

**COMMISSIONERS' MINUTES
KITTTITAS COUNTY, WASHINGTON
COMMISSIONERS AUDITORIUM
SPECIAL MEETING**

TUESDAY

2:00 P.M.

MAY 2, 2017

Board members present: Chairman Paul Jewell; Vice-Chairman Laura Osiadacz; and Commissioner Obie O'Brien.

Others: Mandy Buchholz, Deputy Clerk of the Board II; Dan Carlson, CDS Director; Mark Cook, Public Works Director; Lucas Huck, Engineer; Kay Kresge, Accountant; Judy Pless, Budget & Finance Manager; Dusty Pilkington, Planner I and 7 members of the public.

PUBLIC HEARING

SURPLUS PROPERTY

AUDITOR

At 2:00 p.m. **CHAIRMAN JEWELL** opened a Public Hearing to consider Disposition of County Assets through selling to other agencies, trade ins and disposal of assets.

KAY KRESGE, ACCOUNTANT reviewed a Staff Report. She stated that Kittitas County needs to surplus equipment as they are no longer needed. She stated that the IT items are to be sold on PublicSurplus.com; miscellaneous items are to be sold on PublicSurplus.com and items to be removed as clean up to the inventory list. She recommended the Board approve the Resolution presented to them in advance and asked if there were any questions.

THERE BEING NO PUBLIC IN ATTENDANCE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

RESOLUTION 2017-078

SURPLUS PROPERTY

AUDITOR

COMMISSIONER OSIADACZ moved to approve Resolution 2017-078, to Declare Equipment Surplus to the County. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

PUBLIC HEARING

6 YR TIP & ANNUAL CONSTRUCTION

PUBLIC WORKS

At 2:04 p.m. **CHAIRMAN JEWELL** opened a Public Hearing to consider Adopting the revised Six-Year Transportation Program for 2017-2022 and the revised Annual Construction Program for 2017.

LUCAS HUCK, ENGINEER reviewed a Staff Report and explained that the Board previously adopted the Six Year Transportation Program and Annual Construction Program with Resolution 2016-168 and 2016-169. He explained that the revisions they are presenting to the Board impact both the Six Year and Annual Construction Program reflect their current priorities. He noted that there was a typo on one of

the projects listed for the construction program and a corrected version was provided to the Clerk prior to adoption.

THERE BEING NO PUBLIC IN ATTENDANCE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

RESOLUTION 2017-079 6 YR TRANSP. IMPROVEMENT PLAN PUBLIC WORKS

COMMISSIONER OSIADACZ moved to approve Resolution No. 2017-079, Adopting a Six-Year Transportation Improvement Plan for the Years 2017-2022. **COMMISSIONER O'BRIEN** seconded. **COMMISSIONER O'BRIEN** explained how appreciative he is of Public Works for adjusting and for keeping the Board up to date with the projects. Motion carried 3-0.

THERE BEING NO PUBLIC IN ATTENDANCE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

RESOLUTION 2017-080 ANNUAL CONSTRUCTION PLAN PUBLIC WORKS

COMMISSIONER OSIADACZ moved to approve Resolution No. 2017-080, Adopting the Annual Construction Program for 2017. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

PUBLIC HEARING PALOMINO FIELDS PUBLIC WORKS

At 2:10 p.m. **CHAIRMAN JEWELL** opened a Public Hearing to consider approving the revised Development Agreement for Palomino Fields Plat.

MARK COOK, PUBLIC WORKS DIRECTOR reviewed a Staff Report and explained that recently Public Works briefed the Commissioners on stormwater and floodplain development issues associated with the Palomino Fields Plat. He stated that it's the opinion of Public Works that the developer is well served to create flexibility during plat development allowing suitable site soils to be tasked for regional stormwater runoff disposal. He stated that the current Agreement adopted by Resolution 2016-073 (Exhibit E of the Agreement) creates five phases of development and one phase must be completed before moving to the next. He stated that this approach does not allow for regional stormwater facilities serving multiple phases of development. **MR. COOK** stated that allowing divisions within each phase creates the flexibility needed in addressing stormwater and floodplain development issues associated with this and other sites in the region. He stated the Public Works recommends the Board approved the revised Palomino Fields Development Agreement. **CHAIRMAN JEWELL** explained that he was looking for a better understanding of the revisions to the development agreement and how a redline version would have been helpful. He stated that there are areas that are more appropriate for stormwater retention,

stormwater infiltration, stormwater control, on the site that don't necessarily coincide directly with a particular development phase. He stated that the attempt with this amendment to the development agreement is to create some flexibility so that as the phases are being developed, the stormwater control facilities can be built outside the current phase if deemed appropriate at that time.

