

KITTITAS COUNTY PLANNING COMMISSION MEETING

Tuesday, July 22, 2008 @ 6:30 pm

**COMMISSIONERS' AUDITORIUM
205 W. Fifth Street, Ellensburg**

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

Vice-Chair Clark called the meeting to order at 6:30 pm.

Those present: Vice Chairman Grant Clark, Kim Green, Jason Grant, Larry Fuller.

Also present: CDS Assistant Director Allison Kimball, Staff Planners Dan Valoff, Scott Turnbull, Jeff Watson, Kari Braniff and Trudie Pettit, Deputy Prosecutor Neil Caulkins, approximately 10 individuals representing applicants and public interest.

II. Correspondence - No correspondence.

III. Approval of Minutes – June 10, 2008 meeting

Clark stated the **Pettit** had a change on page 3, correcting the motion language.

Kim Green moved to approve the June 10, 2008 minutes as corrected. **Larry Fuller** seconded and the motion carried with all in favor.

IV. Old Business

Valoff stated the applicant has requested to postpone Lake Shore Meadows Performance Based Cluster Plat (P-08-09) until August 12, 2008.

A. McBeth Preliminary Plat (P-07-54) continued from June 10, 2008 to June 24, 2008 to July 8, 2008 Planning Commission meeting.

Vice-Chair opened the hearing to Board approval of Findings of Fact.

Larry Fuller moved to approve the Findings of Fact. **Kim Green** seconded and the motion carried with all in favor.

B. Finley Rezone (Z-08-04) and Finley Preliminary Plat (P-08-05) continued from June 10, 2008 to June 24, 2008 to July 8, 2008 Planning Commission meeting.

Vice-Chair opened the hearing to Planning Commission Deliberation and Motion.

Staff Planner, **Scott Turnbull** stated Prosecutor, **Neil Caulkins** is here to address the issue of a spot rezone.

Caulkins gave the definition of a spot rezone from case law.

Fuller stated he does not recall calling it a spot rezone but did raise the question if it met the criteria of previous rezones and that it does need to meet the 7 criteria.

Caulkins stated that is correct they have to meet the 7 criteria.

Fuller stated the question was that this particular rezone did not meet one of the criteria.

Grant stated this is the exact reason this board denied this rezone even though they agreed it met the criteria.

Clark stated spot rezone was brought up during testimony and that the members did not go through the criteria.

Green stated the neighbor had the most impact.

Clark stated we do have rural designation and we have different zones under that designation that allow for different densities.

Planning Commission members agreed it meets the first criteria.

Clark stated criteria two is a very broad definition and is too far from public services for that type of density.

Green stated she thinks it is compatible with the surrounding area.

Planning Commission members were split on the second criteria

Fuller stated putting 5 acres out at the end of a road furthest from services does not prove there is more value to this land just from rezoning.

Grant stated he believes it does have more value

Green stated there are farming activities in that area and it is appropriate.

Clark stated he does not think it meets the first 2 criteria of the third criteria

Planning Commission members were split on the third criteria.

Planning Commission members agreed it meets the fourth through seventh criterion.

Kim Green moved to pass the Finley Rezone (Z-08-04) and Finley Preliminary Plat (P-08-05) forward to the Board of County Commissioners with a recommendation of approval. Jason Grant seconded and the motion failed by a vote of 2/2 with Grant Clark and Larry Fuller voting against.

Larry Fuller moved to pass the Finley Rezone (Z-08-04) and Finley Preliminary Plat (P-08-05) forward to the Board of County Commissioners with no recommendation. Grant Clark seconded and the motion carried with a 4/0 poll of the Board.

Findings of Fact will be brought back to the August 12, 2008 Planning Commission meeting.

C. Schmaus #4 Preliminary Plat (P-07-55) continued from June 10, 2008 to June 24, 2008 to July 8, 2008 Planning Commission meeting.

Vice-Chair opened the hearing to Staff Presentation.

Staff Planner, **Scott Turnbull** read portions of the staff report into the record. Attached hereto and incorporated is a copy of that staff report.

Green asked if one well will serve the plat.

Turnbull stated they can have more than one well with the 5,000 gallon daily limitation.

Fuller asked about the 100 foot radius for the well.

Turnbull stated prior to final approval they will have to meet setbacks.

Vice-Chair opened the hearing to Applicant Presentation.

