

**KITTITAS COUNTY PLANNING COMMISSION MEETING**  
**Minutes - February 27, 2006 @ 6:30 P.M.**  
COMMISSIONER'S AUDITORIUM  
205 W. Fifth Street, Ellensburg WA

Those present: Chairman David Black, Doug Harris, Scott Perna, Grant Clark.

Those also present: Community Development Services Staff Planner II Joanna Valencia, Staff Planner Marco Rains, Public Works Planner Randy Carbary, Planning Commission Clerk Susan Barret and approximately 35 people representing applicant and public interest.

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

**II. Correspondence**

1. Joanna Valencia spoke to the correspondence sent from the City of Roslyn regarding the Roslyn Ridge Large Lot Subdivision (SP-05-69). She clarified that this is an administrative Large Lot and that there was some confusion as to whether this was to be handled administratively or through a public hearing with the Planning Commission. In fact it is administrative and therefore correspondence shall just be included as part of the record.

2. Joanna Valencia informed the Commission that due to recording failure the Chamberlin Rezone (Z-05-16) was remanded back to the Planning Commission for public hearing scheduled for April 25, 2006. The public hearing will be for the project only. The SEPA Appeal will not be heard again as the recording has been established.

**III. Approval of Minutes**

The Commission agreed to hold over the approval of minutes for the January 23, January 24, 2006 regular meetings and January 10, 11, 12, 30 and February 13, 2006 KVVPP meetings to the regularly scheduled meeting of March 14, 2006.

**IV. Review the Constitution and By-laws of the Planning Commission**

It was agreed to change guideline #2 to reflect the change in regularly scheduled Planning Commission meetings to the second and fourth Tuesdays of the month.

**New Business**

**A. Lyons Rezone (Z-05-23)**

The Chair opened the hearing to the Lyons Rezone Z-05-23. Staff Planner Marco Rains presented his staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report. Rains Submitted **Exhibit A** letter dated February 22, 2006 from Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P. and **Exhibit B** (1) Letter from Jack Clark & (2) Letter from Woodrow O'Rourke.

**The Chair opened the hearing to the applicant presentation**

**Bill Peare**, 1031 Wood Duck Road, Cle Elum, Washington representing the trustee David Lyons, the Executor of his estate, gave a brief explanation for rezone as a higher and better use of the land

**Jeff Slothower**, 201 West 7th Ave, Ellensburg, Washington, representing the applicant referenced Exhibit A to support the seven criteria for rezone of the subject property. Slothower referenced Exhibit B and Population Projections (Exhibit A). Slothower brought up the Floodway and Flood Plane issues in regards to future use.

**Harris** questioned access to the subject property. **Slothower** replied that the access is off of Highway 970, that there is only one access point to the property and that the Department of Transportation has stated that regardless of what development occurs on the property there will only be one access point.

**The Chair opened the hearing to Public testimony.** No testimony was heard.

**The Chair opened the hearing to Planning Commission deliberation and motion**

**Doug Harris made a motion to pass the Lyons Rezone Z-05-23 forward to the Board of County Commissioners with a recommendation for approval. Grant Clark seconded and the motion carried with a 4/0 poll of the board.**

#### **SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS & CONCLUSIONS OF LAW HAVE BEEN PREPARED BY THE PLANNING DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING A RECOMMENDATION ON THIS MATTER. ADDITIONAL SPECIFIC FINDINGS MAY ALSO BE NECESSARY.

1. Jeff Slothower, on behalf of David T. Lyons Trustee, submitted a complete application requesting a zone change of approximately 28.44 acres from Forest & Range to Rural-3 to the Community Development Services Department on October 28<sup>th</sup>, 2005. The applicants address is 900 4<sup>th</sup> Avenue # 4050, Seattle, Wa. 98164.
2. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on December 16<sup>th</sup>, 2005. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
3. A SEPA Determination of Non-Significance was issued by the Community Development Services Department on January 23<sup>rd</sup>, 2006. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code.
4. An open record hearing was held by the Planning Commission on February 27<sup>th</sup>, 2006 to consider this general rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. 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 to be served by this non-project action.
5. The rezone request involves five parcels totaling 28.44 acres from Forest and Range to Rural, tax parcel numbers 20-16-26000-0011, 20-16-26000-0076, 20-16-35020-0011, 20-16-35020-0006, and 20-16-35020-0012.
6. The subject property does contain portions within the floodplain and floodway of the Teanaway River which are subject to Kittitas County Flood Hazard Reduction Code regulations.

