

**COMMISSIONERS MINUTES
KITTTAS COUNTY, WASHINGTON
SPECIAL MEETING
KITTTAS COUNTY FAIRGROUNDS/EVENT CENTER
TEANAWAY HALL/HOME ARTS BUILDING**

MONDAY

6:00 P.M.

FEBRUARY 4, 2008

Board members present: Chairman Mark McClain; Vice-Chairman Alan Crankovich, Commissioner David Bowen.

Others: Julie Kjorsvik, Clerk of the Board; Joanna Valencia, CDS Staff Planner; Darryl Piercy, Director of Community Development Services; Allison Kimball, Assistant Director of Community Development Services and approximately 40 members of the public.

PUBLIC HEARING

EWGHB ORDER

CDS

At approximately 6:00 p.m. **CHAIRMAN McCLAIN** opened the public hearing to consider the Eastern Washington Growth Hearings Board's (EWGHB) Final Decision and Order finding that Kittitas County's Comprehensive Plan as amended and updated through Ordinance 2006-63 does not comply with the Washington State Growth Management Act (GMA). He reviewed the hearing procedures and time limits for testimony.

DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES

presented an overview of issues #1 - #14 as outlined in a memo dated January 23, 2008 referencing the Eastern Washington Growth Hearings Board Order Compliance (Case No. 07-1-0004c) and Kittitas County staffs' response and recommendations to come into compliance with the order. He noted that Issues #8 & #9 were not addressed in the document because they were appealed and the Boards decisions were upheld.

THOSE PRESENT & TESTIFYING: HERMAN GENTRY said he was a certified soil scientist and soil classifier, and questioned the land use and zoning map. He did not feel the area near Kittitas should have a Commercial Agriculture designation. He said there are other prime areas not included in Commercial Agriculture and felt those should have a land evaluation and site assessment done. **VAL BARSCHAW** felt the draft recommendations submitted by staff were alarming and lacked a substantive appreciation for the law, fairness and the citizen advisory groups. She submitted information including Superior Court Appeal Swinomish Indian Tribal versus W. Washington Growth Management Hearings Board. **CHAD BALA, REPRESENTING TERRA DESIGN GROUP, INC.** supported the position of the Land Use Advisory Committee and their submitted comments on the proposed changes. He felt the Board should request an extension from the Growth Hearings Board such as what had occurred back in 1994 when the critical areas was appealed and Kittitas County requested numerous extensions that were granted. He also reviewed proposed zoning designations; Performance Based Cluster Platting; Planned Unit Development Zone; and Urban Growth Nodes. **ROGER OLSEN** representing himself felt the rural conservation zone was better to not have any cluster platting and there should be no residential clustering in Ag-20 areas because accessory dwelling units are more than adequate. He felt PUD's should not be allowed outside of Urban Growth Areas and that all cluster plats should put limits on the number of homes per cluster and be used sparingly. He thought rezones should be part of the annual docketing process and there should be no exception because a specific development application is with the rezone. **CATHERINE CLERF**

representing herself, noted she was also on the Land Use Advisory Committee and felt the County should ask for an extension from the Hearings Board for at least another 10-12 weeks because the committee is close to many issues being resolved. **JEFF JONES** representing the Forest Lands Advisory Committee said the collective concerns on the staff proposal were from all the committee members. He reviewed their major concerns relating to Issue #3 and the list of criteria for de-designation; stating it should only be used on a case by case basis. He spoke to the issue of de-designation out of Commercial Forest Lands and said it was not supported by the committee and there should be a one year review process. He thought applications for de-designation should be reviewed by their committee and the Land Use Advisory committee for recommendations to forward on to the Planning Commission and Commissioners. He asked the Board to wait on making their decision until after they receive their committee's final recommendations which should be within 7-10 days relating to the designation process. **URBAN EBERHART** submitted a memo on behalf of the Agricultural Lands Advisory Committee's recommendations. He said their priority has been given to designation and de-designation of Agriculture Lands of Long Term Commercial Significance. He referenced a recent decision in Swinomish Indian Tribal County v. Western Washington Growth Management Hearings Board No. 7633-9-2007, WL 2683150 (2007), providing clear guidance to local governments across the state that they may balance the numerous goals of the GMA and have broad discretion in developing regulations tailored to local circumstances. **KAREN POULSEN** representing herself, while noting she was a member of the Ag-committee, referenced Issue #3 regarding designation and de-designation of Commercial Agriculture. She reviewed the history of the Growth Management Act and her involvement for the past 15 years. She explained commercial means "making a profit". She said most people did not ask to be designated as Commercial Agriculture, stating it was simply a line drawn on a map, and there were promises made at the time that there would be benefits for being designated as such. She expressed her support of the Ag committee's recommendations. **DAVID BLANCHARD** representing Sapphire Skies requested additional time relating to the changes to cluster platting. **SEAN NORTHUP** felt a stay would allow the County to take their time to review the committee's recommendations. He felt time should be spent on not only looking at those issues being appealed but something even larger and should have additional participation from the public, staff, etc. **JILL ARANGO** Chairman of the Land Use Advisory Committee said the committee members have already spent hundreds of hours reviewing information and asked the Board to request additional time to complete their review. She said staff recommendations do not represent the committee's views, noting they received the information on January 29, 2008. **JAN SHARAR** referenced a letter submitted by the Kittitas County Coalition, RIDGE and Futurewise. She said they have not had adequate time to review the documents submitted by staff and asked the Board to allow them additional time to look those over. She said they would support a 75 day extension, along with a 3 week notice of a public hearing, with all reference materials being available for review at that time. **DAVID WITWILL** representing the Central Washington Home Builders Association submitted a letter into the record and urged the Board to reconsider and request an extension of time to further develop its compliance with the Hearings Board's Final Decision and Order of August 20, 2007. They did not believe there was enough time for adequate opportunity to review staff's recommendation.

