

**COMMISSIONERS' MINUTES
KITITITAS COUNTY, WASHINGTON
AUDITORIUM/WEBEX
SPECIAL MEETING**

TUESDAY

6:00 P.M.

NOVEMBER 29, 2022

Board members present: Chairman Laura Osiadacz; Vice-Chairman Cory Wright and Commissioner Brett Wachsmith.

Others: Julie Kjorsvik, Clerk of the Board; Mandy Buchholz, Office Administrator; Patti Stacey, Solid Waste Director/Interim Maintenance Director/Project Manager; Toni Berkshire, Code Enforcement; Dan Carlson, CDS Director; Kelly Bacon, Planner I; Chace Pederson, Planner I; Jeremiah Cromie, Planner II; Stephanie Hartung, Deputy Prosecutor; Mark Cook, Public Works Director (Webex); and approximately 35 members of the public in person and 17 on Webex.

PUBLIC HEARING

ANNUAL DOCKET

CDS

At 6:00 p.m. **CHAIRMAN OSIADACZ** opened a Public Hearing to consider the 2022 Kittitas County Annual Docket Amendments.

DOCKET ITEM 1: DAN CARLSON, CDS DIRECTOR, provided a Staff Report regarding Resolution No. 2022-013, which is for the Interlocal Agreement between Kittitas County and the City of Ellensburg's development in the Ellensburg Urban Growth Area (UGA). Staff found the request was consistent with the ILA and recommended approval. He said the Planning Commission voted to approve the item by a 5-0 vote. **CLAY WHITE, DIRECTOR OF PLANNING FOR LDC**, reviewed information on their presentation goals; the background and overview of the Interlocal Agreement; new code sections; and the next steps.

THOSE PRESENT & TESTIFYING: STEVE WILLARD provided testimony and said he had submitted written comments into the record. He noted the City has no minimum densities in their Code and there's other conflicts as well. He reviewed information about the extension of urban utilities as well. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC COMMENT PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER WACHSMITH moved to approve Docket Item 1, with all of Mr. Willards proposed amendments. **VICE-CHAIRMAN WRIGHT** seconded.

VICE-CHAIRMAN WRIGHT moved to amend the motion and to deny Mr. Willards comment #1 relating to the provisions. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

The main motion was approved, as amended 3-0.

DOCKET ITEM 2: DAN CARLSON, CDS DIRECTOR, provided a Staff Report on the proposed amendment to KCC 17.08 adding definitions of "Construction Business and Trades" and "Contractor Yard" and an amendment to KCC 17.15 to add "Contractor Yard" to the land use tables. Staff recommended approval of the item. The Planning Commission expressed concerns about the impacts from the contractor yards and voted to deny the item with a vote of 5-0.

THOSE REQUESTING TO TESTIFY: PAT DENEEN opposed the proposal and felt the County should put together a committee to study and resolve the issues. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC COMMENT PORTION OF THE HEARING WAS CLOSED.**

VICE-CHAIRMAN WRIGHT moved to deny Docket Item 2; remand it back to Staff; and to resubmit it next year. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 3: DAN CARLSON, CDS DIRECTOR explained how Docket Item 3 included housekeeping amendments to KCC Title 15, 16, and 17 and had been recommended by CDS Staff. Staff recommended approval of the Docket item. He noted the Planning Commission recommended approval of the item by a vote of 5-0. **THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 3, for amendments to Kittitas County Titles 15, 16, and 17, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 4: DAN CARLSON, CDS DIRECTOR reviewed the proposed amendment to KCC 17.08 to update the definitions of "Accessory Dwelling Unit", "Accessory Living Quarters" and "Guesthouse" to clarify that these uses contain an installed cook source. Staff recommended approval of the item. He noted the Planning Commission recommended approval by a vote of 5-0.

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

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 4, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 5: DAN CARLSON, CDS DIRECTOR, reviewed the proposed amendments to KCC 17.08.195 to redefine day care and an amendment to KCC 17.15.070.1 and KCC 17.15.080 to allow daycare facilities in the Residential, Residential 2, and Urban Residential zoning districts. Daycare facilities serving less than 13 people in a 24-hour period would be permitted outright, and daycare facilities serving 13 or more people in a 24-hour period would require a Conditional Use Permit. Staff recommended approval of the item with amendments. The

Planning Commission voted to approve the item with amendments by a vote of 5-0. They also recommended the provisions be extended to the Rural 5 and Rural 3 zoning districts by a vote of 5-0.

