

**KITTITAS COUNTY PLANNING COMMISSION MEETING  
Tuesday, November 13, 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, Matt Anderson, Aaron Langevin.

Also present: CDS Director Darryl Piercy, CDS Assistant Director Allison Kimball, Staff Planners Scott Turnbull, Dan Valoff, Mike Elkins, Mackenzie Moynihan and Joanna Valencia, Public Works Planners Christina Wollman and Randy Carbarry, Clerk Trudie Pettit, and approximately 23 individuals representing applicants and public interest.

**II. Correspondence**

**Clerk reported no correspondence.**

**III. Approval of Minutes**

**Grant Clark moved to approve the October 23, 2007 minutes as written. Larry Fuller seconded and the motion carried with all in favor.**

**IV. Old Business**

**A. 2007 Comprehensive Plan Amendments**

**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.**

**V. New Business**

**A. Kittitas County Code Chapter 14.08 Flood Damage Prevention**

**Chair opened the hearing to Staff presentation.**

Staff Planner, **Joanna Valencia** 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 and submitted into the record **Exhibits A, B, C.**

**Chair opened the hearing to Public Testimony.**

**Vincent Tomaso**, PO Box 355, Ellensburg, WA, representing himself, stated his concerns with the Flood Code and being able to build on the property he bought that is in the floodway.

**Mike Pearson**, 2110 Reecer Creek Road, Ellensburg, WA, representing himself, stated his concerns with the FEMA maps and believes they are financial maps.

**Chair opened the hearing to Planning Commission deliberation and decision.**

**Black** stated he is not sure if he has enough information to make a decision tonight and asked the timeline.

**Valencia** stated FEMA has given us until the end of November.

**Anderson** asked the consequences if we don't get it done by the end of the month.

**Valencia** stated the national flood insurance program could be suspended.

**Fuller** asked about the other questions that Chuck Steele had in the letter.

**Valencia** stated they have all been resolved except the one on Canyon Road.

**Fuller** asked why FEMA is in a rush.

**Valencia** gave clarification on why FEMA is in a rush.

**Fuller** asked if this might require a new hydrology study.

**Valencia** stated this will be treated on a project by project basis and they may be required to do a hydrology study.

**Anderson** asked if this is mandatory or they could suspend the FEMA program.

**Valencia** stated yes or they could suspend our flood insurance program.

**Anderson** asked why the Planning Commission has to decide on this if it is mandatory.

**Valencia** stated because this will create changes to the Development Code.

**Fuller** asked if this is the verbiage that Chuck Steele would like.

**Valencia** stated that is correct.

**Anderson** stated this being required he does not see a lot of discussion.

**Fuller** asked if they are being asked to approve just the underlined wording.

**Valencia** stated the only corrections are directly from the email.

**Black** stated he agrees with **Anderson**.

**Grant Clark moved to pass forward the Kittitas County Code Chapter 14.08 Flood Damage Prevention forward to the Board of County Commissioners with recommendation of approval. Matt Anderson seconded and the motion carried with all in favor.**

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

## **B. Timber Heights Preliminary Plat (P-07-43)**

**Chair opened the hearing to Staff presentation.**

Staff Planner, **Mackenzie Moynihan** 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.

**Black** asked if the access was a private road.

**Moynihan** stated yes.

**Chair opened the hearing to Applicant presentation.**

**Noah Goodrich**, 108 E 2<sup>nd</sup>, Cle Elum, WA, Encompass Engineering and Surveying, representing the applicant, presented a PowerPoint presentation describing the project and submitted into the record **Exhibit A**.

**Fuller** asked if the project will be allowed a Group B.

**Goodrich** stated they should, they have not commented on that.

**Clark** asked how many lots are accessed off of Night Sky Drive.

**Goodrich** stated he believed 9-10 lots plus the additional lots in this plat.

**Fuller** asked about the DOE comments received about this project.

**Goodrich** stated the DOE is requiring a Group A system.

**Chair opened the hearing to Public Testimony.**

**Roger Olsen**, 2130 Nelson Siding Road, Cle Elum, WA, representing himself, stated his concerns with all of these projects and believes the County needs to come into compliance with the Growth Hearings board decision before any plats or rezones be approved.

