

**COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
KITITAS COUNTY EVENT CENTER
TEANAWAY HALL
SPECIAL MEETING**

WEDNESDAY

6:30 PM

DECEMBER 09, 2009

Board members present: Chairman Alan Crankovich, Vice-Chairman Paul Jewell and Commissioner Mark McClain.

Others: Catherine Dunn, Deputy Clerk of the Board; Kirk Holmes, Director of Public Works and Interim Director of Community Development Services; Jan Ollivier, Planning Manager, Christina Wollman, Planner, Department of Public Works; Dan Davis, Plans Examiner; Dan Valoff, Planner II, Community Development Services; Neil Caulkins, Deputy Prosecutor and approximately 44 persons representing the public.

SPECIAL MEETING

COMP PLAN ANNUAL AMENDMENT

CDS

At 6:30 p.m. **Chairman Alan Crankovich** opened the special meeting continued from December 8, 2009 to consider Planning Commission recommendations on the Comprehensive Plan Annual Amendment process. He introduced staff and stated that the Board would consider the Open Open Space applications first.

Jan Ollivier presented the following Open Open Space applications:

OS-09-01 - Wallace Ranch 2 LLC - 1050.79 acres, located in Sec 11,12,13, T 19, R16 WM. Planning Commission recommended approval.

OS-09-02 - John Plesha - 6.19 acres, Sec. 17, T. 20 R. 15 WM. Planning Commission recommended approval.

OS-09-03 - Barbara Young - 11.51 acres, Sec. 6, T 17, R. 19 WM. Planning Commission recommended approval.

OS-09-04 - Neil Leibly - 36.05 acres, Sec. 23, T 17, R. 18 WM. Planning Commission recommended approval.

No member of the public wished to testify. Chairman Crankovich closed the public testimony on this portion of the public hearing.

CP-09-01 - Community Wind Energy System

Frank Gregerich submitted an application for a text change to allow Community Wind Energy Systems consisting of one or more wind turbine generators with a collective output of less than five megawatts connected to the local utility grid in Residential through Liberty Historic zones. **Dan Davis**, Plans Examiner, gave the staff presentation and said while staff is not opposed to the concept, they would like to work on the wording of the text amendment and the process.

Public Testimony was opened by Chairman Crankovich.

Catherine Clerf, 60 Moe RD, Ellensburg, agent for Frank Gregerich read into the record a letter she submitted as an Exhibit containing 7 pages of supporting signatures.

Frank Gregerich, 3671 Thorp Highway S, Ellensburg, applicant spoke in support of the text amendment. He stated that he owns 3,000 acres for potential wind turbines and that wind power can be a revenue source for Kittitas County. He submitted a letter into the record.

Terry Meyer, PE, 1155 N State ST, Bellingham, said that the applicants are willing to double the setbacks from residences and property lines. He submitted information into the record.

Mel Dyk, 7901 Thorp Highway South, Thorp said that wind turbines are a better neighbor for a farmer than a residence as there are no dogs, kids or complaints. He said most farmers have areas they cannot farm because it is either at the corner of a circle or in a rocky area.

Paula Thompson, 551 Goodwin RD, Thorp said the Kittitas County Conservation Coalition actively supported the IPZ and wind, solar and renewable energy. They were disappointed by the Staff Report as they supported the application.

No one further wishing to speak, the public testimony portion of the hearing was closed.

CP-09-02 - City of Ellensburg Map Amendment

Dan Valoff said that this application by the City of Ellensburg was in the nature of a housekeeping measure to include smaller areas surrounded by and near the City of Ellensburg in their Comprehensive Plan. Those parcels affected are:

- 1) Bisected parcel: 17-18-13010-0003 and 17-18-13040-0004, Morris P. Sorensen, 1360 Berry Rd., Ellensburg
- 2) Irregular UGA boundary: 17-18-12040-0002, Larry S. Jordan, 2004 Bull Rd., Ellensburg
- 3) Non-UGA Island: 17-18-12012-0009, James D. Jr. Strickland, 120 Kittitas Hwy, Ellensburg
- 4) Parcels Bisected:
 - a) 17-19-06066-0001, 17-19-06066-0002, Linda Anne Picha & Lawrence Edward Sharpe, 101 N. Mt. Stuart Dr., Ellensburg
 - b) 17-19-06053-0001, 17-19-06053-0002, Linda A. Sharpe
 - c) 17-19-06053-0004, Jeffrey D. Newschwander, 105 N. Mt. Stuart Ave., Ellensburg
- 5) Parcels Bisected: 18-19-31010-0003 and 18-19-31010-0031, Alan M. Burke, Game Farm Rd., Ellensburg
- 6) Designated as Mineral Lands of Long-Term Commercial Significance: 18-18-28000-0044 and 18-18-28030-0011, Hutchinson Properties LLC, Hwy 97, Ellensburg

Dan Valoff said that the Planning Commission had recommended approval of the changes pending the County's re-designation and designation of the appropriate properties.

