

**KITTITAS COUNTY
BOARD OF COMMISSIONERS
HOME ARTS BUILDING, KITTITAS COUNTY FAIRGROUNDS
SPECIAL MEETING**

TUESDAY

6:00 P.M.

OCTOBER 3, 2006

Board members present: Chairman David Bowen, Vice-Chairman Alan Crankovich & Commissioner Perry Huston.

Others: Julie Kjorsvik, Clerk of the Board; Darryl Piercy, Director of Community Development Services; Joanna Valencia, CDS Staff Planner; Scott Turnbull, CDS Staff Planner; and approximately 50 members of the public.

PUBLIC HEARING

2006 COMP. PLAN AMENDMENTS

CDS

CHAIRMAN BOWEN opened a special meeting at 6:00 p.m. to consider the 2006 docketed items for the annual Comprehensive Plan amendments. **DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES** explained that all testimony and information from the Planning Commission had been forwarded to the Board of County Commissioners and entered into the record. He acknowledged a letter dated October 3, 2006 received from Jeff Jones, General Manager from American Forest Resources, LLC, which was hand delivered to their office, withdrawing items 06-18 and 06-19 from the proposed amendments. **COMMISSIONER HUSON** noted they had asked to form a resource committee to review criteria for the designation and re-designation of commercial forest lands within the County, and not just in one area. **CHAD BALA, REPRESENTING THE APPLICANT** acknowledged their request to withdraw items 06-18 and 06-19.

OPEN SPACE/OPEN SPACE TAXATION DESIGNATION REQUESTS:

INWP - JOANNA VALENCIA, CDS STAFF PLANNER noted the Planning Commission recommended approval of the request. **THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

TODD ROSENBERG - MS. VALENCIA noted the Planning Commission recommended approval of the request. **THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION ON THIS ITEM WAS CLOSED.**

HUNTLEY FAMILY LTD PARTNERSHIP - MS. VALENCIA noted the Planning Commission recommended approval of the request. **THERE BEING NO**

ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION ON THIS ITEM WAS CLOSED.

TONY SCHUMACHER FROM (MARIE MONAHAN, SELLER) - MS. VALENCIA noted the Planning Commission recommended denial of the application, claiming it was unclear on the plans to subdivide the property. **TONY SCHUMACHER, REPRESENTING HIMSELF** said he was one-third owner of the property along with two other families. They intended on eventually subdividing the property into three pieces and each having one acre pulled out and other five put into Open-Open Space. He clarified the property is currently one parcel of 18-acres and they do anticipate subdividing it. **COMMISSIONER HUSTON** wanted to clarify that if an Open-Open Space application was approved, any future subdivision of the property is unrelated to the current discussion. **MR. SCHUMACHER** said he understood that it would be unrelated to any future requests. **THERE BEING NO PUBLIC REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

RON OLSON & STAN FLEMING TRUSTEE - MS. VALENCIA noted the Planning Commission recommended approval of the request. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

06-01 THOMAS & LYNNE MAHRE, LANDOWNERS - MAP AMENDMENT

MS. VALENCIA submitted a letter into the record dated October 2, 2006, from Mr. Thomas Mahre (**Exhibit 1**). The Board made declarations and there were no objections. She explained the proposal was for 53.7 acres from Commercial Agriculture to Rural designation. The Planning Commission recommended denial of the proposed amendment with a 3-2 vote based on the information submitted. The minority was the subject property doesn't meet the definition of Commercial Agricultural Land of Long Term Significance and isn't viable as such.

THOSE PRESENT & TESTIFYING: PAULA THOMPSON said the cumulative impacts needed to be addressed. **DAVID TAYLOR, REPRESENTING HIMSELF**, found it interesting that the Planning Commission voted against so many proposals, which would generate tax money for the County. He said the County needed to look at flexibility and the County must balance all 13 goals of the Growth Management Act, such as affordable housing. **TIM TROHIMOVICH, PLANNING DIRECTOR AND ATTORNEY FOR "FUTUREWISE"** submitted a CD and comments into the record (**Exhibit 2**). **JAN SHARAR REPRESENTING THE KITTITAS COUNTY CONSERVATION COALITION**

submitted a list of issues that need to be addressed by the County, including the need for appropriate criteria for designations (**Exhibit 3**). She reviewed reasons why she felt the Board should deny the following proposed amendments requesting removal of Commercial Agriculture designation for items 06-10, 06-05, 06-06, 06-09 and 06-17. She said a full review of the designation with criteria from the Growth Management Act is required. She said lines had been arbitrarily drawn in the past, and therefore does not include lands that meet current GMA criteria, therefore including improperly designated lands which do not meet the criteria. **DOUG KILGORE, REPRESENTING RIDGE** spoke in favor of the Planning Commissions recommendations and urged the Board to vote against the proposed amendment. **THOMAS MAHRE, APPLICANT** noted there was not a farmer on the Planning Commission and felt they should have representation on the commission. He said there comes a time when farmers need to retire, and he wanted to be able to get the best investment out of it. **PAT DENEEN** reviewed the amount of money that has gone into the County from Evergreen Valley. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