7. The subject property contains critical areas that are associated with the Teanaway River riparian corridor, a river of statewide significance. Therefore the subject property is subject to the Kittitas County Shoreline Master Program and Kittitas County Critical Areas Code regulations.

8. The subject property abuts Rural-3 to the west, and Forest and Range to the south and east. Ag-20 is across SR 970 to the north of the property.

9. The subject property involves, and is in the direct vicinity, of legal non-conforming parcels less than 20 acres in size. Many of the parcels involved and in the direct vicinity are less than 5 acres in size.

10. The subject property directly abuts SR 970, a Class 1 WSDOT managed highway.

11. The Planning Commission finds that the requested zone change **is** consistent with the Rural land use designation of the Kittitas County Comprehensive Plan.

12. The Planning Commission finds that the proposed requested zone change **does** meet all seven criteria as listed in KCC 17.98.020:

1. The proposed amendment is compatible with the comprehensive plan
2. The proposed amendment bears a substantial relation to the public health, safety or welfare
3. The proposed amendment has merit and value for Kittitas County or a sub-area of the county
4. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property
5. The subject property is suitable for development in general conformance with zoning standards for the proposed zone
6. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property
7. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties

13. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.

14. No adverse public testimony was heard.

**B. Evenson Rezone (Z-05-24)**

The Chair opened the hearing to the Evenson Rezone Z-05-24. Staff Planner Marco Rains presented his staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report. Rains Submitted **Exhibit C** a letter dated February 22, 2006 from Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

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

**Jeff Slothower**, 201 West 7th Ave, Ellensburg, Washington, representing the applicant, referenced Exhibit C as documentation in support Kittitas County criteria and provides exhibits that shall be part of the permanent record.

**The Chair opened the hearing to Public testimony.**

**Margo Cordner**, 1070 Shushuskin Ridge, Ellensburg, Washington, urged the board to implement the rezone. Read her letter of support into the record, submitted as **Exhibit D**.

**The Chair opened the hearing to Planning Commission deliberation and motion.**

**Grant Clark made a motion to pass the Evenson Rezone (Z-05-24) forward to the Board of County Commissioners with a recommendation for approval. Doug Harris seconded and the motion carried with a 4/0 poll of the board.**

### **SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS & CONCLUSIONS OF LAW HAVE BEEN PREPARED BY THE PLANNING DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING A RECOMMENDATION ON THIS MATTER. ADDITIONAL SPECIFIC FINDINGS MAY ALSO BE NECESSARY.

1. Jeff Slothower, on behalf of Douglas and Carol Evenson, submitted a complete application requesting a zone change of approximately 18.75 acres from Ag-20 to Ag-5 to the Community Development Services Department on October 28<sup>th</sup>, 2005. The applicants address is 1901 Strand Rd, Ellensburg, Wa. 98926.
2. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on December 16<sup>th</sup>, 2005. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
3. A SEPA Determination of Non-Significance was issued by the Community Development Services Department on January 23<sup>rd</sup>, 2006. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code.
4. An open record hearing was held by the Planning Commission on February 27th, 2006 to consider this general rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. 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 to be served by this non-project action.
5. The rezone request involves on parcel totaling 18.75 acres from Ag-20 to Ag-5, tax parcel number 17-18-08051-0002.
6. The subject property contains critical areas with an associated stream and floodplain running east to west through the property.
7. The subject property is bordered on all sides by Ag-20 zoning.