Public Testimony was opened by Chairman Crankovich.

Lance Bailey, City Planner, spoke in support of the amendments.

Jan Sharer, 390 Cattail RD offered a point of caution regarding the need for sufficient record to support these changes.

The public testimony was closed.

CP-09-03 Randy Jensen Map Amendment

Dan Valoff explained that Mr. Jensen wished to change the designation of his 2.73 acre property from Urban Residential to General Commercial. He said the Planning Commission had recommended approval.

Public Testimony was opened by Chairman Crankovich.

Paula Thompson 551 Goodwin RD, Thorp asked if this was a quasi-judicial or legislative action. She then asked where the appeal would be for these actions.

Neil Caulkins, Prosecuting Attorney's Office, replied that he didn't have an answer at this time.

The public testimony was closed.

CP-09-04 Kittitas County Community Development Services Text Amendment

Dan Davis, Plans Examiner explained the proposed text amendment as development standards for small, private wind turbines. The Planning Commission had sent it forward with no recommendation. **Vice-Chairman Jewell** asked if it was consistent with the City of Ellensburg's code. **Mr. Davis** said they weren't quite consistent.

Public Testimony was opened by Chairman Crankovich.

Jeff McCroskey, 28001 Vantage Highway, spoke in support of the wind farm language.

Paula Thompson, 551 Goodwin RD, Thorp, said the code was limiting and doesn't encourage renewable resources.

Terry Meyer, 1155 State ST, Bellingham, spoke with concern on the Wind farm language, stating that it does not address above 20 KW and 120 foot wind turbines.

Catherine Clerf, 60 Moe RD, said this language does not meet the needs of the utilities in the County, as well as the language in CP-09-01.

Del Knudson, 771 Watt Canyon RD, supports wind power and private property rights for ranchers and farmers.

Public Testimony was closed.

CP-09-05 Kittitas County Text Amendment transferring BOA duties to Hearing Examiner

Dan Valoff reported that the Planning Commission did not recommend approval of the change from Board of Adjustment to Hearing Examiner.

Public Testimony was opened by Chairman Crankovich.

Larry Fuller, 500 Hawk Haven RD, spoke in support of retaining the Board of Adjustment.

Catherine Clerf, 60 Moe RD, spoke in support of retaining the Board of Adjustment.

Paula Thompson, 551 Goodwin RD, Thorp, expressed concerns over the legal aspect of decisions. She said she felt people in the County would be more comfortable with the local Board.

The public testimony was closed.

CP-09-06 Kittitas County Commissioners Text Amendment allow "Shooting Ranges" in Commercial Ag zone

Neil Caulkins explained that the reason this was docketed was to provide for a shooting range for Law Enforcement personnel as well as others. The Planning Commission had recommended approval. He presented amended language. He said there was an exception in the code which allowed for Law Enforcement and Army uses. If that is removed from the code, it will make it more restrictive for those uses.

Public Testimony was opened by Chairman Crankovich.

Paula Thompson, 551 Goodwin RD, Thorp, said a firing range is not compatible with agriculture.

Ken Fyall, Haywood RD, said that he had a shooting range adjacent to his property. He said Cascade Field and Stream was shooting illegally. He asked the Board to look into that before doing anything else. He submitted comments.

Larry Fuller, Cascade Field and Stream said they were not allowing anyone who is not a member or guest to shoot on their land, as they have been assured that they, as owners of the land, can shoot upon it. They would like to hold tournaments and other events but they have not been able to get the permits.

Catherine Clerf, 60 Moe RD, said she appreciated Commissioner McClain's work on the shooting range for Law Enforcement personnel. She said she thought this could be a money maker for the County. She asked the Board to solve this problem.

The Public Testimony was closed.

CP-09-07 Kittitas County CDS Text Amendment regarding "Commercial activities" as a Conditional Use in Ag zones

Neil Caulkins presented an example of new language that would allow agriculture based business in the Agriculture zones to be close to their clients. He said that comments had been received suggesting the Growth Management Act protects Commercial Agriculture Land from commercial businesses. The Planning Commission recommended approval.

Public Testimony was opened by Chairman Crankovich.

Paula Thompson, 551 Goodwin RD, Thorp, said she hadn't seen the new language yet.

The public testimony was closed.

CP-09-08 Kittitas County and Cascade Land Conservancy - Transfer of Development Rights

Dan Valoff, explained the TDR program and noted that the Planning Commission recommended approval of the program.

Public Testimony was opened by Chairman Crankovich.

Skip Swenson, CLC read from his written testimony and noted that there has been a great deal of public review and participation. He said this is a fair and balanced program which respects property rights.