06-02 KEVIN KELLY, LANDOWNER - MAP AMENDMENT

The Board made declarations and there were no objections. **MS. VALENCIA** explained the proposed amendment was for a re-designation of approximately 320.7 acres from Commercial Forest to Rural and Forest & Range-20. The Planning Commission recommended denial of the application with a 3-2 vote based on the information submitted. The minority report reflected the subject property was not viable Commercial Forest property due to the closing of mills. **WAYNE NELSON, REPRESENTING THE APPLICANT** reviewed the site and characteristics of the proposal. He explained it was located within one mile within the City of Cle Elum's UGA and urged the Board to approve the request.

THOSE PRESENT & TESTIFYING: PAULA THOMPSON REPRESENTING KITTITAS COUNTY CONSERVATION COALITION noted the proposed application was directly south of land which is designated Commercial Forest. She said just because the land was harvested, does not mean its not viable Commercial Forest Lands, it would just take time to get it ready to harvest again. **DOUG KILGORE, REPRESENTING RIDGE** asked what the definition of "long-term" was. He urged the Board to follow the Planning Commissions recommendations and deny the request. **DAWN DOUGLAS, MEMBER OF THE KITTITAS COUNTY CONSERVATION COALITION** read written comments

into the record (**Exhibit 5**) which were written by Jan Sharar. She urged the Board to deny the request. **DAVID GERTH** said the property has been in Commercial Forest for a long time, and felt the Board had some difficult decisions to make. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

06-03 KEVIN GIBB - MAP AMENDMENT

The Board made disclosures and there were no objections. **DARRYL PIERCY** submitted a letter into the record, from the City of Kittitas Mayor Robert Cousart (**Exhibit 6**). The letter noted the City of Kittitas had updated their Comprehensive Plan and Development Regulations as required by GMA. The City felt by adding the areas to the Kittitas UGA would benefit the community for various reasons. He wanted the Board to be aware that the Planning Commission did not have the information in front of them at the time they reviewed the request. **MS. VALENCIA** explained the proposed amendment was for a re-designation of approximately 101 acres from Rural and Suburban-2 and Agriculture-20 to Kittitas UGA and Suburban. The Planning Commission voted to deny the request with a 5-0 vote, due to the lack of analysis needed from the City to support the docketed item. **KEVIN GIBB, APPLICANT** said the property is against the city limits and have received support from the City. He urged the Board to approve the request.

THOSE PRESENT & TESTIFYING: PAULA THOMPSON REPRESENTING KITTITAS COUNTY CONSERVATION COALITION asked that copies of the information from the City of Kittitas be made available for public review. **LINDA HUBER, REPRESENTING THE CITY OF KITTITAS COUNCIL** urged the Board to approve items 06-03 & 06-04. **DAVID TAYLOR** noted the meeting minutes and findings of fact show that there was adverse testimony given on the application during the Planning Commission hearings. **MR. TROHIMOVICH** asked the Board to not close the public record on items 06-03 & 06-04 to allow for the review of the new information. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

The Board noted they would leave the written comment period open until October 10, 2006 at 5:00 p.m. and noted the public testimony portion of the hearing was closed.

06-04 RONALD & DOUGLAS GIBB - MAP AMENDMENT

The Board made disclosures and there were no objections. **MS. VALENCIA** explained the proposed amendment was for a re-designation of 188.22 acres from Rural and Agriculture-20 to General Commercial Kittitas UGA and General Commercial. The Planning Commission voted to deny the request with a 5-0 vote, due to the lack of analysis needed from the City. She noted the letter received from the City of Kittitas in support of the request. **RONALD GIBB, APPLICANT** urged the Board to approve the request. He said the property is adjacent to I-90 and Main Street and felt it would benefit the community.

