PLANNING COMMISSION
FINDINGS OF FACT

2009 Kittitas County Comprehensive Plan and Development Code Update

The Planning Commission submits the following, findings of fact, conclusions at law and recommendations to the Kittitas County Board of County Commissioners related to the Kittitas County Comprehensive Plan and Development Code Update:

1. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.

2. The Planning Commission finds that public hearings were held on November 10, 17, and 24, 2009. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest.

3. The Planning Commission finds that a continued hearing where the record was closed was held on November 17, 2009 and continued on November 23, 2009 for Planning Commission deliberation, decision and to consider Planning Commission Findings.

4. The Planning Commission forwards to the Board of County Commissioners their recommendations for the Kittitas County Development Code Update as follows and as attached hereto and incorporated:

OS-09-01: Wallace Ranch II LLC - Open Space Classification

Findings of Fact:

I. The Planning Commission finds that the Wallace Ranch II LLC submitted a request for open space tax classification on January 7, 2009, and amended the application on October 29, 2009 to include parcels inadvertently left off of the application. The application requested the following parcel numbers to be reclassified as open space: 19604-19609, 19612-19613, 766739, 796734, 826734, 19594-19597, 656734, 676734, 856734, 18552-18570, 18571-18587, 19598-19601, 19610, 19611, 816734, 866734, 876734, 886734, 935834, 516734, 546734, and 896734.

II. Testimony was given by the proponent during the public hearing.

III. At the November 17, 2009 Public Hearing the Planning Commission recommended approval of this application to the Board of County Commissioners based on the information submitted.
OS-09-02: John F. Plesha - Open Space Classification

Findings of Fact:
II. Testimony was given by the proponent during the public hearing.
III. At the November 17, 2009 Public Hearing the Planning Commission recommended approval of this application to the Board of County Commissioners based on the information submitted.

OS-09-03: Barbara Young, 14 Carrot Farm - Open Space Classification

Findings of Fact:
II. Testimony was given by the proponent during the public hearing.
III. At the November 17, 2009 Public Hearing the Planning Commission recommended approval of this application to the Board of County Commissioners based on the information submitted.

OS-09-04: Neil J. Leibly - Open Space Classification

Findings of Fact:
I. The Planning Commission finds that Neil J. Leibly submitted a request for open space tax was transmitted on September 21, 2009 from the Board of County Commissioners to Community Development Services for parcel number 408933.
II. Testimony was given by the proponent during the public hearing.
III. At the November 24, 2009 Public Hearing the Planning Commission recommended approval of this application to the Board of County Commissioners based on the information submitted.

CP-09-01 Frank A. Gregerich Jr. – Community Wind Energy Systems

Findings of Fact:
1. The Planning Commission finds that on June 30, 2009, Kittitas County Community Development Services received an application from Catherine Clerf, authorized agent for Frank Gregerich, for a proposed text amendment to create a new Chapter titled “Community Wind Energy Systems.”
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.
3. Testimony was given by the proponent.
4. Adverse testimony was not given on this proposal.
5. On November 24, 2009 the Planning Commission recommended approval to the Board of County Commissioners subject directing staff to fine tune some of the language with the applicant and to place the refined document on the 2010 Comp Plan Amendment docket.
CP-09-02 City of Ellensburg - Map amendments: Urban Growth Area boundary & zoning designations

Findings of Fact:
1. The Planning Commission finds that on June 30, 2009, Kittitas County Community Development Services received an application from Mike Smith, Director of the City of Ellensburg’s Department of Community Development, for a proposed map amendment to the Ellensburg UGA Boundary. The parcels requested to be either included or excluded from the UGA boundary include:
   4) Parcels Bisected:
      a) 17-19-06066-0001, 17-19-06066-0002, Linda Anne Picha & Lawrence Edward Sharpe, 101 N. Mt. Stuart Dr., Ellensburg
      b) 17-19-06053-0001, 17-19-06053-0002, Linda A. Sharpe
      c) 17-19-06053-0004, Jeffrey D. Newschwander, 105 N. Mt. Stuart Ave., Ellensburg
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.
3. Testimony was given by the proponent.
4. Adverse testimony was not given on this proposal.
5. On November 17, 2009 the Planning Commission recommended approval subject to the city’s recommendation that the County first de-designate the agricultural lands of long term commercial significance before bringing them into the UGA, and not approved these requests. This includes the first three requests located on Bull Road and Kittitas Highway. The fourth request on Pfenning Road is suggested to shift to the east so the line will follow 3rd Ave to Mt Stuart to 1st Ave to the existing UGA and include the properties completely within the UGA. The fifth request on Game Farm Road is suggested to shift to the west and remove the property from the UGA. The sixth request is to remove the mineral lands of long term significance parcels from the UGA.

CP-09-03 Randy Jensen, applicant, Dan Jensen, authorized agent – Map amendment (CP-08-15) Urban Residential to General Commercial for approximately 2.73 acres

Findings of Fact:
1. The Planning Commission finds that on June 29, 2009 Kittitas County Community Development Services received an application from Dan Jensen, authorized agent for Randy Jensen, landowner, to re-designate approximately 2.73 acres from Urban Residential to General Commercial. Location: South of Vantage Highway and east of Pfenning Road, a portion of Section 06, T17N, R19E, WM in Kittitas County. Map numbers 17-19-06020-0011 and 17-19-06020-0012. These two parcels have City of Ellensburg sewer, water, and power provided.
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.
3. Testimony was not given by the proponent.
4. Adverse testimony was not given on this proposal.
5. On November 17, 2009 the Planning Commission recommended approval to the Board of County Commissioners the application based on the information submitted.

