findings of Facts as written and the motion carried with all in favor.

D. OS-07-04 Circle N LLC, Daniel Nelson, Managing Member Open-Open Space Classification

The Chair opened the hearing to Staff Presentation.

Staff Planner **Joanna Valencia** read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report with suggested findings of facts.

The Chair opened the hearing to Applicant Presentation.

Brent Nelson 219 Lake Street South, Kirkland, WA 98033, managing member of LLC, stated he was available to answer any questions.

Black asked if Nelson was aware of the tax consequences if they were to withdraw from Open-Open Space and if he understood the request on the application.

Nelson stated that the main motivation for the application was to preserve an island that was in the Yakima River on the property. Nelson stated that the LLC was currently in a short plat application process for a portion of the property and that there was no intention to build.

Daugherty asked why he did not short plat first.

Nelson stated that the original parcel was 31.93 acres and that the property is on a boundary line adjustment because they own the adjacent property that is also a short plat and that they do not intend to build but to have options in the future.

Anderson asked if the land value went up to approximately \$200,000 from 2005 to 2006.

Nelson stated that is probably correct and he does not feel it is fair to be taxed on land that is not built on.

Green asked if a portion would remain in Open-Open classification when the short plat process is complete.

Nelson stated yes and the only lot that may be developed in the near future is lot A.

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

The Chair opened the hearing to Board Deliberation.

Grant Clark moved to pass the OS-07-04 Circle N LLC, Daniel Nelson, Managing Member Open-Open Space Classification application 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.

David Black moved to approve the Findings of Facts as written and the motion carried with all in favor.

E. OS-07-05 Moe/Nisbet Open-Open Space Classification

The Chair opened the hearing to Staff Presentation.

Staff Planner **Joanna Valencia** read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report with suggested findings of facts.

The Chair opened the hearing to Applicant Presentation.

Steve Moe stated that he was there to answer any questions.

Black verified the applicant was familiar with the tax consequences.

Daugherty asked if this property was by the lake.

Moe stated that it was not near a lake.

Black verified that Moe understood the application.

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

The Chair opened the hearing to Board Deliberation.

Grant Clark moved to pass the OS-07-05 Moe/Nisbet Open-Open Space Classification application forward to the Board of County Commissioners with a recommendation of approval. **Rick Daugherty** seconded and the motion carried with a 6/0 poll of the Board.

David Black moved to approve the Findings of Facts as written and the motion carried with all in favor.

F. OS-07-06 Paul Lyman and Matt Coe Open-Open Space Classification

The Chair opened the hearing to Staff Presentation.

Staff Planner **Joanna Valencia** read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report with suggested findings of facts.

The Chair opened the hearing to Applicant Presentation. There was no applicant presentation.

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

The Chair opened the hearing to Board Deliberation.

Rick Daugherty moved to pass the OS-07-06 Paul Lyman and Matt Coe Open-Open Space Classification application forward to the Board of County Commissioners with a recommendation of denial. **Larry Fuller** seconded and the motion carried with a 6/0 poll of the Board.

David Black moved to approve the Findings of Facts as written and the motion carried with all in favor.

IV. 2007 Comprehensive Plan Amendments

A. Docket 07-01 Ellensburg Cement Products Map Amendment: Rural to Mineral Lands of Long Term Commercial Significance for 80 acres.

The Chair opened the hearing to Staff Presentation.

Staff Planner **Joanna Valencia** read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report with suggested findings of facts.

Anderson asked for clarification on the term overburden.

Piercy stated that it would be the amount of material mine and the extent of the material that exists.

The Chair opened the hearing to Applicant Presentation.

Greg McElroy, 1808 North 42nd, Seattle, WA 98103, representing the applicant, introduced Lenny Morrison as an employee of Ellensburg Cement Products. McElroy submitted **Exhibits A, B and C** into the record.

McElroy stated that the parcels are located in the forest and range zone and therefore do not require a permit to mine. The purpose of designating the land as mineral is to protect the land and product. Mining the minerals before using the land for any other purpose allows for the product to be available. This is not a request to mine

the site; the land can be mined regardless of the decision of the Board. This is an application to protect the land from incompatible adjacent growth. The Gregorich family owns the majority of the land in the area around the land in question.

Daugherty asked if this land would be mined regardless of the decision made by the Board.

McElroy stated that the land is currently in a zone that would allow gravel mining.

Lenny Morrison, 709 South Whitman, Ellensburg, WA 98941, addressed the question about the term overburden, explaining that it is the material over the top of what will be mined.

Green asked if there was currently a permit to mine the land.

Fuller asked how much of the land is usable.

Morrison stated that of the 80 acres approximately 45 acres would be used to mine.

Black asked where the gravel mining site would be on the property.

Morrison stated that they had dug test pits. The mine site would be about in the center of the property. Morrison submitted **Exhibit D** into the record.