Noah Goodrich, Encompass Engineering & Surveying, 108 East 2nd Street, Cle Elum, WA, representing the applicant gave a brief overview of the project, clarification on the well and submitted well logs into the record as **Exhibit A**.

Vice-Chair opened the hearing to Public Testimony.

Catherine Clerf, 60 Moe Road, Ellensburg, WA, stated she is the Vice-Chairman of the Land Use Advisory Committee but is speaking on behalf of herself and that we already have an abundance of land that is close to an urban area that can't be developed due to the economic situation and she is not in favor of 3 acre zoning.

Goodrich stated he does not have a rebuttal but that this project meets or exceeds the allowed uses within the zone and meets the comprehensive plan.

Fuller asked for a map showing surrounding properties.

Goodrich gave clarification on the surrounding properties.

Green asked if the applicant was proposing Group B or individual wells.

Goodrich stated a Group B is costly and it is a development option.

Vice-Chair opened the hearing to **Planning Commission Deliberation and Motion**.

Fuller stated he is not a big fan of 3 acre zoning but this project meets everything and would like to recommend this be a “Group B” water system.

Green asked about the irrigation.

Turnbull stated they will have to meet the requirements of KRD and they will have to sign off on the plat.

Clark stated he does not have an issue with either “Group B” or individual wells because they all have to be metered.

Kim Green moved to pass the **Schmaus #4 Preliminary Plat (P-07-55)** forward to the **Board of County Commissioners** with a recommendation of approval. **Jason Grant** seconded and the motion carried with a 4/0 poll of the Board.

Findings of Fact will be brought back to the August 12, 2008 Planning Commission meeting.

D. Saddle Rock Estates Preliminary Plat (LP-08-11) continued from **June 10, 2008 to June 24, 2008 to July 8, 2008** Planning Commission meeting.

Vice-Chair opened the hearing to **Staff Presentation**.

Staff Planner, **Scott Turnbull** read portions of the staff report into the record. Attached hereto and incorporated is a copy of that staff report.

Vice-Chair opened the hearing to **Applicant Presentation**.

Jeff Slothower, 201 W 7th Avenue, Ellensburg, WA, representing Cruse & Associates, stated the application agrees with 8 and 9 of the Findings of Fact, the applicant would like to have the option to have individual wells, the BLA that is involved with this property for a fence line adjustment will be completed after the taxes have been paid by the mortgage company.

Fuller asked about surrounding properties that are in the same ownership in regards to the comments from the Department of Ecology.

Slothower stated he is not sure what the applicant is going to do with that lot but they will have to deal with that at time of development.

Fuller stated the Department of Ecology is recommending that lot be included in the exemption.

Slothower stated that is not part of the plat and you can't do that under subdivision law.

Vice-Chair opened the hearing to **Public Testimony**. No public testimony.

Vice-Chair opened the hearing to **Planning Commission Deliberation and Motion**.

Fuller stated that both the Department of Ecology and the Department of Health are recommending group water systems

Clark stated he has the same comment as on the last one and would not like to condition that unless necessary.

Grant Clark moved to pass the **Saddle Rock Estates Preliminary Plat (LP-08-11)** 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.

Findings of Fact will be brought back to the August 12, 2008 Planning Commission meeting.

E. Fircrest Performance Based Cluster Plat (P-07-27) continued from June 10, 2008 to June 24, 2008 to July 8, 2008 Planning Commission meeting.

Vice-Chair opened the hearing to Staff Presentation.

Staff Planner, **Dan Valoff** read portions of his staff report into the record. Attached hereto and incorporated is a copy of the staff report.

Green asked if they have a water right.

Valoff stated the applicant can speak to that and that is a condition of final approval.

Vice-Chair opened the hearing to Applicant Presentation.

Noah Goodrich, Encompass Engineering & Surveying, 108 E 2nd Street, Cle Elum, WA, gave an overview of the project and submitted into the record **Exhibit A**.

Green asked if everything surrounding this project is 3 acres.

Goodrich stated everything to the north is 3 acre zoning.

David Blanchard, Misty Mountain LLC, 206 W 1st Street, Cle Elum, WA, authorized agent, stated there is a well on site that provides 350 gallons and the second access is taken care of.

Green asked if South Cle Elum Ridge Road is County maintained.

Blanchard stated Forest Service road.

Green asked how many lots this road is serving in the area.

Blanchard stated he didn't know.

Fuller asked if the second access is in the works.