**Black** stated he believes this acreage has been rezoned to Rural-3 previously.

**Piercy** stated this application has been vested based on a prior application and the Growth Hearings Board did not find this issue not valid, and this project must be treated to the rules of the zoning code.

**Black** asked if all the projects that will be seen tonight are vested.

**Piercy** stated yes.

**Nathan Weiss**, 601 R & R Heights, Cle Elum, WA, representing himself, stated this property has been zoned suburban previously and would recommend the Planning Commission approve this application.

**Moynihan** stated the number of lots will be 28 total and will require County Road Standards.

**Clark** asked **Wollmen** the criteria for approving a road variance.

**Wollman** gave clarification on the Variance process.

**Fuller** asked about getting a fire truck up the road.

**Wollman** gave clarification on the road.

**Fuller** asked about getting a tanker up the road.

**Wollman** stated it will be required to be paved to 28 feet wide.

**Piercy** stated as Fire Marshal the issue with the variance committee was the 28 foot wide road for a fire truck, the property is outside a fire district and you should not make the assumption that a fire truck will arrive to the scene. The application will be required to adhere to the International Fire Code requirements.

**Goodrich** stated he agrees with the statements made by Director Piercy and gave clarification on the DOE letter.

**Fuller** asked about the Archeological statement and if the applicant has agreed to the study.

**Goodrich** stated yes.

**Fuller** asked if the Yakima Nation was satisfied with the company chosen to do the study.

**Goodrich** stated yes.

**Chair opened the hearing to Planning Commission deliberation and decision.**

**Fuller** stated his major concern is the water.

**Anderson** stated he tends to agree with Noah's interpretation of the DOE letter.

**Clark** stated if water is not available then they would not be given final plat approval.

**Anderson** stated the archeological study was an issue but that has already been started, he wished the DOE had presented a better case than they did.

**Clark** stated he has issues with development outside a fire district and in a heavily forested area but does not see a reason to deny it.

**Black** stated he agrees with Clark and Anderson.

**Matt Anderson moved to pass the Timber Heights Preliminary Plat (P-07-43) forward to the Board of County Commissioners with a recommendation of approval. Grant Clark seconded and the motion carried with a 5/1 poll of the board with Larry Fuller voting against.**

**Black** asked to add a minority report stating **Fuller** is concerned with the water.

Findings of Fact will be brought back to the November 27, 2007 Planning Commission meeting.

### **C. Airport Highlands Plat (P-07-29)**

**Chair opened the hearing to Staff presentation.**

Staff Planner, **Mike Elkins** 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 airport in relation to the subject property.

**Elkins** stated no comments were received from the City of Cle Elum in regards to the airport.

**Chair opened the hearing to Applicant presentation.**

**John Ufkes**, 200 E 3<sup>rd</sup> Ave, Ellensburg, WA, Cone Gilreath Law Offices, representing the applicant, explained the access to water issue and stated Chuck Cruse and Tom Roth are also here to present information regarding this project and submitted in to the record **Exhibit A**.

**Chuck Cruse**, 217 E 4<sup>th</sup> Street, Ellensburg, WA, representing the applicant, stated the plat is straight forward and would like to reserve a right to fill out a variance request if necessary without having to go through the public process again.

**Fuller** asked about the access.

**Cruse** gave clarification on the access to the plat.

**Tom Roth**, 10036 Elmay Ave NW, Seattle, WA, applicant, stated he has spoken to DOE to explain his project and gave a brief overview of the conversation with DOE.

**Fuller** asked about the adjudicated irrigation water.

**Roth** stated DOE is trying to associate the adjacent projects to this project.

**Fuller** asked about the short plat the project is being developed from.

**Roth** stated he bought the subject property and it was part of the short plat but he is only developing a 4 lot plat on his property and has nothing to do with the surrounding short plats.

**Fuller** stated his concerns with the wells logs.

**Chair opened the hearing to Public Testimony.**

**Tracy Shallbetter**, 3201 Airport Road, Cle Elum, WA, representing herself, stated the reason she is here is to correct an error with the tax parcel and her concern is with getting under the rules but she does not have a problem with it and trusts DOE will address the water issues.