COMMISSIONER O'BRIEN recalled that at a previous Public Works Study Session he thought there was mention that part of this effort was to get water shifted off of the Black Horse Development and elevate other downhill effects. **MR. COOK** said that's accurate and they have had discussions with the developer of Palomino Fields as well as DR. Horton (Blackhorse). He stated that there is thought that there may be an ability to move some of the improve run-off from the Blackhorse Development that's not infiltrating the site and downgrading it to a more suitable site that would be more appropriate on the Palomino Fields property. He stated that if that is successful this would create the flexibility to pursue that alternative as well.

DEBBIE KUHN, 2941 REECER CREEK RD presented the Board with written testimony and reviewed it for the record. She explained that her & her husband's concerns are primarily about the plat plan for this development and that it does not have the location for any storm water pond (contaminating their hay fields) on it and therefore they were not given an opportunity to object or make comments on the matter. She stated that the developer has dug a storm water pond with no questions asked and in their opinion, complete disregard for their property. She stated that her husband would like to know who is in charge of CDS and why they are not being sent anything.

CHAIRMAN JEWELL questioned if the west border of the Kuhn property borders the town ditch? **MS. KUHN** said yes. Is there ground water surfacing on the property during the irrigation season? **MS. KUHN** stated that they are very careful when they irrigate, however during the summer eventually the water rises enough to see the ground is moist. **CHAIRMAN JEWELL** asked if the concern is that the storm water retention pond, should it become full would exasperate the problem down gradient and actually cause even greater surfacing of ground water onto their property. **MS. KUHN** said yes, because if you look at where the pond is at on the DR Horton property it gets stuck on the east side of the town ditch any water accumulation and why we have to be so careful when we irrigate. **CHAIRMAN JEWELL** asked the size of their parcel. **MS. KUHN** indicated it was 4.65 acres. **CHAIRMAN JEWELL** stated that in regards to who is in charge of CDS it's the Board of County Commissioners. However please keep in mind this development was approved long before the current Board was in office and at this point the Board is looking at a development that has its preliminary approval essentially. The County is bound by the conditions of approval previously agreed upon and it limits them on what they can do. **MS. KUHN** stated that her concern is not about the

west side of the town ditch. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

PAT DENEEN, APPLICANT stated that they are in the process of developing the first 8 lots coming off of Reecer Creek, across the bridge they built across the town ditch. A number of tests have been done so they would know what direction water flows and then the storm water was designed went through SEPA and the ponds they are building that are complete are through MDNS from SEPA through the DOE storm water plan that was approved by the County & DOE. He stated that his understanding is that the storm water will continue to move to the west towards the canal and it's built to handle the water. He has all the approvals so far and they are continuing to build what they think conforms with what the County approved.

CHAIRMAN JEWELL questioned if there was a site map available so they could see where they are talking about when discussing the east side and west side of the canal, although he is fairly familiar with the area it would be nice to have a visual aid. **PAT DENEEN, APPLICANT** reviewed the site map. **MARK COOK, PUBLIC WORKS DIRECTOR** addressed concerns expressed from Ms. Kuhn, specifically why you don't see the storm water ponds on the 2008 site map as well as elevation concerns and concerns regarding contamination from the storm water ponds into the groundwater. He stated that he fully agrees the burden should not be put back on the neighbors. **CHAIRMAN JEWELL** does the Development Agreement before us negatively impact or enhance the ability to create more flexibility in dealing with this issue. **MR. COOK** said it definitely enhances the ability to deal with the issues.

RESOLUTION 2017-081 PALOMINO FIELDS REVISED D.A. PUBLIC WORKS

COMMISSIONER OSIADACZ moved to approve Resolution No. 2017-081, Palomino Fields Revised Development Agreement, noting that the spelling errors in the Agreement are corrected. **COMMISSIONER O'BRIEN** seconded. **COMMISSIONER OSIADACZ** stated that she is pleased to see that Staff will be working with Ms. Kuhn moving forward and knowing that the Development Agreement will allow for more flexibility to assist other neighbors surrounding the development. **COMMISSIONER O'BRIEN** explained as stated earlier the Agreements came before this Board and it's been an ongoing effort to clean up where possible where they have the ability to make adjustments, however the County is legally bound to the rules in place at the time of initial plat approval. **CHAIRMAN JEWELL** reiterated the statements of both **COMMISSIONER OSIADACZ & COMMISSIONER O'BRIEN** and thanked Ms. Kuhn for bringing the issues forward to the Board since they were unaware of the issues, prior. He stated that County Staff has heard the concerns and direction the Board desires to go and if at some point moving forward Ms. Kuhn is feeling like the concerns are not being addressed to please come back to the Board and the Board will help with what they can. Motion carried 3-0.