Blanchard stated Public Works has already stipulated their requirements. This includes the anticipation of more than just this project using it as second access.

Fuller asked if the open space includes the septic system.

Blanchard stated they are proposing individual septic systems.

Fuller asked if they are going to have a "Group A" or "Group B" well.

Blanchard stated they are proposing a "Group A" system and will transfer water to this area.

Fuller asked when that is going to be done.

Blanchard stated they have contacted the Department of Ecology and they fully intend to fully comply with all requirements.

Vice-Chair opened the hearing to Public Testimony. No public testimony.

Vice-Chair opened the hearing to Planning Commission Deliberation and Motion.

Fuller stated he has rejected every project with no second access in place.

Green stated she agrees they should have water rights in hand.

Clark stated this is a preliminary plat and it is a requirement of final plat approval.

Kim Green moved to pass the **Fircrest Performance Based Cluster Plat (P-07-27)** forward to the Board of County Commissioners with a recommendation of approval with the conditions that the applicant will have the water right transfer completed prior to final approval and second access be constructed prior to final approval. **Jason Grant** seconded and the motion carried with a 3/1 poll of the Board with **Larry Fuller** voting against.

Findings of Fact will be brought back to the August 12, 2008 Planning Commission meeting.

F. Tumbling Ridge PUD Rezone (Z-07-16) and Preliminary Plat (P-07-61) continued from June 10, 2008 to June 24, 2008 to July 8, 2008 Planning Commission meeting.

Vice-Chair opened the hearing to **Staff Presentation**.

Staff Planner, **Dan Valoff**, read portions of his staff report into the record. Attached hereto and incorporated is a full copy of that staff report and submitted into the record **Exhibit A**.

Green asked about the letter stating the property is located within the Suncadia Resort boundaries.

Valoff stated no, they are surrounded by the Master Planned Resort and the applicant can speak to that.

Vice-Chair opened the hearing to **Applicant Presentation**.

Ann Watanabe, 103 S 2nd Street, Cle Elum, WA, representing the applicant, gave an overview of how the project meets the 7 rezone criteria and a response to the comment letters received and submitted into the record **Exhibits B, C and D**.

Green asked about the conflicting information on second access.

Watanabe stated they have shared easements to the property and they will be required to bring the road up to County Road Standards.

Fuller asked about the comments from the Department of Archeology.

Watanabe stated that has been adequately addressed, the work with the tribe and survey shows the location of the site to be on the Suncadia property.

Fuller asked about Department of Transportation.

Watanabe stated they will not have any additional access from I-90 so that is not a problem.

Fuller asked if there is an existing well, it looks like it is in the middle of two lots.

Watanabe stated that is correct and they will have to abide by the 100 foot well buffer.

Grant asked if the 5,000 gallon requirement apply to the subject parcel or would the parcel to the south be included.

Watanabe stated there is a plat note on the original short plat that states the two lots are limited to 5,000 gallons cumulatively.

Clark asked if both the northern and southern lots have common ownership.

Watanabe stated no and there is no project application for that parcel.

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

Jeff Slothower, 201 W 7th Avenue, Ellensburg, WA, stated he submitted into the record a letter with road maintenance agreements and easements, the property is not part of Suncadia and they do not intend to use this road so it has no benefit for Suncadia and submitted into the record **Exhibit E**.

Catherine Clerf, 60 Moe Road, Ellensburg, WA, stated she is Vice-Chairman for the Land Use Advisory Committee, speaking on behalf of herself, stated this is called infill and it does not make sense to allow 3 acre zoning at the end of Sorensen Road nowhere near services.

Watanabe stated Suncadia has stated they would use the road at least as an emergency access and that the trail is a public trail it is not exclusive to Suncadia residents.

Vice-Chair opened the hearing to Planning Commission Deliberation and Motion.

Fuller stated due to the amount of paperwork submitted he would like to continue the hearing in order to look at the information.

Larry Fuller moved to continue the **Tumbling Ridge PUD Rezone (Z-07-16)** and **Preliminary Plat (P-07-61)** to the **August 12, 2008 Planning Commission meeting**. **Kim Green** seconded and the motion carried with a 4/0 poll of the Board.

G. Orcutt Preliminary Plat (P-08-08) continued from **June 10, 2008 to June 24, 2008 to July 8, 2008 Planning Commission meeting**.

Vice-Chair opened the hearing to Staff Presentation.

Turnbull submitted into the record a letter from Edith Grey into the record as **Exhibit A**.