**Roth**, stated he did not participate when the property was bought from Brian Fredrick.

**Chair opened the hearing to Planning Commission deliberation and decision.**

**Black** asked about the surrounding projects and their status.

**Elkins** clarified the status of the surrounding projects.

**Fuller** stated his concern is still water.

**Black** asked if Fitzsimons is still the Chair of DOE.

**Piercy** stated no, the director is Jay Manning.

**Black** asked about the release of water rights.

**Piercy** stated based on the agreement with DOE there will be a mitigation program to acquire water rights for the purpose of exempt wells.

**Fuller** asked if that was part of the AIP.

**Piercy** stated yes.

**Fuller** stated part of the problem with the exempt wells is a lot of property is divided up so quickly that they are getting around all the rules.

**Matt Anderson** moved to pass the Airport Heights Plat (P-07-29) forward to the Board of County Commissioners with a recommendation of approval. **Grant Clark** seconded and the motion carried with a 5/1 poll of the board with **Larry Fuller** voting against.

**Black** asked to have a minority report stating the issues with water.

Findings of Fact will be brought back to the November 27, 2007 Planning Commission meeting.

#### **D. Central Cascade Land Company Rezone (Z-07-02)**

**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 and submitted into the record **Exhibit A**.

**Chair** opened the hearing to Applicant presentation.

**Anne Watanabe**, PO box 687, Roslyn, WA, Central Cascade Land Company Inc., representing the applicant, gave a presentation on how this project meets the criteria for a rezone and explained the responses sent to Coal Mine Trail, DOE and CTED regarding their comment letters.

**Green** asked about the concerns of the City of Roslyn.

**Watanabe** stated the response to them was this is a non project rezone and those concerns will be addressed at the time of development.

**Chair** opened the hearing to Public Testimony.

**Roger Olsen**, 2130 Nelson Siding Road, Cle Elum, WA, representing himself, stated this project is what his comments earlier address and explained reasons why this project does not fit the criteria and that he agrees with the comment from Joyce Phillips in regards to moving this property into the UGA.

**Sean Northrup**, 201 Sturgis, Cle Elum, WA, representing himself, stated he owns property around the subject property and supports the project.

**Fuller** asked about the access to the subject property.

**Watanabe** gave clarification on the access.

**Chair** opened the hearing to Planning Commission deliberation and decision

**Green** stated her issues with the problems the City of Roslyn has with this project.

**Fuller** stated outside of the Roslyn problems is the Coal Mine Trail and would like a buffer be put in to protect the trail and would hate to change the zone to Rural at this time.

**Anderson** asked about the expansion of the City of Roslyn into this area.

**Black** stated many years ago the property used to be in the UGA and turned the UGA back due to water issues.

**Watanabe** stated doing the rezone now does not preclude the water issue and how this property is developed will determine the water issues.

**Black** stated his concern is the water issue.

**Fuller** stated Roslyn made an agreement with Suncadia regarding water.

The Board went through the criteria for a rezone.

**Clark** stated his initial reaction was not a good idea but given the circumstances of the property he would rather have it in this area rather than the area where the plat was approved earlier.

**Fuller** stated he questions the water and services.

**Green** stated we always look at the negatives but the company is willing to work with the concerns and this is an important thing to give recognition to.

**Fuller** asked if it has merit and value to the County with the added cost to the County.

**Anderson** asked who would ask to be added into the UGA.

**Black** stated the City in conjunction with the County.

**Fuller** asked if this property was taken out of the UGA strictly due to the water.

**Black** stated yes.

**Matt Anderson moved to pass forward the Central Cascade Land Company Rezone (Z-07-02) forward to the Board of County Commissioners with a recommendation of approval. Grant Clark seconded and the motion carried with a 4/2 poll of the board with Larry Fuller and David Black voting against.**

**Green** stated that even though she voted yes, she would like it to be known her issues with the City of Roslyn comments.

Findings of Fact will be brought back to the November 27<sup>th</sup> Planning Commission meeting.

