

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

TUESDAY

1:30 P.M.

NOVEMBER 25, 2008

Board members present: Chairman Mark McClain; Vice-Chairman Alan Crankovich. Absent-Commissioner Linda Huber.

Others: Mandy Robinson, Deputy Clerk of the Board; Zera Lowe, Deputy Prosecutor; Scott Turnbull, Staff Planner & nine members of the public.

PUBLIC HEARING EWGHB ORDER COMPLIANCE CASE NO.08-1-0010 CDS

At approximately 1:30 p.m., Chairman McClain opened a Public Hearing to consider issues raised in the Eastern Washington Growth Hearings Board (EWGHB) Order and Kittitas County's response to come into compliance with the order in Case No. 08-1-0010.

SCOTT TURNBULL, CDS STAFF PLANNER explained that his role would be to take the Commissioners through the items that were docketed for the 2007 Comprehensive plan. He indicated he had four items to submit into the record (exhibit's 3, 4, 5 & 7).

CHAIRMAN McCLAIN indicated that there were two other documents submitted into the record (exhibit's one and two).

SCOTT TURNBULL, CDS STAFF PLANNER gave a brief overview of the 2007 Comprehensive Plan Docketed item 07-01. He indicated that on June 19, 2007 Kittitas County Community Development Services received an application from Bruce Terrell, authorized agent for Ellensburg Cement Products, applicant and Frank Gregerich of Three Bar G Ranch Inc., landowner for a map amendment to designate approximately 80 acres from Rural to Mineral Lands of Long Term Commercial Significance, noting that the Assessor's map number was 19-16-25030-0001. He indicated that on August 18 & 24, 2007 a Notice of Public Hearing was published and on September 25 & 26, 2007 the Planning Commission Hearings were held on December 18, 2007 the Board of County Commissioners held a Public Hearing and it was continued to December 31, 2007 for enabling documents.

ZERA LOWE, DEPUTY PROSECUTOR reviewed the legal issues that needed to be discussed and addressed. She explained that the

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County needed to be in compliance by December 22, 2008. She reviewed what was found in the record that was in compliance by the Hearings Board and then reviewed what was not in the record that needed to be there to bring the County into compliance.

COMMISSIONER CRANKOVICH questioned the verbatim transcript from November 29, 2007. He indicated that the names were not correct and explained that he was actually the Chairman that year, not Commissioner McClain which was the way they listed it when they were listing who was speaking. He questioned whether that would be an issue for the record.

CHAIRMAN McCLAIN questioned whether the reference of a Mineral Lands Committee not being formed yet was any kind of an issue. He indicated that they just adopted the language but that the County has not yet formed the committee.

ZERA LOWE, DEPUTY PROSECUTOR indicated that it was not an issue since the language was adopted prior.

GREG McELROY, ATTORNEY REPRESENTING ELLENSBURG CEMENT PRODUCTS referenced the previous record and testimony given last year. He submitted documents to the record (exhibit #2) and reviewed them for the record. He explained that the Eastern Washington Growth Management Hearings Board (EWGMHB) accepted all criteria adopted by the Kittitas County Commissioners including the determination that the lands proposed for designation and not characterized by urban growth to the degree that would prohibit rural and natural resource uses. He reviewed what three requirements the EWGMHB indicated were necessary in their additional findings: 1.) the resource designated has "long term commercial significance." 2.) The Commissioners consider any new information from the Department of Natural Resources (DNR). 3.) The County Commissioners consider all 13 criteria in the guidance from Community Trade Economic Development (CTED). He indicated he also attached the State 13 criteria for the Commissioners reference. He stated that the EWGMHB could not tell from the record whether the County Commissioners heard evidence or considered the four criteria that are highlighted in yellow (on page 2 of exhibit #2).

He encouraged the Commissioners that if this is corrected, then spell it out for the Hearings Board as to why the decisions were made the way they were. He encouraged them to go through the State 13 criteria. He expressed his feelings on the EWGMHB and indicated that he felt they got it wrong. He suggested supplementing the criteria that the EWGMHB requested.

CHAIRMAN McCLAIN questioned the availability of utilities, the availability of water, etc.

COMMISSIONER CRANKOVICH indicated that the utilities are an allowed use so the benefit of it being of long-term non-significance is to be noted and considered.

MR. McELROY explained that this would be a permitted site allowing permitted use if designated long-term mineral use.