Green stated that she works for someone who is going to testify tonight on this plat and asked if anyone had an objection.

Catherine Clerf, 60 Moe Road, stated she appreciates that Kim brought this up and would ask that she recuse herself.

Green stated she will recuse herself from this project.

Jeff Slothower, 201 W 7th Avenue, Ellensburg, WA, representing Cruse & Associates, stated that Kim recusing herself will take the Board below a quorum and under the Doctrine of Necessity if that drops the Board below a quorum Kim has to put herself back on to allow for a quorum.

Green stated she will put herself back on but abstain from the vote.

Staff Planner, **Scott Turnbull** read portion of the staff report into the record. Attached hereto and incorporated is a full copy of that staff report.

Clark asked about the irrigation wording.

Turnbull stated the plat has to meet all the Cascade Irrigation District requirements prior to final plat approval.

Clark asked if lots 1 through 4 are accessed off Lonestar Lane.

Turnbull stated that is correct.

Clark asked about lots 5 and 6.

Turnbull stated they would be accessed off a 20 foot easement.

Vice-Chair opened the hearing to Applicant Presentation.

Jeff Slothower, 201 W 7th Avenue, Ellensburg, WA, stated he agrees with the staff report and addressed comments received regarding the irrigation district and water.

Fuller stated Cascade Irrigation has stated that they have placed a hold on all properties within this subdivision.

Slothower stated they have adopted a new way to handle subdivisions and they will not be approved until they comply with their criteria.

Fuller asked if Cascade Irrigation won't approve it what good it is for us to approve it.

Slothower stated they are not going to approve the plat until the owner of the property meets their criteria.

Vice-Chair opened the hearing to Public Testimony.

Jerry Pettit, 831 Number 6 Road, Ellensburg, WA, stated his concerns with the irrigation requirements being correctly followed and would like this body to place conditions that all irrigation requirements be met prior to final approval.

Fuller asked where the water currently runs.

Pettit explained where the water is currently distributed.

Fuller asked if there was water going to the other 3 lots at one time.

Pettit stated there is no way to get water across Lonestar Lane at this point and prior to the first short plat the entire parent parcel was irrigated.

Fuller asked where the water goes after it leaves his property.

Pettit stated the water goes into the Town Ditch.

Clark asked about the new criteria and if this was done after the development of the properties without water.

Pettit stated if there was anything developed after that he is not aware of it.

Catherine Clerf, 60 Moe Road, Ellensburg, WA, stated she is the Vice-Chairman of the Land Use Advisory Committee, speaking on behalf of herself, stated this is what happens when they take agriculture land and try to develop it and this owner needs to meet the requirements of the irrigation district, this is why people should be living in town using city water.

Slothower addressed concerns regarding the irrigation delivery and the 100 foot well protection buffer.

Vice-Chair opened the hearing to Planning Commission Deliberation and Motion.

Grant stated this is an example of neighbors not necessarily having a problem with the plat but the delivery of irrigation and we can't let happen what happened last time.

Fuller stated a condition should be put on stating that water should flow through this development and be reestablished for the lots created prior to final approval.

Turnbull stated you can't condition lots outside the plat.

Fuller stated you can condition that the water originally serving the plat still flow through the property.

Turnbull stated you can't condition lots outside the plat.

Clark stated based on information presented Cascade Irrigation has strengthened their language and requirements for plats.

Fuller stated he does not have a problem with the plat.

Clark stated there is no way for us to get water to the other parcels.

Grant Clark moved to pass the Orcutt Preliminary Plat (P-08-08) forward to the Board of County Commissioners with a recommendation of approval subject to the condition that the applicant must comply with Cascade Irrigation District requirements prior to final approval. Jason Grant seconded and the motion carried with a 2/1/1 poll of the Board with Kim Green abstaining and Larry Fuller voting against.

Findings of Fact will be brought back to the August 12, 2008 Planning Commission meeting.

H. **Sun Country Highlands Performance Based Cluster Plat (P-08-07) continued from June 10, 2008 to June 24, 2008 to July 8, 2008 Planning Commission meeting.**

Vice-Chair opened the hearing to Staff Presentation.

Staff Planner, **Dan Valoff** read portions of his staff report into the record. Attached hereto and incorporated is a copy of that staff report.

Green asked about the comments from the Department of Public Works in regards to Hermitage Drive.