THOSE PRESENT & TESTIFYING: PAULA THOMPSON, REPRESENTING THE KITTITAS COUNTY COALITION reiterated their comments from the request from Kevin Gibb. **LINDA HUBER, REPRESENTING THE CITY OF KITTITAS** testified the Kittitas City Council fully supported the re-designation designation. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

The Board noted the written comment period would remain open until October 10, 2006 at 5:00 p.m. and noted the public testimony portion of the hearing was closed.

06-05 ART SINCLAIR - MAP AMENDMENT

The Board made declarations and there were no objections. **MS. VALENCIA** explained the proposed amendment was for a re-designation for approximately 65.68 acres from Commercial Agriculture and Commercial Agriculture-20 to Rural and Agriculture-5 zoning. The Planning Commission voted to deny the request with a 3-2 vote, noting the subject property does not meet the definition of Commercial Agriculture Lands of Long Term Significance and is not viable as such.

JEFF SLOTHOWER, ATTORNEY REPRESENTING THE APPLICANT submitted a letter and case law into the record (**Exhibit 7**). He reviewed Supreme Court case Lewis County vs. Western Washington Growth Management Hearings Board filed on August 10, 2006, and encouraged the Board to review those and approve the request for re-designation. He said there is evidence that the land in question is not commercially viable farm land. **COMMISSIONER HUSTON** questioned the Lewis County case as referenced by Mr.

Slothower and said the County's need to show their work and determine if the land as currently designated, essential to support the industry of the County, and from the County's Comprehensive Planning process, is it eligible for a higher and better designation? **MR. SLOTHOWER** said those issues had been raised and addressed by the Supreme Court. **MR. TROHIMOVICH** gave remarks on the Lewis County's case in Supreme Court and felt the long terms needs of the agricultural industry needs to have a careful review conducted. He supported the Planning Commissions recommendation. **PAULA THOMPSON, REPRESENTING KITTITAS COUNTY CONSERVATION COALITION** submitted a soils map into the record (**Exhibit 7**) and felt the property in question was prime agriculture land. **RON KUHN** said there is an irrigation canal that runs next to the property and said it is needed for farm land and felt it should remain its current designation. **DAWN DOUGLAS** recommended looking at the record and the reasons why the Planning Commission denied the request. **JAN SHARAR, REPRESENTING THE KITTITAS COUNTY CONSERVATION COALITION** asked that Mr. Slothower's letter and information be made available for the public's review. **DAVID GERTH** felt the application was another example of why the Board has a difficult decision to protect resource lands. **DOUG KILGORE, REPRESENTING RIDGE** asked how the County will dispose of farm lands in the long term. He said land use decisions can not be made on individual needs. **CHARLES WEIDENBACH** felt the application was a prime example of why a vision is needed for the County and thought there was good agriculture in the area. **DINA LUND** said there is a GPO that reflects the establishment of a growth advisory council to review and make decisions relating to agricultural lands. She encouraged that a council be established before any decisions are made. **ROGER WEAVER** questioned the viability of agriculture and felt the property was not viable for commercial agriculture. He addressed property rights of individuals. **JEN BOUVIA** supported the need for a vision of the County. **ROGER OLSON** testified on development rights and said he was surprised at the high amount of 3 and 5 acre pieces of property located in Kittitas County. **SHERI SINCLAIR** spoke in favor of the request. She said their farm has not been able to support itself, and both her and husband, have to work outside the home to keep it going. She said it was not viable agriculture land. **MR. SLOTHOWER** said he would like the opportunity to review the information provided by Futurewise. **THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER HUSTON suggested taking all the verbal testimony and set a deadline to accept additional written comments on all applications, rather than pick and choose. **COMMISSIONER**

CRANKOVICH said he would be more inclined to only leave the written comment open on new information presented by Mr. Slothower. **CHAIRMAN BOWEN** said he would like to keep the written record open on all applications. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

The Board recessed for 10 minutes at 8:30 p.m. The Board reconvened at 8:40 p.m.

06-06 BASIL SINCLAIR - MAP AMENDMENT

The Board made declarations and there were no objections. **MS. VALENCIA** explained the proposed amendment was for a re-designation of approximately 10.2 acres from Commercial Agriculture and Commercial Agriculture-20 to Rural and Agriculture-5 zoning. The Planning Commission voted to deny the application with a 3-2 vote, with a minority report stating the subject property does not meet the definition of Commercial Agriculture Land of Long Term Significance and isn't viable as such.