LENNY MORRISON, ENVIRONMENTAL/SAFETY MANAGER ECP submitted documents to the record (exhibit #1) and reviewed them for the record. He reviewed the struggles of finding mineral pits in the County. **JEFF HUTCHINSON, ECP** explained that the mine in discussion is a basalt mine, located in the Upper County. He explained that the sites are sand and gravel and currently the County does not have any other active sites that he is aware of, other than the one that will be depleted in the next ten years.

PUBLIC TESTIMONY (3 MINUTES):

ALAN BAKALIAN, ATTORNEY REPRESENTING JASON AND LAURIE MOE indicated that he would submit written comments later this afternoon. He explained his frustrations regarding County process. He reminded the Board that the EWGMHB remanded the docketed items back to staff. He referenced Commissioner Crankovich's (Chairman 2007) statements from last year "evidence is thin". He noted that the point in all this was that no environmental impact was done not even with DNR.

COMMISSIONER McCLAIN referenced the criteria that CTED follows pertaining to resource areas.

JAN SHARAR, 390 CATTAIL ROAD, ELLENSBURG WA. 98926 read into and submitted comments into the record (exhibit #6).

CATHERINE CLERF, 60 MOE ROAD, ELLENSBURG WA. 98926 explained that she was on the Land Use Advisory Committee (LUAC) and was comfortable speaking to the fact that there is indeed a shortage in the County of minerals pits. She stated that all mineral materials of long-term significance should remain in the County to assist the County with its future.

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

COMMISSIONER McCLAIN questioned **MS. LOWE**. She addressed the layout of what the EWGMHB is seeking in order to bring the County into compliance. She explained where the original ruling came from and explained that it was based on nine different criteria's. **COMMISSIONER McCLAIN** reviewed how the changes being proposed and how he feels that the County is coming into compliance. He referenced the 13 different criteria's that were presented by ECP. He explained that statewide there is a shortage of aggregate-mineral pits. He indicated that we need to protect the minerals for economic development and referenced comments received from DNR.

THE BOARD RECESSED AT 2:30 P.M. FOR TEN MINUTES.

THE BOARD RECONVENED AT 2:40 P.M.

COMMISSIONER McCLAIN referred to the Planning Commission's findings of fact that were provided during the Comp Plan hearings. **COMMISSIONER CRANKOVICH** reminded **COMMISSIONER McCLAIN** that the Planning Commission is strictly an advisory board and that there have been times in the past, and that the two Boards have disagreed on the recommendations brought forward. He explained that it was his interpretation that the dialogue being brought forward for consideration protects the area surrounding the proposed area. He explained that sometimes they run into instances where the knife will cut both ways, and that this time, they either lose housing or a pit which we are currently short on. **COMMISSIONER McCLAIN** questioned how far away Sunlight Waters was from the pit. **SCOTT TURNBULL** indicated it was not more than two miles and that there are a lot of irregular non-conforming lots. **MS. LOWE** expressed her approval with the changes the Board is making and feels they are adequate. She explained that they have currently in her opinion touched on all areas that were remanded back to the County. **COMMISSIONER McCLAIN** referenced the different types of physical attributes that can be found on the property.

ALAN BAKALIAN requested the record remain open to allow for additional comments be submitted into the record as well as allow for additional time to review the comments submitted. He explained that although the responses he has to submit may not change anything, but he feels the comments should be a part of the record and that the County should allow time to reply.

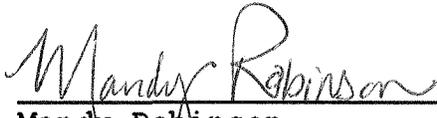
MR. TURNBULL noted that Map Amendments and Critical Areas are typically done with DNR on these types of Amendments.

COMMISSIONER McCLAIN indicated that he felt comfortable with making a decision today. **COMMISSIONER CRANKOVICH** questioned legal staff. He asked for their advice on if the County would be better off to wait for CDS and the Prosecutors office to review the submitted documents, prior to making any decisions.

COMMISSIONER McCLAIN moved to direct staff to prepare findings of fact and an Ordinance for the Board's consideration. **COMMISSIONER CRANKOVICH** seconded, noting that staff would need to have documents ready and available for consideration for the December 16, 2008 Agenda Session at 10:00 a.m. in the Commissioners Auditorium Room #109. Motion carried 2-0.

The meeting adjourned at 3:05 p.m.

DEPUTY CLERK OF THE BOARD



Mandy Robinson

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Mark McClain, Chairman

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