THOSE REQUESTING TO TESTIFY: NICOLE MATTHEWS provided testimony in favor of the proposed amendment. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 5, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 6: DAN CARLSON, CDS DIRECTOR reviewed the proposed amendment to KCC 17.44.060 to increase the maximum building height in the Highway Commercial Zone to 40 feet. He said currently the maximum height is two and one-half stories, or 35 feet, whichever is less. The amendment would remove the references to stories, which are not a standard unit of measurement, and would increase the overall height limit from 35 feet to 40 feet. Staff recommended approval of the item. The Planning Commission also recommended approval by a vote of 5-0. **THERE BEING NO ONE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 6, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 7: DAN CARLSON, CDS DIRECTOR, reviewed the proposed amendment to KCC 12.05 that would allow for vesting of existing driveway accesses established prior to county road access permits. Staff recommended approval of the item. He noted the Planning Commission recommended approval of the item by a vote of 5-0.

MARK COOK, PUBLIC WORKS DIRECTOR, reviewed a Staff Report and recommended approval of the amendment.

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

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 7, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 8: DAN CARLSON, CDS DIRECTOR reviewed the proposed amendment to KCC 16.12.040 which would allow for lots smaller than zoning minimum lot size in the Commercial Ag, Ag 5, and Ag 20 zones for an existing residence where the residence has existed for at least five years and where the lot has not been divided for at least 15 years. He said Staff submitted the docket items to the Prosecutor's Office for legal review and Chief Deputy Prosecuting Attorney (DPA) Neil Caulkins found that, as written, it would be difficult to defend this item against a Growth Management Act (GMA) challenge because it invites and creates sprawl. The amendment would

create lots under the five-acre minimum that was a result of the County's GMA compliance effort by both creating a lot around an existing house but also by creating a new lot that is the balance of the subdivided lot that could also support a house and be further divided 15 years later. Mr. Caulkins did believe that the proposal could be defensible if section 1(A)(iv) were amended so that the lots comprising the balance of the division has a plat note perpetually limiting the lot's use to agricultural purposes and prohibiting residential uses. Staff noted that the Planning Commission recommend approval of the item with amendments. The Planning Commission rejected Staff and Prosecutor's recommendation and recommended approval of the item as originally presented with an amendment by a vote of 4-0, with one abstention.

THOSE PRESENT & TESTIFYING: ERIC WEINHEIMER expressed support of the proposed amendment and felt there needed to be some type of Ordinance for retiring ranchers to be able to live on their farmsteads and have the ability to sell off some of their property. **GARY FORGE** said he's been a farmer/rancher since 1968 and urged the Board to support the proposal. **RON MITCHELL** felt the proposal was a good idea as most farmers do not have a desire to relocate and by approving the amendments it would allow them to continue living on their property. **CINDY DAVIS** spoke in favor of the amendments and urged the Board to approve the request. **TONY BRUKETA** supported the proposal and felt it would be a win for everyone. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 8, as amended. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 9: DAN CARLSON, CDS DIRECTOR, reviewed a proposed amendment to Kittitas County Code 17.08 that would update the definition of structure to exclude retaining walls up to four feet in height from structural setbacks and would update the yard depth definition to allow for an 18-inch encroachment for overhangs and would not require a setback for retaining walls for access permits as determined by Public Works. He noted the Planning Commission recommended approval.

THOSE PRESENT & TESTIFYING: SCOTT BURBRIDGE felt the proposal would assist with some driveways on the steeper slopes. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 9, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 10: The item was withdrawn.

DOCKET ITEM 11: DAN CARLSON, CDS DIRECTOR, reviewed an amendment to KCC 17.80.010 would clarify that alterations or expansion of nonconforming residential structures shall not increase their nonconformity. Currently, this section of code does not allow nonconforming structures to be altered, expanded, etc., but this limitation does not apply to residential structures. The proposed amendment would still allow expansion of nonconforming residential structures but would not allow expansion that increased the nonconformity. Staff recommended approval of the item. The Planning Commission recommended approval of the item by a vote of 5-0.

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

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 11, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 12: Amend several sections of KCC Title 17 to remove "to the main building" language and to establish a standard setback requirement. Staff recommended approval of the item. The Planning Commission recommended approval of the item by a vote of 5-0.

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

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 12, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 13: The item was withdrawn.