David Whitwill, Central Washington Home Builders, 211 Mt Hood Court said it's the changes to KCC 16.09 they do not agree with. He said they do not oppose the TDR program, but would like to hold off on changes to KCC 16.09 until the court case was over.

Fritz Glover, 2271 Payne RD said that as an agri-businessman, he has been pushing for incentive based ideas such as TDR's for 15 years. He said he was highly in favor of the TDR program.

JJ Collins, 90 Vinegar Bend RD spoke in support of TDR's.

Jim Huckabay, 1231 W University Way said he has worked for open space as a member of Cascade Land Conservancy Board of Directors. He said he supported TDR's.

Kathleen Sims, Plum Creek Timber Co. said TDR's can provide much needed opportunities for forest owners to maintain their timberland. She suggested 3 small changes in her letter to the Board.

Jill Arango, Cascade Land Conservancy, 409 N Pine, submitted a letter which she read into the record.

Paula Thompson, 551 Goodwin RD, Thorp, asked the Board to look at how broadly the County wanted the protection to be.

Catherine Clerf, 60 Moe RD, said that as a member of the Land Use Advisory Committee she had studied the TDR plan and said she felt to be truly market driven, the program had to be statewide.

Jim Armstrong, 1301 Thayer spoke in support of the TDR program.

John Ufkes, 361 Boston RD, said he had seen TDR's work in California and spoke about how rich they can make a community. He supported the program.

Charles Weidenbach, 3300 Nanum RD, spoke in support of the TDR program citing jobs, large amount of land not suitable for farming and other reasons.

The public testimony was closed.

CP-09-09 Brent Bottoms, Kittitas County Prosecutor's Office - Lawn and Garden Ordinance

Neil Caulkins explained that this ordinance was a response to the Department of Ecology moratorium on exempt wells. He said the Planning Commission had recommended denial of this item.

Public Testimony was opened by Chairman Crankovich.

David Whitwill, 211 Mt Hood CT said the Central Washington Home Builders objected to this ordinance but would support it if it was tied to the moratorium being lifted.

Jim Sanders, read a letter he submitted and said he would like to plat lawns and gardens and stop negotiating for water. He did not support the ordinance.

Paula Thompson, 551 Goodwin RD asked how a Kittitas Reclamation District user in Upper County could be restricted and not a user in the Lower County. She wondered where the authority was for the county to restrict surface water rights.

The Public Testimony was closed.

CP-09-10 Community Development Services Text Amendment regarding RV and Park Model Trailers

Neil Caulkins explained that a park model trailer can be a primary residence in mobile home parks, but outside a mobile home park they are not allowed. He said the Planning Commission recommended approval of the code as amended. He said this was a public safety issue and the Planning Commission had struck the temporary use.

Public Testimony was opened by Chairman Crankovich.

John Ufkes, 361 Boston RD, said he thought this change was a taking and said that some tweaking with the language would help. He submitted a letter with his thoughts.

The public testimony was closed.

CP-09-11 Kittitas County Commissioners Text Amendment - to provide for an extension of Preliminary Plats

Neil Caulkins said that the Planning Commission had recommended approval of this amendment. He said that a survey had been taken of neighboring counties to determine if other counties had extensions, and most of them had some sort of extension with a good faith effort shown by the developer. It remained to determine whether what length of time it would be and with what requirements. **Commissioner McClain** questioned how would it be determined a good faith effort? **Neil Caulkins** said it was considered a good faith effort when the developer was moving forward towards completion. **Commissioner McClain** asked if during an economic downturn, could the good faith be removed? **Mr. Caulkins** said that all jurisdictions have good faith provisions and finances don't negate good faith.

Public Testimony was opened by Chairman Crankovich.

Dave Whitwill, 211 Mt Hood CT, Central Washington Home Builders, submitted a letter from Bill Cowin requesting a one-time, 5 year extension because during the economic downturn, financing is hard to find. CWHB supports a longer time extension with a sunset clause.

Nathan Weis, 601 R&R Heights RD spoke in support of longer time extensions with the financing and water problems.

Chad Bala, TerraDesign Group, PO Box 686, Cle Elum spoke in support of the extensions.

The public testimony was closed.

Commissioner McClain moved to follow the Planning Commission recommendations and accept the Open Open Space applications as presented. **Vice-Chairman Jewell** seconded the motion. Motion carried, 3-0.

Commissioner McClain moved to continue the public hearing to December 15, 2009 at 2:00 p.m. in the Commissioners Auditorium for deliberations and findings of fact, noting the written record would stay open until Friday, December 11, 2009 at 5:00 p.m. **Vice-Chairman Jewell** seconded the motion. Motion carried, 3-0.

The meeting was adjourned at 8:50 p.m.

DEPUTY CLERK OF THE BOARD

Catherine Dunn

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Alan Crankovich, Chairman