8. The subject property involves, and is in the direct vicinity, of legal non-conforming parcels less than 20 acres in size, including many 3 acre lots just north of the property.
9. The subject property directly abuts Strande and Susan Road, County owned and maintained roads.
10. The Planning Commission finds that the requested zone change **is** consistent with the Rural land use designation of the Kittitas County Comprehensive Plan.
11. The Planning Commission finds that the proposed requested zone change **does** meet all seven criteria as listed in KCC 17.98.020:
  - a. The proposed amendment is compatible with the comprehensive plan
  - b. The proposed amendment bears a substantial relation to the public health, safety or welfare
  - c. The proposed amendment has merit and value for Kittitas County or a sub-area of the county
  - d. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property
  - e. The subject property is suitable for development in general conformance with zoning standards for the proposed zone
  - f. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property
  - g. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties
12. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.
13. No adverse testimony was received against the proposed rezone

**C. Buck Rezone (Z-05-25)**

The Chair opened the hearing to the Buck Rezone Z-05-25. Staff Planner Marco Rains presented his staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report.

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

**Robert "Doc" Hanson**, authorized agent for the applicant, submitted **Exhibit E** Reasons to Accept Rezone Z-2005-25. Hanson spoke to the access to the subject property via Pasco Road, and reviewed the criteria as per Exhibit E.

**Black** questioned Randy Carbary about Pasco Road being a county road and it is tie into Fowler Creek road and the details of road system status. Discussion ensued.

**The Chair opened the hearing to Public testimony.** No testimony was heard.

**The Chair opened the hearing to Planning Commission deliberation and motion.**

**Doug Harris made a motion to pass the Buck Rezone Z-05-25 forward to the Board of County Commissioners with a recommendation for approval. Scott Perna seconded and the motion carried with a 4/0 poll of the board.**

### **SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS & CONCLUSIONS OF LAW HAVE BEEN PREPARED BY THE PLANNING DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING A RECOMMENDATION ON THIS MATTER. ADDITIONAL SPECIFIC FINDINGS MAY ALSO BE NECESSARY.

1. Robert Hansen, on behalf of Darren Buck, submitted a complete application requesting a zone change of approximately 20.46 acres from Forest & Range to Rural-5 to the Community Development Services Department on November 3<sup>rd</sup>, 2005. The applicants address is 902 South Fairview, Tacoma, Wa. 98465.
2. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on December 22<sup>nd</sup>, 2005. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
3. A SEPA Determination of Non-Significance was issued by the Community Development Services Department on February 3<sup>rd</sup>, 2006. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code.
4. An open record hearing was held by the Planning Commission on February 27<sup>th</sup>, 2006 to consider this general rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. 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 to be served by this non-project action.
5. The rezone request involves a 10 acres and a 10.46 acre parcel, totaling 20.46 acres, from Forest and Range to Rural-5, tax parcel numbers 19-14-02040-0006 & 19-14-01040-0012.
6. The subject property is bordered to the north by Rural-3, and to the east, west and south by Forest and Range.
7. The subject property involves, and is in the direct vicinity, of legal non-conforming parcels less than 20 acres in size.
8. The subject property abuts Pasco Road, a County owned and maintained road.
9. The Planning Commission finds that the requested zone change **is** consistent with the Rural land use designation of the Kittitas County Comprehensive Plan.
10. The Planning Commission finds that the proposed requested zone change **does** meet all seven criteria as listed in KCC 17.98.020 (E).

- a. The proposed amendment is compatible with the comprehensive plan
- b. The proposed amendment bears a substantial relation to the public health, safety or welfare
- c. The proposed amendment has merit and value for Kittitas County or a sub-area of the county
- d. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property
- e. The subject property is suitable for development in general conformance with zoning standards for the proposed zone
- f. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property
- g. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties

11. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.

12. No Adverse public testimony was heard.

**D. Coe Rezone (Z-05-26)**

The Chair opened the hearing to the Coe Rezone Z-05-26. Staff Planner II Joanna Valencia presented her staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report.

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

**Matt Coe**, landowner, clarified easements and access to his property and spoke to the letter from Mr. Ferguson stating that the issues raised in his letter have been resolved.