JEFF SLOTHOWER, ATTORNEY REPRESENTING THE APPLICANT submitted a letter into the record (**Exhibit 9**). He said the applicants did not request the property to be included in the Commercial Agriculture Lands of Long Term Commercial Significance and did not know how it got included back in the 1980's, or maybe prior. He said it was not economically viable to farm 10 acres and make a living at it.

THOSE PRESENT & TESTIFYING: **JAMES BOYLE** expressed concerns of water availability, once pieces of property are split up. **PAULA THOMPSON, REPRESENTING KITTITAS COUNTY CONSERVATION COALITION** felt the applicant may already be able to split their property into two lots. **JENN BOUVIA** commented on the amendment. **MARIA FISCHER** said she had just bought hay for her horses and felt it was a boost to the local economy and there were a lot of people in the area that support the hay industry. **MARGO CORDNER** spoke of the extreme costs to farm and most people can not make a living on it in the area anymore, due to the valley changing. **DAWN DOUGLAS** felt the County should do their studies prior to approving any future rezoning and land designations. **PAT DENEEN** gave history on the piece of property and supported the ability for the landowner to change his land. **ROGER OLSON** felt smaller farms will be bought up and people could not be expected to have

immunity to it. He said when the Board makes their decisions on land close to the Urban Growth Areas, there is a lot to take under consideration such as services. **CHARLES WEIDENBACH** agreed that raising hay on 10 acres would be difficult to make a living on, but reiterated that the County needs a long term plan. **DAVID TAYLOR** said the property was not put in Commercial Agriculture Land of Long Term Significance until 2002 because of a ruling. **LINDSAY OSBORN, REPRESENTING TERRA DESIGNWORKS** commented on the proposed amendment. **NATHAN WEIS** thought a transfer of development rights may be the right way to go and felt economics were driving the requests. He recommended approving the request. **ELLIE BELEW** commented on the most flexibility and the reasons why planning is needed. She said a committee was needed to review the areas such as the proposed amendment. **DOUG KILGORE REPRESENTING RIDGE** felt with the present zoning does not produce enough incentives for transfer of development rights. **ROGER WEAVER** said he sat on the original Ag-Board over 20 years ago and said the execution came down to a deadline that needed to be met to fit the quantities for the Growth Management Act. **JOHN JENSON SPEAKING ON BEHALF OF THE KITTITAS COUNTY CONSERVATION COALITION** said they were not against farmers selling their lands. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

06-07 ROBERT SUKERT - MAP AMENDMENT

The Board made declarations and there were no objections. **MS. VALENCIA** explained the proposed amendment was for a re-designation of approximately 1.01 acres from Rural and Suburban to Commercial and Limited Commercial Zoning. The Planning Commission voted to deny the request with a 5-0 vote, based on the information submitted.

DAVID TAYLOR, REPRESENTING THE APPLICANT explained the surrounding area is mixed residential and commercial use. He said neither the City of Cle Elum, or Roslyn want it in their UGA. He said the request is consistent with the County Comprehensive Plan and the County-Wide Planning Policies. He submitted a letter from Taylor Consulting Group (Exhibit 9) and urged the Board's approval. **DAVID GERTH** said the proposal is not allowed adjacent to the Master Planned Resort. **CORDY COOKE REPRESENTING THE ROSLYN CITY COUNCIL** said their Council opposed the request and urged the Board to do the same. **DOUG KILGORE REPRESENTING RIDGE** spoke of the conditions that were placed by the County when the Master Planned Resort was approved and urged the Board to deny the request. **MR. TAYLOR** said the Growth

Management Act does not preclude commercial use adjacent to MPR's. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

06-08 CITY OF KITTITAS - MAP AMENDMENT

The Board made disclosures and there were no objections. **MS. VALENCIA** explained the proposed amendment was for a re-designation of approximately 11.19 acres from Rural and Agriculture-20 to Kittitas UGA Industrial and Industrial-Kittitas zoning. The Planning Commission voted to approve the request with a 5-0 vote based on the information submitted.

THOSE PRESENT & TESTIFYING: ELLIE BELEW, REPRESENTING RIDGE, spoke in favor of the request. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

06-09 BRIAN GRAYBILL - MAP AMENDMENT

The Board made declarations and there were no objections. **MS. VALENCIA** explained the proposed amendment was for a re-designation of approximately 35.80 acres from Commercial Agriculture and Commercial Agriculture-20 to Rural and Agriculture-3 zoning. The Planning Commission recommended denial of the request with a 5-0 vote based on the information submitted.