CP-09-04 Residential Wind Energy Generator Policy Adding new KCC 17.61B

Findings of Fact:
1. The Planning Commission finds that on or before June 30, 2009, Kittitas County Community Development Services added amendments to establish development standards to guide the issuance of building permits for small, private wind turbines (KCC 17.61B).
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.
3. Testimony was given by the proponent.
4. Adverse testimony was not given on this proposal.
5. On November 24, 2009 the Planning Commission passed a motion with no recommendation to the Board of County Commissioners the application based on the information submitted.

CP-09-05 Kittitas County Text Amendment: Amend the Kittitas County Code to transfer Board of Adjustment responsibilities to the Hearing Examiner

Findings of Fact:
1. The Planning Commission finds that on or before June 30th, 2009 Kittitas County Community Development Services added amendments for transfer of the BOA responsibilities to the Hearing Examiner to the docketing list (KCC 15B.03.030).
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.
3. Testimony was given by the public.
4. Adverse testimony was given on this amendment.
5. On November 24, 2009 the Planning Commission did not recommend approval to the Board of County Commissioners the amendments based on the information submitted.

CP-09-06 Amendment to KCC 17.31.030 to allow “shooting ranges” in the Commercial Ag zone as a Conditional Use

Findings of Fact:
1. The Planning Commission finds that on or before June 30th, 2009 Kittitas County Community Development Services added amendments to allow “shooting ranges” in the Commercial Ag zone as a Conditional Use (KCC 17.31.030).
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent
property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.

3. Testimony was given by the public.
4. Adverse testimony was given on this amendment.
5. On November 24, 2009 the Planning Commission recommended approval to the Board of County Commissioners the amendments based on the information submitted.

CP-09-07 Amendment to KCC 17.28.030, 17.28A.030 & 17.29.030 to allow “commercial activities associated with agriculture” as a Conditional Use in all Agriculture zones

Findings of Fact:
1. The Planning Commission finds that on or before June 30th, 2009 Kittitas County Community Development Services added amendments to allow “commercial activities associated with agriculture” as a Conditional Use in all Agriculture zones (KCC 17.28.030, 17.28A.030, and 17.29.030).
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.
3. Testimony was given by the public.
4. Adverse testimony was given on this amendment.
5. On November 24, 2009 the Planning Commission recommended approval to the Board of County Commissioners the amendments based on the information submitted.

CP-09-08 Transfer Development Rights (TDR) add to KCC 17.13

Findings of Fact:
1. The Planning Commission finds that on or before June 30th, 2009 Kittitas County Community Development Services added amendments for a Transfer of Development Rights program to the docketing list (KCC 15B.03.030).
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.
3. Testimony was given by the public.
4. Adverse testimony was given on these amendments.
5. On November 24, 2009 the Planning Commission recommended approval to the Board of County Commissioners the amendments based on the information submitted.

CP-09-09 Amendment to KCC 16.18 (Irrigation & Sprinkling)-adding new Chapter III Upper Kittitas County

Findings of Fact:
1. The Planning Commission finds that on June 30, 2009, Kittitas County Community Development Services received a request from Deputy Prosecuting Attorney Brent Bottoms for a code change to Kittitas County Code Chapter 16.18. This code change will regulate the use of surface and groundwater for irrigation.
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.
3. Testimony was given by the proponent.
4. Adverse testimony was given on this proposal.
   On November 17, 2009 the Planning Commission did not recommend approval to the Board of County Commissioners based on the information submitted.

CP-09-10 Amendment of KCC 14.08 & KCC 17.92.020 –Regulating Recreational Vehicles & Park Model Trailers

Findings of Fact:
1. The Planning Commission finds that on June 30, 2009 Kittitas County Community Development Services submitted an application for a Text Amendment to Kittitas County Code 14.08 and 17.92.020, regulating recreational vehicles and park model trailers.
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.
3. Testimony was given by the proponent.
4. Adverse testimony was given on this proposal.
5. On November 24, 2009 the Planning Commission recommended approval to the Board of County Commissioners subject to deleting Section 14.05.045(8).

CP-09-11 Amendment of KCC 16.12.250 – to provide for an extension for preliminary plats

Findings of Fact:
1. The Planning Commission finds that on June 30, 2009, Kittitas County Community Development Services submitted an application for a Text Amendment to Kittitas County Code 16.12.250, to provide for an extension for preliminary plats.
2. The Planning Commission finds that Kittitas County Community Development Services issued a notice of public hearing pursuant to KCC 15A and KCC 15B on October 21, 2009. This notice was published in the official county newspaper of record and was mailed to jurisdictional government agencies, adjacent property owners and other interested parties. Further, legal notices were published in the Daily Record on October 27, and November 3, 2009 and the Northern Kittitas County Tribune on October 29, 2009.
3. Testimony was given by the proponent.
4. Adverse testimony was given on this proposal.
5. On November 24, 2009 the Planning Commission recommended approval of a one-time, two year extension to the Board of County Commissioners the application based on the information submitted.

Grant Clark, Chairman, Kittitas County Planning Commission  

Date 11/25/09