Black asked if there were homes in that area.

Morrison described where the homes were located.

The Chair opened the hearing to Public Testimony.

Howard Briggs, 671 Highline Loop, Cle Elum, WA 98922, stated that he is concerned about the operation being within the Mountain to Sound scenic route. It would be too close to the freeway and visible to travelers on I-90. Another concern is for the elk herds that use the land. The increase in truck traffic on the interchange on I-90 may be too much for the road that exists. The sound of a crushing operation would be noise pollution to the homes in the area. **Briggs** is concerned that this operation may affect groundwater in the area. **Briggs** stated he would like to know what plans are there for restoration when the project is complete.

Jerry Ihrke, 110 Twin Lakes Road, Cle Elum, WA 98922, stated that he is President of the Homeowners Association of Sunlight Waters and a home owner nearby. **Ihrke** stated he is concerned about restoration as well. The truck traffic on the overpass would increase. Dust and noise are a concern for the community as well as lights if there were a night operation. **Ihrke** understands the intent to preserve this property with the application but feels it will have an impact on the homeowners nearby.

Anderson asked how far Sunlight Waters is from the site.

Ihrke used the map to point to Sunlight Waters.

Gerald Cosand, 520 Sunlight Drive, Cle Elum, WA 98922, stated that the operation would destroy the view from his home. **Cosand** stated that he agrees with other public testimonies. **Cosand** stated that his well is private and he is concerned that the operation will affect it. There is a pond on the property that is used by firefighters to put water on forest fires that may dry up if there are large holes drilled on the property.

Black verified the location of Cosand's property.

Cosand stated that he has 15 acres that adjoins Sunlight Waters.

Ron Johnson, 1251 Sunlight Drive, Cle Elum, WA 98922, stated that he is one of the water Commissioners and the primary well that provides water to 300 homes could be in danger from this operation.

Black asked if the well is on the north side of the freeway.

Johnson stated that there is a new water tower that holds the water.

Fuller asked how much water they were getting from the well. **Fuller** asked if that is why the new tank was put in.

Johnson stated that the reason for the new tank is that the old tank was outdated.

Allan Bakalian, 2229 112th Ave, Suite 200, Bellevue, WA 98004, Hanson Baker Attorneys, representing Jason and Laurie Moe, stated that this proposal does require reclassification. There is controversy because of the size of operation and the location. **Bakalian** referenced the GMA guidelines and other RCW's that he had outlined in a comments packet. **Bakalian** submitted **Exhibit E** into the record.

Five minute break at 7:20 p.m.

Laurie Moe, 337 Elk Heights Road, Cle Elum, WA 98922, stated that she lives above the sight. **Moe** stated that her kids will get on and off of the bus near the sight so there is concern of safety. **Moe** stated that her family moved out of the city to be in this setting and now the view as well as the land will be ruined.

Deloris Johnson, 1251 Sunlight Drive, Cle Elum, WA 98922, stated that they had owned the property for 40 years and have been living there since 1997. **Johnson** stated that she was concerned about the view being destroyed and if this development will lead to even more development in the area. If they are going to mine and have this operation it should be out of the way and not visible from the freeway.

Margaret Shoeber, 1680 Sunlight Drive, Cle Elum, WA 98922, stated that she lives on the north side of the site. The noise would compound her migraine headaches. **Shoeber** agrees with the other public testimonies.

Black stated that written comments will be accepted through October 3, 2007 and that Planning Commission Deliberation and Decision would be continued to October 23, 2007.

B. Docket 07-02 Brian Graybill Map Amendment: Commercial Agriculture to Rural for 35.80 Acres

The Chair opened the hearing to Staff Presentation.

Staff Planner **Joanna Valencia** read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report with suggested findings of facts.

The Chair opened the hearing to Applicant Presentation.

David Taylor, 1661 Beane Road, Moxee, WA 98936, Taylor Consulting Group, representing the applicant, stated that any questions about the property should be directed to Brian Graybill and he (Taylor) would answer any questions about the application. Under the GMA the counties are advised to look at the definition of Ag lands. The subject parcel contains two 17.9 acre parcels and is not defined as lands primarily devoted to commercial production or have long term commercial significance for agricultural production. The property is not used for agricultural purposes.

Daugherty asked if this is the Koukas Ranch.

Taylor stated it is a portion of that ranch.

Daugherty asked if they took out all of the apple trees to appear that it was not used as agricultural land.

Taylor stated the trees had been removed before his client purchased the property.

Fuller asked if the buildings in the pictures were on the property.

Taylor stated the buildings were on the property and described the property and the maps provided. **Taylor** submitted **Exhibit A** into the record.

The Chair opened the hearing to Public Testimony.

Paula Thomson, 551 Goodman Road, Thorp, WA 98946, inquired if the Growth Hearing Board's decision impacted this application.