**Rick Cole**, 1206 North Dollar Way, suite 108, Ellensburg, Washington, assisted Mr. Coe in this proceeding by going over the Kittitas County criteria.

**Harris** questioned access to the property and the bridge crossing the canal. **Cole** discussed the future maintenance of the bridge being addressed at the time of plating. **Coe** responded that the bridge has been re-engineered to HS 20, substantial enough to support fire and logging trucks and gave brief description of details.

**The Chair opened the hearing to Public testimony.** No testimony was heard.

**The Chair opened the hearing to Planning Commission deliberation and motion.**

**Harris** questioned access for future development. **Randy Carbary** reiterated that the bridge has been reengineered for fire access and certified by an independent engineer. Carbary also stated that the road standards have to be met for any future development.

**Black made a motion to pass the Coe Rezone Z-05-26 forward to the Board of County Commissioners with a recommendation for approval. Harris seconded and the motion carried with a 4/0 poll of the board.**

### **SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS & CONCLUSIONS OF LAW HAVE BEEN PREPARED BY THE KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING A RECOMMENDATION ON THIS MATTER. ADDITIONAL SPECIFIC FINDINGS MAY ALSO BE NECESSARY.

1. Matt Coe, landowner, has for an application for a zone change from Forest & Range-20 to Agriculture-5 of approximately 21.00 acres. The site is located south of Nelson Siding Road on Lund Lane, Cle Elum, WA 98922, within Section 19, of T.20N, R. 14E., W.M. in Kittitas County. Tax parcel number 20-14-29000-0001
2. The subject property is fairly flat with some areas of moderate slope. The surrounding area is composed of a mixture of uses which include residential, agriculture and fields.
3. The zoning north of the subject parcels is currently Forest and Range, to the east and northeast of is Agriculture-3 zoning and west and south of the property is Forest and Range zoning
4. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on January 12, 2006. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
5. Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this comment period and other information on file with CDS, A SEPA Determination of Non-Significance was issued by the Community Development Services Department on February 10, 2006. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code.
6. An administrative site analysis was completed by the staff planner in compliance with Title 17A. The subject property does not contain any regulated critical areas.
7. An open record hearing was held by the Planning Commission on February 27, 2006 to consider this rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. 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 to be served by this non-project action.
8. The Planning Commission finds that the requested zone change **is** consistent with the Rural land use designation of the Kittitas County Comprehensive Plan.
9. The Planning Commission finds that the proposed requested zone change **does** meet all seven criteria as listed in KCC 17.98.020 (E).
  - a. *The proposed amendment is compatible with the comprehensive plan*
  - b. *The proposed amendment bears a substantial relation to the public health, safety or welfare*



- c. The proposed amendment has merit and value for Kittitas County or a sub-area of the county*
- d. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property*
- e. The subject property is suitable for development in general conformance with zoning standards for the proposed zone*
- f. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property*
- g. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties*

10. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.

11. There was no adverse public testimony.

#### **E. NW Pacific Development (Z-05-30)**

The Chair opened the hearing to the NW Pacific Development Rezone Z-05-30. Staff Planner II Joanna Valencia presented her staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report.

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

**Gary Noise**, 445 Lombard Lane, Wenatchee, Washington, stated that at the time of application he was the owner of record. He has sold 23 acres; the new owners wish the property to remain included in the rezone. Noise stated that the water rights were sold off by previous owners therefore the subject property has no agriculture value and that a rezone is appropriate for the higher and best use of land.

**Jeff Slothower**, 201 West 7th Ave, Ellensburg, Washington, representing the applicant submitted into the record **Exhibit F** (Plat map; letters from Ron Dalle, Mike Calkins, and Jeannie Briere; Addendum/Amendment to Purchase and sale agreement; K.C.C.O.G. Population Projections). Slothower stated that although the property is currently zoned Ag-20, there are no water rights and quite a bit of development already in existence on the property. Slothower rebutted comment letters submitted into the record, by clarifying access and stated that most of the comments were related to the SEPA application and the way it was filled out. Slothower stated that the application appeared to be filled out by a layman describing a non-project action. Slothower then went over the Kittitas County criteria in support of the proposed rezone. Slothower submitted a letter from Jeff Dunning, **Exhibit G**, supporting the need for smaller parcels in this area.