At 2:49 p.m. **CHAIRMAN JEWELL** opened a Public Hearing to consider the Legacy at Prospector Plat (LP-17-00002).

DUSTY PILKINGTON, PLANNER I reviewed a Staff Report and Power Point. He stated that the Application was submitted on February 27, 2017 and deemed complete on April 3, 2017. It's Zoned MPR; Land Use is Rural Recreation and it's a 40 lot plat on 16.6 acres; lots are ranging from .23 to .43 acres. He stated that the project is subject to terms of the Development Agreement and the project is consistent with the conceptual master plan & general site plan (amended). He noted that the project does not deviate from or exceed scope of FEIS and qualifies for abbreviated processing under DA. He stated that the Project has been reviewed & approved by Suncadia and engineering and infrastructure to Public Works prior to final approval. The project resides in Fire Dist. 7; Cle Elum Roslyn School District; No Critical Area Issues; Not in Floodway; Notice of Application sent and published March 24, 2017; Agency comments received; General public comments received; served by Community Group A Water System and served by Community Sewer System. He reviewed that the project is consistent with Comprehensive Plan: KCC 17A Critical Areas as conditioned; KC 17.37 Master Planned Resort; KCC 14.04 Building Code as conditioned; KCC 12 Roads and Bridges as conditioned and KCC 13 Water and Sewers. He stated that Staff recommends approval as conditioned in the Staff Report. He stated there are several conditions listed in the Staff Report that will be amended prior to final Ordinance, noting that in a couple locations he makes reference to KCC and it should be in the Development Agreement, so those changes will be done prior to the final Ordinance. **STEVE LATHROP, REPRESENTING SUNCADIA** stated that they are in Agreement with the Staff Report and the noted corrections/conditions.

THERE BEING NO PUBLIC IN ATTENDANCE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER O'BRIEN moved to approve the Legacy at Prospector Plat (LP-17-00002) as conditioned and instruct Staff to prepare enabling documents. **COMMISSIONER OSIADACZ** seconded. **CHAIRMAN JEWELL** stated that his comment applies to this Plat and the River Ridge. He expressed his confusion as to why a Plat has to come before the Board that meets the previously approved Development Agreement. KCC and the Comp Plan needs this formal process and he would like to look into streamlining this process. He stated that there probably isn't a more scrutinized project then the Master Plan Resort as there is a full EIS and a lot of comments. **STEVE LATHROP, REPRESENTING SUNCADIA** stated that at the time this was done a requirement (state law) is that there is a final Public Hearing done so that's where we are at. It was discussed at length and they

haven't found a way around it. **COMMISSIONER OSIADACZ** stated that she is familiar with the property and is feels it makes sense that this is the continued expansion of home sites within Suncadia. Motion carried 3-0.

MR. PILKINGTON, PLANNER I noted for the record that the name of the Plat has been changed to the Legacy at Suncadia.

PUBLIC HEARING

RIVER RIDGE PLAT LP-17-00003

CDS

At 3:04 p.m. **CHAIRMAN JEWELL** opened a Public Hearing to Consider the River Ridge Plat (LP-17-00003).

DUSTY PILKINGTON, PLANNER I reviewed a Staff Report and Power Point. He stated that the Application was submitted on March 2, 2017 and deemed complete March 20, 2017. It's zoned MPR; Land Use is Rural Recreation and it's 39 lots on 422.24 acres; lots are ranging from .33 to .56 acres. The project is subject to terms of the Development Agreement; it is consistent with General Site Plan (amended); it doesn't deviate from or exceed scope of FEIS and qualifies for abbreviated processing under DA. The Project has been reviewed and approved by Suncadia and engineering and infrastructure to PW prior to final approval. The project resides in Fire Dist. 7; Cle Elum Roslyn School District; observes all Critical Area setbacks; Not in Floodway; Notice of Application sent and published March 24, 2017; Agency comments received; General public comments received; served by Community Group A Water System and served by Community Sewer System. He reviewed that the project is consistent with Comprehensive Plan: KCC 17A Critical Areas as conditioned; KC 17.37 Master Planned Resort; KCC 14.04 Building Code as conditioned; KCC 12 Roads and Bridges as conditioned and KCC 13 Water and Sewers. Staff recommends approval of the River Ridge Preliminary Plat as conditioned.