Marge Brandsrud, P.O. Box 638, Easton, WA 98925, representing the Kittitas County Conservation Coalition, submitted **Exhibit B** by reading it into the record.

Roger Olsen, 2130 Nelson Siding Road, Cle Elum, WA 98922, stated that using land designation or the de-designation of property is a poor argument against an application. **Olsen** stated he agrees with staff that this request be denied.

Piercy addressed the question about the Growth Hearings Board decision on de-designation of agricultural land, stating the County was found to be invalid on the issue.

C. Docket 07-03 School Heights LLC, Chason Farms LLC, MDJ, J&D Transactions, Bushka Ag LLC Map Amendment: Extension of City of Kittitas UGA Boundary for approximately 77.83 acres.

The Chair opened the hearing to Staff Presentation.

Staff Planner **Joanna Valencia** read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report with suggested findings of facts.

Daugherty asked for clarification on the Kittitas County wide planning Policy regarding ordinance 98-20 section 7.

Piercy stated that the applicants are allowed to enter the application into the docket. They may also ask the City of Kittitas to support the application. Staff does not support the application due to lack of proper analysis and lack of support of the City of Kittitas. The applicant should be allowed to present the case.

The Chair opened the hearing to Applicant Presentation.

David Taylor, 1661 Beane Road, Moxee, WA 98936, Taylor Consulting, representing the applicant, stated that the applicants were currently working with the City of Kittitas. The Growth Hearings Board decision has had an impact on the City of Kittitas's UGA expansion. **Taylor** stated that he will have a letter of support from the City of Kittitas by October 3, 2007. **Taylor** submitted **Exhibit A** into the record and read parts of it into the record. There are currently 4 vested short plat applications in with the county that would increase the total number of lots to 30.

Daugherty addressed the comment made that regarding having adequate facilities to support this type of growth when the schools are at capacity and the minimal police service.

Taylor stated that public services and public utilities are separate issues and until the land is annexed the responsibility of police protection would fall on the county.

The Chair opened the hearing to Public Testimony.

Paula Thomson, 551 Goodman Road, Thorp, WA 98946, inquired if the Growth Hearing Board's decisions impacted this application.

Pamela Tipton, 1882 Fairview Road, Ellensburg, WA 98926, read a letter that was contained in the packets received by the Planning Commission.

Max Tilton, 1880 Fairview Road, Ellensburg, WA 98926, stated that one of the developers that submitted the application had built houses near his property and did not fulfill his responsibilities.

Donald Eddy, 2344 Fairview Road, Ellensburg, WA 98926, stated that he was under the impression when he purchased property that he was in an area that would have 3 acre parcels.

Roger Olson, 2130 Nelson Siding Road, Cle Elum, WA 98922, representing the Kittitas County Conservation Coalition, submitted **Exhibit B** by reading it into the record.

Piercy addressed the issue of invalidity stating that the Kittitas Urban Growth area was found invalid by the Growth Hearings Board. The action by the Conference of Governments did adopt the high range of the population projection. The City was allocated 3% of the total county population.

Five minute break at 8:40 p.m.

D. Docket 07-04 R&R Heights Land Co. Inc. Map Amendment: Rural to General Commercial for 18.74 acres.

The Chair opened the hearing to Staff Presentation.

Staff Planner **Joanna Valencia** read into the record her staff report. Attached hereto and incorporated herein is a copy of that staff report with suggested findings of facts.

The Chair opened the hearing to Applicant Presentation.

Vernon Swesey, P.O. Box 687, Roslyn, WA 98941, submitted **Exhibit A** into the record and showed it to the Board as a power point.

Daugherty asked if the Coal Miner's Trail was designated as historic and how it would be maintained.

Swesey stated that he did not know if the Coal Miner's Trail was designated historic and that it was currently maintained by its own Commission.

Nathan Wise, P.O. Box 246, Ronald WA 98940, Vice President of Inland Telephone Company, stated that they bought the property in 2000 from Plum Creek when they entered into an agreement with Sapphire Skies. **Wise** stated that there was a need for more commercial development in the area. **Wise** stated that this development could ease traffic in Roslyn. **Wise** stated there was already a 40 foot buffer on each side of the Coal Miner's Trail.

Green asked if they were planning on developing Mountain Ridge Road on the property to ease traffic on SR903.

Wise stated that it could be developed in the future.

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

V. Other Business

Black addressed CDS Director Daryl Piercy about having a Hearings Board Examiner.

Piercy stated that a decision has not been made. There will be a discussion at the October 2, 2007 County Commissioners meeting about having a Hearings Board Examiner. **Piercy** will provide a survey to the Planning Commission to describe their workload and give any comments on the issue.

The Planning Commission meeting was adjourned at 9:08 p.m.

The meeting was continued to September 26, 2007 at 6:00 p.m. at the Home Arts Center at the Kittitas County Fairgrounds.

Desi Stewart, Planning Commission Clerk