#### **The Chair opened the hearing to Public testimony.**

**Bill Backivis**, 9940 State Route 970, Cle Elum, Washington representing self and wife as adjoining land owners, stated that the rezone is probably justified but wants to bring attention to the SEPA checklist which he feels lacks information. He requests the Planning commission require North West Pacific Developers meet with adjacent landowners to discuss any plans subsequent to the rezone and that the applicant prepare analysis of the levels of air and water pollution and to ensure

mitigating measures are put in place to protect the migrating bird populations that use this land as habitat.

**Lance Summer**, 9370 SR 970, Cle Elum, Washington, questioned whether it was appropriate to rezone the full acreage when a portion of the subject property has been sold.

**Black** referenced the buyers agreement (Exhibit F) a valid documentation that indicated the sale was made based on the rezone.

**Jeff Dunning**, 3990 Brickmill Road, Ellensburg, Washington, spoke to its highest and best use being smaller parcel are highly in demand. Urged the Planning Commission to approve the rezone (referenced his letter- Exhibit G)

**Mike Caulkins**, 23729 230<sup>th</sup> Place, Maple Valley, Washington, expressed the need for smaller and affordable land and reiterated that the subject property has good soil but no water.

**Slothower** rebutted with clarification of the SEPA application process and pointed out that there was no appeal on the SEPA application at this time.

**The Chair** opened the hearing to Planning Commission deliberation and motion.

**Clark** made a motion to pass the NW Pacific Development Rezone Z-05-30 forward to the Board of County Commissioners with a recommendation for approval. **Perna** seconded and the motion carried with a 4/0 poll of the board.

#### **SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.

1. NW Pacific Development, landowners, submitted an application for a general zone change from Agriculture-20 to Rural-3 for approximately 78.00 acres. The site is located south of Red Bridge Road and North of SR-970 on 5130 Red Bridge Road, Cle Elum, WA 98922, within Section 25 and 26 of T.20N., R.16E., W.M. in Kittitas County. Tax parcel numbers 20-16-26000-0006, 20-16-26000-0052, 20-16-26000-0053, and 20-16-25000-0013.
2. A Notice of Application was issued on January 12, 2006 by Kittitas County Community Development Services. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties.
3. Written comments were solicited and the final date to submit written comments was on February 10, 2006 by 5:00pm. Comments were received from Washington State Department of Ecology, Kittitas County Department of Public Works, Washington State Department of Community, Trade, and Economic Development, the Washington State Department of Transportation, William and Gretchen Bakamis, and Lance and Marcia Sommer.
4. Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this 30 day comment period and other information on file with our office, a SEPA Mitigated Determination of Non-Significance (MDNS) was issued by Kittitas

County Community Development Services on February 10, 2006. The SEPA appeal period ends on February 24, 2006 at 5:00 p.m.

