

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

**TUESDAY**

**2:00 P.M.**

**APRIL 1, 2008**

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

Others: Mandy Robinson, Deputy Clerk of the Board; Scott Turnbull, CDS Staff Planner; Mackenzie Moynihan, CDS Staff Planner; Darryl Piercy, Director of Community Development Services; Steve Lathrop, Attorney for High Valley Ranchettes Plat applicant; Art Slobaken, Development Manager plating & infrastructure; and four members of the public.

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**PUBLIC HEARING**

**HIGH VALLEY RANCHETTES PLAT**

**CDS**

At approximately 2:00 p.m. **CHAIRMAN McCLAIN** opened a continued public hearing from March 18, 2008 to consider the High Valley Ranchettes Plat Amendment (P-07-57).

**DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES** reviewed a staff report into the record he noted that the record was re-opened. He stated that Steven Lathrop, authorized agent for D & H Ranch, Inc., and L&D Land Corporation, landowners, has submitted a request for a plat alteration proposing an amendment to clear the property from the following condition, as contained in the original approval recorded June 7, 2006 (AFN 200606070015) "The final plat approval is subject to no further division of platted parcels one through twenty-four." The proposed amendment is to allow the landowner's use of the one-time split provision allowed by Kittitas County Code (KCC 17.29.040) for parcels one through twenty-four.

The High Valley Ranchettes development is located west of Cove Road, north of Weaver Road, south of Robinson Canyon Road, Ellensburg, WA 98926, and located in a portion of Section 36, T18N, R17E, WM, in Kittitas County.

The subject parcels are currently zoned Ag-20 and the Comprehensive Plan land use designation is Rural.

The proposal is an amendment to a recorded plat to the area as shown and described as High Valley Ranchettes on the final plat recorded June 7, 2006 (AFN 200606070015) and therefore is being processed pursuant to RCW 58.17.215.

He stated that this application has been determined exempt from SEPA.

He reviewed the history of this Plat and stated that originally an open record public hearing was held on December 18, 2007 at 4:00 p.m. to consider the project and was continued to February 19, 2008 for Board decision and at that point the record was closed. The Board continued the public hearing again to March 18, 2008 with the intent of re-opening the public testimony portion of the record.

**STEVE LATHROP** for the applicant thanked the Board for opening the record. He stated he wanted to be careful of reiterating all of the previous information to the Board regarding the Plat Alteration request and acknowledged that the Board was up against a time frame. He stated that the 485.2 acre parcel was presented for a long plat, at that time it was done as a onetime split. Mr. Lathrop stated it is clear that there wasn't to be anymore splits. However there is nothing in the records that makes it illegal, he said it's zoned for it & its SEPA exempt and covenants were prepared & filed at that time. Mr. Lathrop provided a map from the County Assessors page of the parcel location. He stated lot #6 & lot #7 are what were being proposed to be aggregated. He stated the Resolution number 2004-18 states no more splits and they can't figure out why it says that but in their view the plat becomes the law of the land once it's recorded.

**COMMISSIONER BOWEN** asked if staff felt one way or the other on what was the best way to change the plat if that is the direction the Board decides to go.

**DARRYL PIERCY** stated that it is their belief and suggestion to draft a resolution that addresses the specifics as well as the Boards concerns and then provide it at a future Agenda for consideration and approval. He also stated that it requires a plat amendment/alteration if the Board moved to amend the original resolution. He stated that the feedback from Public Works would need to be addressed and corrected at the end of Silverton Road, as well as the language stating the ten acre minimum and the change in covenants. If the Board denies the request then it takes away from the short plats and the applicants would have to start fresh. He stated that the Plat Amendment & Resolution process is there because things change.

**COMMISSIONER BOWEN** questioned if only lots 6 & 7 were where the change in circumstances took place.

**STEVE LATHROP** stated yes.

**COMMISSIONER BOWEN** stated that Silverton Road was recently adopted onto the County Road System but questioned whether there were stipulations or not.

**STEVE LATHROP** stated that there were stipulations and that the stipulations were in regards to the width of the road. He stated at the time it was done that way for documentation purposes.

**THERE BEING NO ONE REQUESTING TO TESTIFY THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**CHAIRMAN McCLAIN** questioned how one time splits will play out in the future with Eastern Washington Growth Management Hearings Board rulings.

**DARRYL PIERCY** stated the one time split isn't affected by the hearings board decision. He stated that we routinely allow the one time split.

**CHAIRMAN McCLAIN** questioned how this may affect previous decisions made.

**DARRYL PIERCY** stated that SEPA was applied to all short plats.

**COMMISSIONER BOWEN** asked for clarification on how he has interpreted this Plat. He stated his understanding was that this was a five hundred & thirty two acre parcel that was divided up into 20 parcels and then seventeen of them had the one time split applied at that time. He questioned how that works.

