

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

TUESDAY

6:00 P.M.

MAY 6, 2008

Board members present: Chairman Mark McClain and Vice-Chairman Alan Crankovich.

Others: Julie Kjorsvik, Clerk of the Board; Scott Turnbull, CDS Staff Planner; Allison Kimball, Assistant Director of Community Development Services; Darryl Piercy, 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 which had been tabled 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 do not comply with the Washington State Growth Management Act (GMA). He reviewed the hearing procedures and said testimony would be limited to five minutes per person.

DARRYL PIERCY, DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES reviewed the history of the hearing and said in February staff had presented their recommendations and following testimony at the hearing, an 88 day extension was granted to allow the three committees to provide a recommendation on their assigned tasks. He said the Land Use Advisory committee made significant changes to the document. He said they received a comment from the Washington Homebuilders and an Order Granting a Stay in the Eastern Washington Growth Management Hearings Boards Final Decision and Order for Case 07-01-0015 relating to three-acre zoning.

THOSE PRESENT & TESTIFYING: ROGER OLSON felt Kittitas County is unique and local circumstances should be accounted for and is unlike counties on the west side. He said property sales tax is not providing enough for the growth that is currently going on and felt the county should be purchasing water rights for existing and future exempt wells. He felt the Comprehensive Plan was written by developers and thought they may eventually ask for tax breaks. **DALE KERSLAKE** said he was never notified of the public hearing. He was concerned with his acreage if the current proposal goes through and urged the Board to not downzone in Snoqualmie Public Utility District. **DAVID TAYLOR** representing several property owners, identified areas of concerns relating to mapping inconsistencies. He requested the Board to direct staff to prepare and disseminate documentation demonstrating economic values were given consideration and a detailed analysis which identifies potential economic impacts associated with compliance documents. He explained that a procedural error may have occurred in the proceedings because an analysis was not conducted. He reminded the Board that just because there are a good number of 3 acre lots available, they are not necessarily for sale. **ANDY SCHMIDT** said he agreed with the advisory committee and that the existing zoning should be left in place. He felt the zoning should be grandfathered in and was concerned of it being considered a "taking" by the county if it were changed. **JIM PLATT** said he owns acreage in the Snoqualmie Pass area and the land is not suitable for agriculture use and the seasons are too short.

He said rural zoning did not make sense to him. **PAULA THOMPSON** reviewed information relating to population allocations in rural lands. She felt there were inconsistencies in the general zoning maps and that mineral lands should be identified for the future. She addressed the Snoqualmie Pass area and felt removal of the sub-area plan is a failure to act, everyone in those areas are suffering because the rural land designation does not match. **CATHERINE CLERF** speaking for herself, noted she was a member of the Land Use Advisory committee. She said the county needs to come in to compliance with CTED and if they do not, ownership of the county may have to be given over to Olympia. She noted the county has solar, wind and coal resources available. **ROGER WEAVER** said he has received a large amount of phone calls from people who are concerned and confused as to what would happen to their 3-acre zoning. **MR. PIERCY** clarified the intent of the advisory committee's recommendation which would be to provide for a zoning map that does not down zone anyone in the county with the one exception to planned unit developments which was specifically addressed in the Hearings Boards Order in the Snoqualmie Pass Gold Creek Area. **URBAN EBERHART** speaking as President of the Farm Bureau urged the Board to not adopt the document without changes and corrections relating to the one time split in Commercial Ag zone and felt it should be a tool to keep more Ag lands viable. He requested additional time to further review the document. **DAVID WHITWIL, REPRESENTING THE CENTRAL WASHINGTON HOMEBUILDERS ASSOCIATION** explained their request of a judicial review and stay of the Hearings Board Final Decision and Order. He said they believe there are important and valid reasons not to undermine the appeal process, a specific resource provided to the County; the Growth Management Act allows counties to integrate local conditions and characteristics in their Comprehensive Plan; establish that land use planning is the responsibility of the County Commissioners and that they are permitted to exercise their judgment and the rationale of the Hearings Board applied in its decision with respect to the subdivision process laid out undermines the Memorandum of Agreement with the Department of Ecology. **MICHAEL DARLAND** felt the Land Use Advisory committee looked at the Snoqualmie Pass area as a cookie cutter approach and none of the Sno-Pac plan was considered which had been worked on for over eight years. **DAN BREWSTER** said he has worked in the Snoqualmie area for the past twenty-nine years and had worked on their subarea development plan. He felt there was much more work and study needing to be done. He recommended the County delay any change relating to land use or zones in the Snoqualmie Pass area. **WILLIAM SCHMIDT** felt the Board should not negate the status of the Ag-3 zones and they should be grandfathered in. **JILL ARRANGO** said she was the Chairman of the Land Use Advisory Committee, and read a letter into the record which had been submitted from the committee with their recommendations. She indicated the document is flexible enough for flexible growth. **JAN SHARAR** submitted comments and maps on behalf of the Kittitas County Conservation Coalition. **ANNE WATANABE** representing the Easton Ridge Land Company appreciated the changes made by staff but was not clear of the purpose of the hearing. She questioned why compliance is going forward when the County has appealed and suggested a decision be made by the Court of the Appeals. She said the posting of public notice has been lacking and encouraged the Board to take a step back and let the appeal process go forward without making a decision. **PAT DENEEN** suggested three modifications to the recommendations relating to bonus densities; one time splits; and the Urban Growth Nodes. He Appreciated the committees work and said it should be reviewed prior to Comp. Plan. **KAREN POULSEN** felt the document penalizes those who have owned the land the longest and urged the Board to continue to allow the Ag lands committee to have input. **MARGE BRANSGRUD** read a letter from October 2007 into the record a letter which outlined concerns with the future of lands in Kittitas County and deliberate with the GMA in mind. She indicated the airport zoning and safety zones have not been addressed in the document. **JERRY MARTINS** member of the land use advisory committee said he supported most information contained in the document, but