5. An administrative site analysis was completed by the staff planner in compliance with Title 17A. There is a 100-year flood plain located on approximately within the south property line of parcel number 20-16-26000-0078. All development occurring within this critical area will need to comply with KCC 17A (Critical Areas) and KCC 14.08 (Flood Damage Prevention).
6. Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this 30 day comment period and other information on file with our office, a SEPA Mitigated Determination of Non-Significance (MDNS) was issued by Kittitas County Community Development Services on February 10, 2006. The SEPA appeal period ends on February 24, 2006 at 5:00 p.m.
7. The subject property is fairly flat and was previously a hay farm. There currently is a pond, 3 wells and 4 septic tanks existing on the property. There currently at two homes, 2 barns, an RV Park and sheds also on the subject property. The surrounding area is composed of a mixture of uses which include residential, agriculture and fields. To the south of the property across SR-970 and to the east of the property is the Teanaway River, a shoreline of the state.
8. The zoning north of the subject parcels is Rural 3, to the east and west of the property is Agriculture-20 zoning and south of the property is Forest and Range zoning. The subject property is located approximately just over 1/2 a mile east of the recently approved Dantzler (File No. Z-05-11) and Hruby (File No. Z-05-17) Rezones.
9. An open record hearing was held by the Planning Commission on February 27, 2006 to consider this matter and testimony was taken from those persons who wished to be heard.
10. The Planning Commission finds that the proposed rezone to Rural-3 **is** consistent with the underlying Comprehensive Plan designation of Rural.
11. The Planning Commission finds that the proposed rezone **does** meet all seven criteria of Kittitas County Code 17.98.020(E) as outlined below:
  - a) *The proposed amendment is compatible with the comprehensive plan. The proposed rezone is compatible with the Comprehensive Plan.*
  - b) *The proposed amendment bears a substantial relation to the public health, safety or welfare*
  - c) *The proposed amendment has merit and value for Kittitas County or a sub-area of the county*
  - d) *The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property*
  - e) *The subject property is suitable for development in general conformance with zoning standards for the proposed zone*
  - f) *The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property. The subject property is next to Rural-3 zoning.*
  - g) *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties. There is no irrigation to the subject property.*
12. The Planning Commission finds that additional conditions **are not** necessary to protect the public's

interest.

13. Both adverse and supportive testimony was heard.

**F. Timothy Lane Plat (P-05-34)**

The Chair opened the hearing to the Timothy Lane Plat (P-05-34). Staff Planner Marco Rains presented his staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report.

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

**Trever Roletto**, 108 E. 2<sup>nd</sup>, Cle Elum, Washington, representing Encompass Engineering and Surveying and the applicant, spoke of the water availability and plans for a class B water system and submitted a water availability report as **Exhibit H**.

**Black** questioned the access and easements to the subject property.

**Randy Carbarry** clarified the road issues and stated that the road must meet county standards and codes. The current configuration of the road needs to be revised prior to final plat approval.

**The Chair opened the hearing to Public testimony.** No testimony was heard.

**The Chair opened the hearing to Planning Commission deliberation and motion.**

**Harris made a motion to pass the Timothy Lane Plat (P-05-34) forward to the Board of County Commissioners with a recommendation for approval. Clark seconded and the motion carried with a 4/0 poll of the board.**

**SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.

1. The Planning Commission finds that Encompass Engineering submitted a complete application on behalf of Lowry West, landowner, to the Community Development Services Department on November 2<sup>nd</sup>, 2005.
2. The Planning Commission also finds that said development application included a preliminary plat depicting the division of tax parcel 19-16-05030-0005 (0017) into 10 lots ranging from 3.00 acres to 4.11 acres each. The subject property is zoned Ag-3.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on December 28<sup>th</sup>, 2005. The Planning Commission finds further that said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law.
4. The Planning Commission finds that Community Development Services issued a Notice of Action pursuant to KCC 15A.04 and Chapter 43.21C RCW on January 20<sup>th</sup>, 2006. The Planning

Commission finds further that said notice solicited comments from jurisdictional agencies, parties of record and landowners within 300 feet of the subject properties as required by law. The SEPA MDNS addresses potential environmental impacts and all conditions must be met.

5. The Planning Commission finds that an open record hearing was held on February 27<sup>th</sup>, 2006, to consider this matter and that testimony was taken from those persons present who wished to be heard. The Planning Commission also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed subdivision.
6. The Planning Commission finds that additional conditions **are/are not** necessary to protect the public's interest as follows.
7. No adverse public testimony was heard
8. Drive way off the road shall meet the Kittitas County Road Standards.

**G. The Plat at Point Peoh (P-05-35)**

The Chair opened the hearing to the Plat at Point Peoh (P-05-35). Staff Planner Marco Rains presented his staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report.

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

**Dave Nelson**, 108 E. 2<sup>nd</sup>, Cle Elum, Washington, representing Encompass Engineering and Surveying stated that roads will be county standard, that he has submitted a hydrological report to the health department and that there will be restrictive covenants as part of the plat.