**DARRYL PIERCY** stated it hasn't gone through the analysis yet so they suspect once it has been gone through they will find more.

**COMMISSIONER CRANKOVICH** stated he had taken the time to listen to the record in its entirety from the first time this plat came through and he only heard once the one time split reference. Commissioner Crankovich stated he was struggling with the property available to a one time split, and expressed his confusion of how it ever got to that, but stated ultimately that's what's stated in the record.

**COMMISSIONER BOWEN** expressed his understanding for a request for the Plat Amendment. He stated if it has to be made then it has to be made, changes in circumstances happen.

**CHAIRMAN McCLAIN** asked what the steps are to do a plat amendment.

**DARRYL PIERCY** stated he refers to the steps laid out in RCW. He said that even though the resolution is the only thing with hard language, the only thing the applicant is responsible for is presenting the request that is the only standard they are required to do. He said if it affects covenants then you need one hundred percent threshold agreements on the surface and it has to be brought to County code.

**COMMISSIONER BOWEN** reviewed the proposed change what they are calling a "change in circumstance" and asked for clarification from Mr. Lathrop. Mr. Lathrop stated he had some thoughts and as Director Piercy felt it wasn't as if the applicant had opposed the fact that covenants may be put on the plat, but at this point it's a "shoulda, woulda, coulda situation", the record shows no adverse comments and no SEPA issues or comments. Mr. Lathrop felt that case law is loud and clear that the Plat is the law of the land, and Resolutions are not.

**COMMISSIONER BOWEN** asked if we move the language out of Resolution & alter the Plat and the hearings board ruling ends up effecting one time splits, will that be an issue, and if so what kind of impacts etc.. will it cause.

**COMMISSIONER CRANKOVICH** questioned if the conditions are removed how will future applicants be treated. Director Piercy stated that future applicants will be reviewed and held up to the standards of County Code.

**CHAIRMAN McCLAIN** expressed his concern with the restraints on property, and he reviewed what normal restraints are on plats. He stated that this day in age this would have been approved and Mr. Duncan wouldn't be going through this process again.

**COMMISSIONER BOWEN** felt the same he felt that we have a processes and Mr. Duncan has been through the process.

**COMMISSIONER BOWEN** moved to approve the proposed plat alteration and directed staff to prepare enabling documents for the April 15, 2008 Agenda. **COMMISSIONER CRANKOVICH** seconded. Motion carried 3-0.

**COMMISSIONER CRANKOVICH** expressed his concern and stated he does have reservations but will move forward.

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**PUBLIC HEARING                      DEVELOPMENT AGREEMENT-SUNCADIA                      CDS**

At approximately 3:05 p.m. **CHAIRMAN McCLAIN** opened a continued public hearing to consider proposed modifications to the Development Agreement, including Conditions of Approval associate with the Suncadia Master Planned Resort FKA Mountain Star Resort.

**DARRYL PIERCY** reviewed a staff report as well as what he had compiled from the Commissioners as concerns of theirs regarding the Agreement. He stated that Kittitas County and Trendwest Resorts Inc. and Trendwest Investments Inc. (Trendwest), now known as Suncadia LLC, did on October 10, 2000, enter into a Development Agreement relating to the Development commonly known as Mountain Star Master Planned Resort and now known as "Suncadia". The Development agreement included conditions of approval for the MRP and other design elements that there would be a need to revisit elements of the agreement due to changes community and development needs over time. Staff has been working with representatives of Suncadia to undertake a comprehensive review of the Development Agreement as was envisioned within the original document. This represents the first comprehensive review of the Development Agreement to date. He stated the review has resulted in a number of proposed modifications to reflect the current conditions within the MRP and to recognize those elements which may need updating. He stated the proposed modifications have been reviewed with a variety of stakeholders including the Cities of Cle Elum, Roslyn, and South Cle Elum. On March 18, 2008, the Board of County Commissioners continued the hearing to April 1, 2008 with the record open. He stated that staff is prepared to address any of the Board's concerns that were outlined; and that in the future, staff will continue to make recommendations of changes and the Board can at that time decide whether or not they want to make those changes.

There was discussion with staff over each of the Commissioners concerns with the agreement.

**THERE BEING NO ONE REQUESTING TO TESTIFY THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

**COMMISSIONER BOWEN** moved to continue the hearing to April 7, 2008 at 10:30 a.m. in the Commissioners Auditorium room #109, Ellensburg Washington 98926. **COMMISSIONER CRANKOVICH** seconded. Motion carried 3-0.

Meeting adjourned at 3:48 p.m.

**DEPUTY CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

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**Mandy Robinson**

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**Mark McClain, Chairman**