The Board recessed at 7:35 p.m. for five minutes.

The Board reconvened at 7:42 p.m.

JERRY MARTEN urged the Board to continue to allow for 3 acre zoning. He asked the Board to support the stay of the Cluster Platting and said it was developed with public and staff input and addresses buffers, traffic, water and various other issues.

MR. PIERCY said they are supportive of additional time for review if the Board wanted to request an extension. **NEIL CAULKINS, DEPUTY PROSECUTOR** explained the likelihood of an extension, stating that under the statute, if both sides of litigation agree to an extension, there is the possibility of it being granted. He offered to put together a stipulation for an extension of the compliance period and route it to all parties for their signatures and would suffice to the Hearings Board.

COMMISSIONER BOWEN felt most of the testimony received was consist that the Board should request an extension of time and to allow the advisory committee's review to be complete and submit their recommendations, as well as additional time for public review of those documents. **COMMISSIONER CRANKOVICH** recognized staff was trying to comply with the timelines and there are things that may not be palatable to many, but their efforts should not be diminished. He explained they had charged the committees with work and they should be allowed to be given appropriate time for their full review and recommendations. **MR. PIERCY** suggested continuing the hearing to February 13th to see if a Stipulation has been agreed to and an extension of time has been granted by the Hearings Board. He suggested an extension of time for a minimum of 75 days to allow the committees to complete their review and submit their recommendation.

COMMISSIONER BOWEN moved to direct staff to request an extension of time of a minimum of 75 days to come into compliance to allow the committees to complete their work and submit their recommendations to the Board. **COMMISSIONER CRANKOVICH** seconded. Motion carried 3-0.

COMMISSIONER CRANKOVICH moved to continue the public hearing to February 13, 2008 at 6:00 p.m. to receive an update of their request for an extension of time from the Hearings Board, noting the record would remain open to written comment until 12:00 p.m. on February 8, 2008. **COMMISSIONER BOWEN** seconded. The Board indicated that if an extension of time is granted, the oral testimony would be reopened. Motion carried 3-0

Meeting adjourned at 8:00 p.m.

**KITTITAS COUNTY, WASHINGTON
BOARD OF COMMISSIONERS**

ATTEST:

Julie A. Kjorsvik, Clerk of the Board

Mark McClain, Chairman

**EXHIBITS
FEBRUARY 4, 2008**

Exhibit #	Document	Submitted by	Date
1	Letter to BOCC/PDS	Roger Olsen	02/04/08
2	Letter to BOCC	American Forest Land Company, LLC – Jeff Jones	02/04/07
3	Letter dated 2/1/08 & CD from Futurewise	Tim Trohimovich, AICP, Planning Director – Futurewise	02/04/08
4	Letter dated 2/4/08 from Kittitas County Conservation, Futurewise & RIDGE	Doug Kilgore (RIDGE) Tim Trohimovich, Futurewise	02/04/08
5	Issues #1-#14 dated January 23, 2008 from the Community Development Services	Kittitas County Community Development Services	01/23/08
6	EWGHB Compliance Draft – Performance Based Cluster Platting	Kittitas County Community Development Services	01/18/08
7	EWGHB Compliance Draft – Zoning	Kittitas County Community Development Services	01/08/08
8	EWGHB Compliance Draft – Executive Statement	Kittitas County Community Development Services	01/18/08
9	Map – Kittitas County Proposed Land Use	Herman Gentry	02/04/08
10	Letter & Supreme Court Information Sheet Swinomish Indian Tribal v. WWGMHB	Val Barschaw	02/04/08
11	Letter from Chad Bala, Terra Design Group, Inc.	Chad Bala	02/04/08
12	Letter from the Agriculture Lands Advisory Committee	Urban Eberhart	02/01/08
13	Letter & attachments from Kittitas County Conservation, Futurewise & RIDGE	Jan Sharar	02/04/08
14	Letter & attachments from Central Washington Home Builders Association	David Whitwill	02/04/08
15	Letter from Jeff Jones on behalf of the Forest Lands Advisory Committee	Jeff Jones	02/04/08
16	Sign In Sheet for Public Hearing of February 4, 2008	Julie Kjorsvik, Clerk of the Board	02/04/08