**Harris** questioned the water quantity. **Nelson** replied that for a class B system 7 to 8 gallons would be required. **Clark** questioned access and easements. Discussion ensued.

**The Chair opened the hearing to Public testimony.**

**Steven Puhich**, 440 Dunrage Ave, Cle Elum, Washington, adjoining land owner, concerned with the concentration of wells and the effect on the current wells in the area. He also questioned the county requirements for septic and drainage.

Rains replied with the specifics, discussion ensued.

**The Chair opened the hearing to Planning Commission deliberation and motion.**

**Clark made a motion to pass the Plat at Point Peoh (P-05-35) forward to the Board of County Commissioners with a recommendation for approval. Clark seconded and the motion carried with a 4/0 poll of the board.**

**SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING

ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.

1. The Planning Commission finds that David Nelson submitted a complete application on behalf of Point Peoh Investments LLC to the Community Development Services Department on November 17<sup>th</sup>, 2005.
2. The Planning Commission also finds that said development application included a preliminary plat depicting the division of one parcel into 7 lots ranging in size from 3.00 to 3.30 acres each. The property is located within the Ag-3 zoning district where three acres is the minimum lot size. The tax parcel involved is 20-15-34063-0003.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on January 9<sup>th</sup>, 2006. The Planning Commission finds further that said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law.
4. The Planning Commission finds that an open record hearing was held on February 27<sup>th</sup>, 2006 to consider this matter and that testimony was taken from those persons present who wished to be heard. The Planning Commission also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed subdivision.
5. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.
6. There was both adverse and supportive testimony heard.

#### H. The Ridge at Tillman Creek Preliminary Plat (P-05-37)

The Chair opened the hearing to the Plat at Point Peoh (P-05-35). Staff Planner II Joanna Valencia presented her staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report.

#### The Chair opened the hearing to Applicant presentation.

**Marc Kirkpatrick**, 108 E. 2<sup>nd</sup>, Cle Elum, Washington, representing Encompass Engineering and Surveying, commented on the access and the "entering sight distance" off west side road the requirements are being met while looking to the south. Looking to the north Kirkpatrick says it is not yet met, but could be with brush clearing etc.

**Black** asked if the brush clearing can be permanent. **Kirkpatrick** suggests continuous clearing as part of the maintenance agreement. **Clark** questioned the access road going through the lots. **Kirkpatrick** replied that the road is a creative solution to grade requirements.

**Jeff Haney**, Woodinville, Washington, representing M & H enterprises, spoke to the letters regarding the preservation of wildlife and concern over the significant brush clearing then gave a brief history of this subject property as a long time family owned property.

#### The Chair opened the hearing to Public testimony.

**Kerry Clark**, 2081 Westside Road, Cle Elum, Washington, adjacent land owner representing himself, expressed concerned with wildlife in the area but stated his main concern is the brush clearing and its effect on the localized creek and asked if signage could be considered an alternate to brush clearing.

**Carbary** suggested that signage may be an option for mitigation. **Kirkpatrick** stated they are willing to accept as a condition for plat approval that any clearing be coordinated with the Department of Fish and Wildlife.

**The Chair opened the hearing to Planning Commission deliberation and motion**

**Clark made a motion to pass the Ridge at Tillman Creek Preliminary Plat (P-05-37) forward to the Board of County Commissioners with a recommendation for approval. Perna seconded and the motion carried with a 4/0 poll of the board.**

### **SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.

1. The Planning Commission finds that Encompass Engineering, authorized agent for M&H Enterprises, landowner, submitted an application for a 14-lot plat on approximately 46.11 acres of land that is zoned Rural 3. This application was deemed complete by Kittitas County Community Development Services on January 24, 2006. The subject property is located west of Westside Road on Westside Road Cle Elum, WA 98922 comprising a portion of Section 04, T. 19N., R.15E., W.M. in Kittitas County. Tax parcel #19-15-04020-0002
2. The Planning Commission also finds that said development application included a preliminary plat depicting the division of one parcel into 14 lots ranging in size from 3.01 to 3.97 acres.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on January 26, 2006. The Planning Commission finds further that said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law.
4. The Planning Commission finds that pursuant to WAC 197-11-340(2) a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on February 10, 2006 and was mailed to jurisdictional government agencies, parties of record, and other interested parties. All mitigations of the SEPA MDNS shall be conditions of approval and are binding to said plat.
5. The Planning Commission finds an administrative site analysis was completed by the staff planner in compliance with Title 17A. There are moderate slopes on the subject property. Tillman Creek, Type 4 water runs on the eastern portion of the subject parcel. All future development will need to comply with KCC 17A (Critical Areas).
6. The Planning Commission finds that an open record hearing was held on February 27, 2006 and that testimony was taken from those persons present who wished to be heard. The Planning Commission also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed

subdivision.

7. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.
8. No adverse testimony was heard.
9. Condition for final plat approval that any clearing be done in coordination with the Department of Fish and Game.

**I. Anna Bell Creek Preliminary Plat (P-05-39)**

The Chair opened the hearing to the Anna Bell Creek Preliminary Plat (P-05-39). Staff Planner II Joanna Valencia presented her staff report by reading it into the record. Attached hereto and incorporated herein is a copy of that Staff Report. Valencia submitted **Exhibit I** Letter from Rodney Smoldon with Forest Service.

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

**Nathan Weiss**, applicant, gave a brief history of the subject property stating that the land has been heavily logged, has power, phone, cable that was put in with a utility easement. He acknowledged the Federal set back requirements mentioned in the letter (Exhibit I). Weiss indicated the intention to annex into Fire District 3.

**The Chair opened the hearing to Public testimony.** No public testimony was heard.

**The Chair opened the hearing to Planning Commission deliberation and motion.**

**Clark made a motion to pass the Anna Bell Creek Preliminary Plat (P-05-39) forward to the Board of County Commissioners with a recommendation for approval. Perna seconded and the motion carried with a 4/0 poll of the board.**

**SUGGESTED FINDINGS OF FACT**

THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.

1. The Planning Commission finds that Newport Hills Land Company Inc., landowner, submitted an application for a 14-lot plat on approximately 46.82 acres of land that is zoned Rural 3. This application was deemed complete by Kittitas County Community Development Services on January 23, 2006. The subject property is located east of Lake Cle Elum and Salmon La Sac Road comprising a portion of the NW 1/4 of Section 21, T. 21N., R 14E., W.M. in Kittitas County. Tax parcel #21-14-21000-0015.
2. The Planning Commission also finds that said development application included a preliminary plat depicting the division of one parcel into 14 lots ranging in size from 3.11 to 4.61 acres.
3. The Planning Commission finds that the Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on January 23, 2006. The Planning Commission



finds further that said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law.

4. The Planning Commission finds that pursuant to WAC 197-11-340(2) a SEPA Mitigated Determination of Non-Significance (MDNS) was issued on February 10, 2006 and was mailed to jurisdictional government agencies, parties of record, and other interested parties. All mitigations of the SEPA MDNS shall be conditions of approval and are binding to said plat.
5. The Planning Commission finds that an administrative site analysis was completed by the staff planner in compliance with Title 17A. There are moderate to steep slopes on the subject property. Portions of the subject property contain the 100-year floodplain, an L2USCH Wetland (Lacustrine Littoral Unknown Temporal Tidal Seasonal Permanent), and are within the shoreline of the state jurisdiction of Lake Cle Elum. All future development will need to comply with KCC 17A (Critical Areas), KCC 14.08 (Flood Damage Prevention) and the Shoreline Master Program for Kittitas County.
6. The Planning Commission finds that an open record hearing was held on February 27, 2006 and that testimony was taken from those persons present who wished to be heard. The Planning Commission also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed subdivision.
7. The Planning Commission finds that additional conditions **are not** necessary to protect the public's interest.
8. No adverse testimony was heard.
9. The conditions related to public roads are to be satisfactory to the Department of Public Works requirements.

The meeting was adjourned at 9:56 p.m. The next scheduled meeting is Tuesday, March 14, 2006.

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Susan Barret, Planning Commission Clerk