COMMISSIONER O'BRIEN questioned Public Works comment #34 on the Index and felt Mr. Pilkington has skipped number 3 regarding County GIS and streams on the property that are not reflected on the map. He asked was that a concern for flood zones or critical areas. **MR. PILKINGTON** stated that after his site visit he was able to confirm that where the streams appear they meet all the setback requirements for critical areas. **CHAIRMAN JEWELL** stated that page 9 item number 12 had some redundant language and suggested what to eliminate to clean it up. He stated his last question was on page 113 the utilities infrastructure report by ESM part 5, where it states the collected raw wastewater from this development will be conveyed by means of on-site gravity and force main sewer to a proposed lift station located in the future development tract southeast of the River Ridge plat. **JOE WALSH, SENIOR VICE PRESIDENT OF DEVELOPMENT SUNCADIA** reviewed a map to show the location of the lift station proposed for the future development tract southeast of the River

Ridge Plat as well as other future phases and their location on the parcel. **CHAIRMAN JEWELL** stated that he was curious about the timing of the development of the lift station. **MR. WALSH** explained that it has to be developed with the development of the current plat.

CHAIRMAN JEWELL stated that he was in agreement but was curious if there is a condition that addresses that appropriately within the conditions of approval, because he would like to see that in there if it isn't already. **STEVE LATHROP, REPRESENTING SUNCADIA** said you actually don't need one, because the construction of infrastructure is inspected by Public Works and has to be approved by them prior to their final approval. He said if its engineered and if its bonded/ then they always follow the inspection process and it has to be hooked up to an operating sewer system. **CHAIRMAN JEWELL** questioned if the applicant would object to a specific condition of approval with regard to the lift station. **MR. LATHROP** indicated that they would have no issue. **CHAIRMAN JEWELL** explained that he would feel more comfortable if the County could request Staff to add that condition.

JANE VUKONICH, stated that her and her husband are the ETAL for the Vukonich property and they own 3 parcels and wasn't sure what ones were affected by this development. She stated that she doesn't feel the conditions are being accurately portrayed to the Board and she is disappointed in the lack of quality in the notices being sent for the meeting. She felt she was misled and got the runaround with no respect. She stated that there is an aggressive creek and wetlands that pictures won't allow for seasonal changes and impacts. She stated that there needs to be a 75 foot buffer from where you build to where there is any creek or wetland. She felt Phil Hess, Forester should be consulted and give her a tour so she can see the property line. She stated that she has no issue with the Suncadia but would like respect. She stated she would like a fence put up between her property and Suncadia as well as signs posted for no hunting, no trespassing and no dumping. She stated that her family has owned the property for over 100 years. **CHAIRMAN JEWELL** questioned Staff regarding the concerns expressed for whether or not the publishing and notifications met legal requirements as well as concerns expressed regarding the wetlands on the site. He questioned if a wetland delineation was done. **MR. PILKINGTON** stated there wasn't one done specific to this site but based on the data they have a critical areas analysis was done and there were no issues with the critical area buffers. **JOE WALSH, SENIOR VICE PRESIDENT OF DEVELOPMENT SUNCADIA** addressed comments made by Ms. Vukonich. He stated that there are 100 foot buffers on the MPR and all of the wetlands have been delineated and stated he would be happy to do a walk through with anyone. **COMMISSIONER OSIADACZ** questioned where Mr. Walsh stood with regard to Ms. Vukonich's other requests such as signage and fencing would you entertain those requests. **MR. WALSH** stated that fencing isn't allowed on a MPR however berms are.

THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

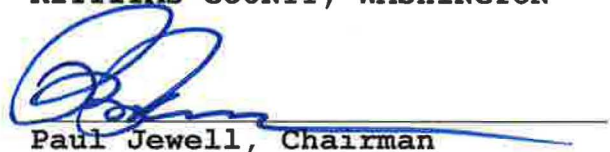
COMMISSIONER OSIADACZ moved to approve the River Ridge Plat (LP-17-00003) as conditioned. **COMMISSIONER O'BRIEN** seconded. **COMMISSIONER OSIADACZ** thanked the Applicant for agreeing to work with the adjacent property owner and thanked the property owner for coming today. She stated that public process is very important to the Board when making decisions and areas of improvement were brought to the Boards attention. She encouraged Ms. Vukonich to be reach out to her if there are further concerns and she would be happy to try and help. **COMMISSIONER O'BRIEN** said this Development Agreement pre-dates this Board and although he has read them many times and due to vesting rights this Development Agreement is set in stone there is very little wiggle room for the Board to make changes so he appreciates that the Applicant is willing to listen to present day concerns etc. **CHAIRMAN JEWELL** made a question to the motion. He stated that the motion was to approve the River Ridge Plat as conditioned, but wanted to clarify if that is also to include adding the condition of the lift station be completed as discussed as well as direct staff to prepare enabling documents. **COMMISSIONER OSIADACZ** indicated yes. Motion carried 3-0.

The meeting was adjourned at 3:36 p.m.

DEPUTY CLERK OF THE BOARD


Mandy Buchholz

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**


Paul Jewell, Chairman