was concerned with pushing ahead with this now. He said give it a chance to see if the County was right in the first place and let it go through the process. He encouraged the Board to let it play out in Court and see if the County or Hearings Board were correct. He indicated the economic impact has not been addressed and encouraged the Board to slow down. He believes that Kittitas County has become a target. **THERE WAS NO ONE ELSE REQUESTING TO TESTIFY.**

CHAIRMAN McClain questioned the public notice as well as the drafts that had been available. **MR. PIERCY** said notice was published in the required legal notification published in the newspaper of record, and had sent it to an email subscription list that citizens can sign up for (several hundred are on that list) which were also provided the documents. There were hard copies or electronic copies available including on the County website. He addressed the Gold Creek PUD and outside the service areas in attempt to come into compliance with the Hearings Board Order regarding Urban Growth Nodes. He said because the proposal does not propose any down zoning, therefore a takings analysis does not need to be done. He said the underlying zones will not change, but procedural changes may need to be. He said the County has made a reasonable case that there is less than 5% of the County that is zoned 3 acres or less. The Mineral Lands of Long Term Commercial Significance are overlays and not a zoning district. He addressed the one time split and how they would continue to be allowed and should not change their ability to do so. **COMMISSIONER CRANKOVICH** questioned the pending Court case and what would happen if the Board took no action and did not meet the timelines. **MR. PIERCY** explained the Order from Hearings Board dealt with 14 issues, only a few issues related to the density issues regarding the Court action and the stays. He said they could recognize areas where the stays are but go forward with the other areas.

CHAIRMAN McClain felt Judge Coopers ruling was direct. **COMMISSIONER CRANKOVICH** agreed. **MR. PIERCY** said the cluster information has separate document and would be easy to take out of document. He said they could get an updated version online by 5:00 p.m. tomorrow and suggested the Board determine the written comment deadline for Monday May 12, 2008 at 12:00 p.m. to allow the public a chance to review.

COMMISSIONER CRANKOVICH moved to continue the public hearing to Monday May 12, 2008 at 6:00 p.m. at the Kittitas County Event Center in the Teanaway Room, with the written comment deadline Monday May 12, 1008 at 12:00 p.m. **CHAIRMAN McClain** seconded. Motion carried 2-0.

Meeting adjourned at 7:50 P.M.

**KITTITAS COUNTY, WASHINGTON
BOARD OF COMMISSIONERS**

ATTEST:

Julie A. Kjorsvik, Clerk of the Board

Mark McClain, Chairman

**EXHIBITS
MAY 6, 2008**

Exhibit #	Document	Submitted by	Date
1	5/6/08 Public Hearing Sign In Sheets	Julie Kjorsvik Clerk of the Board	5/6/08
2	Letter from Dale Kerslake	Dale Kerslake	5/6/08
3	Letter from David Whitwill, Central Washington Homebuilders Association	David Whitwill	5/6/08
4	Letter from Marge Brandsrud	Marge Brandsrud	5/6/08
5	Letter, SATC documents, Maps	Jan Sharar	5/6/08
6	Letter from Jill Arango, Chair of the Land Use Advisory Committee	Jill Arango	5/6/08
7	CD of testimony & comments from Michael Darland	Michael Darland	5/6/08
8	Letter from Central Washington Home Builders Association	David Whitwill	5/6/08
9	Memorandum dated May 5, 2008 from Andrew Cook, BIAW Legal Counsel	David Whitwill	5/6/08
10	CD SATC (Kittitas County Conservation Coalition), Map	Paula Thompson	5/6/08
11	Comments on Proposed Final Land Use Map dated 4/18/08	Paula Thompson	5/6/08
12	Comments on the Proposed Final Zoning Map dated 4/18/08	Paula Thompson	5/6/08
13	Letter from David Taylor, Taylor Consulting Group, 2008 Growth Management Act Compliance Documents	David Taylor	5/6/08
14	Letter from David Taylor, Taylor Consulting Group, 2008 Growth Management Act Compliance Documents – Mana Funding, et. al.	David Taylor	5/6/08
15	Letter from David Taylor, Taylor Consulting Group, 2008 Growth Management Act Compliance Documents – Robert Sukert	David Taylor	5/6/08
16	Letter from David Taylor, Taylor Consulting Group, 2008 Growth Management Act Compliance Documents – Ellensburg Cement Products/Hutchinson Properties	David Taylor	5/6/08