DAVID TAYLOR, REPRESENTING THE APPLICANT asked the Board to review the map that had been provided by staff, noting the land located to the north and south is designated Rural. He reviewed the history of other land developments in the area as well. He felt the Planning Commissions findings of fact were inadequate and did not address criteria. He requested that the Board approve the proposed amendment. **PAULA THOMPSON, REPRESENTING THE KITTITAS COUNTY CONSERVATION COALITION,** spoke against the proposed amendment. **ROGER OLSON** reviewed the definition of the Growth Management Act and said it is part of the Commissioners job to balance the goals, policies and objectives. **MR. TAYLOR** addressed senior and junior water rights and takings. He asked the Board to look at how the Comprehensive Plan addresses density. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

The Board recessed for 10 minutes at 9:50 p.m. The Board reconvened at 10:00 p.m.

06-10 RIDGE and OTHERS - TEXT AMENDMENT

The Board made declarations and there were no objections. **MS. VALENCIA** explained the proposed text amendments were to the Kittitas County Comprehensive Plan. The Planning Commission voted to deny the request with a 5-0 vote, based on the information submitted. They felt the application should be addressed as part of the Comprehensive Plan update.

DOUG KILGORE, REPRESENTING RIDGE explained the proposed amendments were supported by the Kittitas County Conservation Coalition, the City of Roslyn and the Kittitas Audubon Society. He said they reviewed the entire plan and their recommendations were to make the County a better place. They found areas that did not comply with the law and were inconsistent. He said their proposals were policy amendments and not site specific.

THOSE PRESENT & TESTIFYING: MR. TROHIMOVICH, PLANNING DIRECTOR AND ATTORNEY FOR FUTUREWISE felt there were several provisions located within the Comprehensive Plan that does not comply with the Growth Management Act. He said the County needed to address the size of Urban Growth Areas and conduct market studies. He felt the Urban Growth Nodes need to be reviewed as well. **CORDY COOKE REPRESENTING THE ROSLYN CITY COUNCIL** said they supported the proposed text amendments. The City Council felt a ground water analysis was critical and they are interested in a sub-area plan for the City of Roslyn. Another concern they raised related to affordable housing. **MARGARET CONDIT** supported the proposed text amendments. She felt they were well written and extremely needed for the County. **BEVERLY HECKERT** supported an overlay district as proposed. **COLLIN CONDIT** supported the proposed text amendments. He voiced concerns relating to sprawl within the County. **DINA LUND** submitted a letter into the record (**Exhibit 11**). She addressed public safety issues and felt the County should require developers to put in adequate fire hydrants. She expressed concerns with the Upper County and the lack of a water study. **TOM WHITAKER** felt the best soil is located around the cities. He felt the Board had difficult decisions in front of them. **ELLIE BELEW** pointed out their process in writing the proposed amendments. They wanted predictability and an element of fairness. She felt a water survey is needed in the Upper County. **JENN BUVIA** expressed support of the proposed text amendments. She said they were not

meant to stop growth, but to plan for the future. She voiced concerns for wildlife corridors, pollution, and the need for affordable housing. **ANNE WATANABE** felt the intentions of the group that proposed the text amendments were generally good, but expressed concerns with the language. She felt a lot of the language related to takings for public use. **DAWN DOUGLAS** urged the Board to look closely at the proposed amendments. **JAMES BOYLE** expressed his support of the proposed text amendments relating to the Urban Growth Nodes. **PAULA THOMPSON, REPRESENTING THE KITTITAS COUNTY CONSERVATION COALITION** commented on the Urban Growth Node portion of the text amendments. She said none of the GPO's are mandates, but rather they encourage the County to keep their mind open when proposals are made. **PAT DENEEN** said he has reviewed the proposed language and felt the document should be looked at during the 10-year Comprehensive Plan update rather than as a docketed item. **DOUG KILGORE** clarified some of the issues that were brought up relating to public access and takings. **THERE BEING NO OTHER PUBLIC REQUESTING TO TESTIFY, THE BOARD CLOSED THIS PORTION OF THE HEARING.**

CHAIRMAN BOWEN ruled to leave the written record open until October 10, 2006 at 5:00 p.m. on all the items.

COMMISSIONER CRANKOVICH moved to continue the public hearing to Wednesday October 4, 2006 at 6:00 p.m. in the Home Arts Building, Kittitas County Fairgrounds/Event Center.

COMMISSIONER HUSTON seconded. Motion carried 3-0.

The meeting was adjourned at 11:03 p.m.

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Julie A. Kjorsvik

David B. Bowen, Chairman