Valoff stated the problem has been fixed and Public Works has granted preliminary approval.

Fuller stated he golf's here and asked if anybody had a problem with him voting on this.

Vice-Chair opened the hearing to Applicant Presentation.

Darryl Ellis, 105 E 1st, Cle Elum, WA, representing Cruse & Associates, stated he agrees with the conditions of the staff report, gave an overview of the project and stated that the Hermitage Drive issue has been resolved.

Green asked if the Class A will be metered

Ellis stated they don't have to be metered but the system is currently going through a reconstruction and meters will be installed at the home site.

Vice-Chair opened the hearing to Public Testimony. No public testimony.

Vice-Chair opened the hearing to Planning Commission Deliberation and Motion.

Green stated she does not have a problem with the project.

Fuller asked if the septic systems will drain out into the fairways.

Ellis stated the community septic system will have lines out into the fairways.

Kim Green moved to pass the Sun Country Highlands Performance Based Cluster Plat (P-08-07) forward to the Board of County Commissioners with a recommendation of approval. Larry Fuller seconded and the motion carried with a 4/0 poll of the Board.

Findings of Fact will be brought back to the August 12, 2008 Planning Commission meeting.

V. New Business

A. Firkins Rezone (Z-08-01) and Firkins Preliminary Plat (P-08-02) – Remand from the Board of County Commissioners.

Vice-Chair opened the hearing to Staff Presentation.

Staff Planner, **Scott Turnbull** read portions of the staff report into the record. Attached hereto and incorporated is a copy of the staff report.

Grant asked to review the concerns that the Planning Commission had to originally deny the project or wait until deliberation and motion.

Vice-Chair opened the hearing to Applicant Presentation.

Noah Goodrich, Encompass Engineering & Surveying, 108 E 2nd Street, Cle Elum, WA, stated the testimony given at the original hearing remains and gave a brief overview of the project.

Vice-Chair opened the hearing to Public Testimony.

Catherine Clerf, 60 Moe Road, Ellensburg, WA, stated she is Vice-Chairman of the Land Use Advisory Committee, speaking on behalf of herself, and voiced her concerns with 3 acre zoning and that she objects to this project.

Harvey Dodge, 1150 Lyons Road, Ellensburg, WA, stated his concerns with the irrigation on this project.

Green asked where his head gate is located.

Dodge explained the location of his head gate.

Charles Weidenbach, 3300 Naneum Road, Ellensburg, WA, stated he is a member of the Land Use Advisory Committee, speaking on behalf of himself, and he would like the Planning Commission to stay with their original decision and stated his concerns with the project.

Goodrich addressed the concerns of the neighbors.

Vice-Chair opened the hearing to Planning Commission Deliberation and Motion.

Fuller stated he sees nothing presented tonight to change his mind.

Clark stated he does not approve of the rezone in this area.

Turnbull stated they need to go through the 7 criteria.

Grant stated his position does not change and that irrigation is a problem and it is our responsibility.

Clark stated we do have different zoning criteria for a reason.

Fuller stated we should not devalue the property but the burden of proof is up to the applicant.

Green asked why farmers are not knocking on their door asking for their property if it is prime farm land and the farming community is not helping themselves.

Planning Commission members went through the 7 criteria.

Members agreed it meets the 1st criteria.

Grant stated this is a zoning that is appropriate for that area and it is simply asking if it does have value and merit.

Members were split on the 2nd and 3rd criteria.

Members agreed it meets at least one of the 4th criteria.

Members agreed it meets the 5th criteria.

Members discussed the 6th criteria.

Members agreed it meets the 7th criteria.

Larry Fuller moved to pass the Firkins Rezone (Z-08-01) and Firkins Preliminary Plat (P-08-02) forward to the Board of County Commissioners with a recommendation of denial. Grant Clark seconded and the motion failed with a 2/2 poll of the Board with Kim Green and Jason Grant voting against.

Larry Fuller moved to pass the Firkins Rezone (Z-08-01) and Firkins Preliminary Plat (P-08-02) forward to the Board of County Commissioners with no recommendation. Kim Green seconded and the motion carried with a 4/0 poll of the Board.

Findings of Fact will be brought back to the August 12, 2008 Planning Commission meeting.

Next regularly scheduled meeting is August 12, 2008 at 6:30 pm in the Commissioner's Auditorium.

Meeting was adjourned at 10:15 pm.



Trudie Pettit, Planning Commission Clerk