#### **E. Gigstead PUD Rezone (Z-07-14) and Mission View Meadows Plat (P-07-45)**

**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.

**Piercy** stated they are not sure of the outcome of the DOE agreement and there may come a time in the process that this property may not have enough water for the amount of lots they are proposing and the Health Department may or may not approve this project.

**Chair opened the hearing to Applicant presentation.**

**Rusty Gigstead**, 3773 Nanum Road, Ellensburg, WA, applicant, presented a PowerPoint presentation that explained the project and showed reasons why the project fits in the area and submitted into the record **Exhibits A and B.**

**Chair opened the hearing to Public Testimony.**

**Janet Vaughn**, 461 Fields Road, Ellensburg, WA, stated her concerns with the small lots and that 3 acre lots would be a better fit for this area.

**Bill Schmidt**, 310 Mission View Drive, Ellensburg, WA, stated his concerns with the small lots and he would like to see the applicant develop this area into 3 acre lots. **Schmidt** also stated over 30 people signed a petition against this project.

**Rusty Gigstead** stated he is not making this stuff up and can verify the information. The signatures on the petition are living on lots ranging from 1-5 acres.

### **Chair opened the hearing to Planning Commission deliberation and decision**

The board went through the criteria for a rezone.

**Anderson** asked about the Suburban zoning.

**Valoff** gave clarification on the Suburban zone.

**Piercy** gave clarification about the suburban zone and that those acreages are going to be Rural Residential with 1 unit per 5 acres.

**Black** asked about the dividing line between the Suburban, Ag-3 and Ag-20 zones.

**Valoff** gave clarification of the dividing lines between the zones.

**Black** stated this is all in an agricultural area.

**Fuller** stated he sees no reason to do this.

**Anderson** stated this area is right next to the Rural Residential area.

**Clark** stated he feels this project does not meet any of the criteria for changed circumstance.

**Black** and **Fuller** stated they agree with **Clark**.

**Clark** stated this is creating an island and feels that a yard is not open space.

**Fuller** agreed with **Clark** that somebody's yard is not open space.

**Anderson** stated he does not agree that this is creating an island.

**Larry Fuller moved to pass the Gigstead PUD Rezone (Z-07-14) and Mission View Meadows Plat (P-07-45) forward to the Board of County Commissioners with a recommendation of denial. Grant Clark seconded and the motion carried with a 5/1 poll of the board with Matt Anderson voting against.**

**Clark** stated the Plat is well done but should be done in a different place.

**Green** agreed and stated this would be appropriate in another place.

**David Black moved to pass the Mission View Meadows Plat (P-07-45) forward to the Board of County Commissioners with a recommendation of denial. Larry Fuller seconded and the motion carried with a 3/2/1 poll of the board with Kim Green and Grant Clark voting against and Matt Anderson abstaining. Findings of Fact will be brought back to the November 27, 2007 Planning Commission meeting.**

**F. Zahajko Plat (P-07-05)**

**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** asked about the BPA easement and the access.

**Valoff** clarified the BPA easement and access to the subject property.

**Chair opened the hearing to Applicant presentation.**

**Noah Goodrich**, 108 E 2<sup>nd</sup>, Cle Elum, WA, 98922, Encompass Engineering and Surveying, representing the applicant, presented a PowerPoint presentation about the project.

**Green** asked about the lots being too close to the BPA tower.

**Valoff** stated that was the original map and based upon comments from BPA discussion led to the land use agreement.

**Goodrich** stated the power lines are high in the air.

**Chair opened the hearing to Public Testimony.**

**Valoff** submitted a letter from a neighboring landowner in support of the project into the record as **Exhibit A**.

**Chair opened the hearing to Planning Commission deliberation and decision**

**Kim Green** moved to pass the **Zahajko Plat (P-07-05)** forward to the **Board of County Commissioners** with a recommendation of approval. **Matt Anderson** seconded and the motion carried with all in favor.

Findings of Fact will be brought back to the November 27, 2007 Planning Commission meeting.

**Black** reminded all the Planning Commission members about the December schedule of hearings.

The Planning Commission meeting was adjourned at 10:40 p.m.

The next regularly scheduled meeting is November 27, 2007 at 6:30 p.m. in the Commissioner's Auditorium.

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Trudie Pettit, Planning Commission Clerk