DOCKET ITEM 14: DAN CARLSON, CDS DIRECTOR, reviewed the proposed amendments to KCC Title 15A Table A to include Reasonable Use and Public Agency and Utility exceptions that are allowed by the new critical areas ordinance that was adopted in 2021. He noted the proposed amendment that was originally drafted by Staff does not contain the correct terminology for these exceptions. Staff recommended approval with an amendment.

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

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 14, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 15: DAN CARLSON, CDS DIRECTOR, reviewed the proposed creation of a new Chapter under KCC Title 8 that would expand recycling and yard waste services in Kittitas County. Staff recommended approval. The Planning Commission recommended approval with a vote of 5-0.

PATTI STACEY, SOLID WASTE DIRECTOR/INTERIM MAINTENANCE DIRECTOR/PROJECT MANAGER reviewed a Staff Report and said the amendments would begin on January 1, 2024.

THOSE PRESENT & TESTIFYING: TYLER MACKAY, WASTE MANAGEMENT, said they had previously submitted comments and were supportive of Ordinance, but there were still a few details to be worked out with Staff before implementation. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THEREFORE THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 15, noting the effective date of January 1, 2024. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

The Board recessed for a 8-minute break at 10:38 p.m.
The Board reconvened at 10:46 p.m.

DOCKET ITEM 16: The item was withdrawn.

DOCKET ITEM 17: **DAN CARLSON, CDS DIRECTOR,** reviewed the proposed amendment to KCC 17.08 by updating definitions of front lot line and front yard to clarify which lot line and yards are considered "front." Staff recommended approval of the item. The Planning Commission recommended approval with a vote of 5-0.

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

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 17, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 18: **DAN CARLSON, CDS DIRECTOR,** reviewed the proposed amendment to the variance criteria in KCC 17.84.010(4) to include a definition of "Substantial construction". Currently, an approved variance becomes void after one year if no substantial construction has taken place, but "substantial construction" is not defined. The new definition would require one or more building inspection approvals in order to be considered "substantial construction." Staff recommended approval of the item. The Planning Commission recommended approval of the item with an amendment by a vote of 5-0. Staff offered an additional amendment to allow variance extensions.

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

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 18, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 19: **DAN CARLSON, CDS DIRECTOR** reviewed the proposed amendment to KCC 17.08.290 to provide limitations for employees and

customers for home occupations in order to limit impacts to surrounding residential uses. Staff recommended approval of the item. The Planning Commission expressed concerns with the limitations contained in the new definition language and therefore recommended denial of the item with a vote of 5-0.

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

VICE-CHAIRMAN WRIGHT moved to deny Docket Item 19, and to remand it back to Staff. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 20: DAN CARLSON, CDS DIRECTOR reviewed the proposed amendment to Kittitas County Code Title 17.15.060(1) to remove footnote 58 because it is in conflict with WAC 365-196-550(3Xa), which states, "Cities and counties may not use their comprehensive plan or development regulations to preclude the siting of essential public facilities. Comprehensive Plan provisions or development regulations preclude the siting of an essential public facility if their combined effects would make the siting of an essential public facility impossible or impracticable." He said the Planning Commission recommended approval of the amendment with a vote of 5-0.

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

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 20, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 21: JEREMIAH CROMIE, PLANNER II, reviewed Docket Item 21, Fiorito Brothers Non-Project Rezone and map amendment to Commercial Agriculture (RZ-22-0001 & CP-22-00001). He said Staff recommends approval of the request and that the Planning Commission voted 5-0 to recommend approval of the docket item.

THOSE REQUESTING TO TESTIFY: JOSH BROWER, REPRESENTING THE APPLICANT said he'd be happy to answer any questions the Board may have.

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

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 21 for the Fiorito Brothers Non-Project rezone, and to instruct Staff to prepare enabling documents. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 22: JEREMIAH CROMIE, PLANNER II reviewed a Staff Report for the Thorp Landing Non-Project Rezone (CP-22-00002 & RZ-22-00002) for approximately 72.78 acres from Agriculture 20 to Agriculture 5. He said Staff recommended approval of the request with proposed findings of fact and conditions. The Planning Commission voted 5-0

in favor of approval of the Thorp Landing Rezone and Comprehensive Plan Amendment.

JEFF SLOTHOWER, ATTORNEY REPRESENTING THE APPLICANT, said their application was timely and they responded to the public comments that were received. They also provided a letter from Chad Bala, their land use consultant, on how the rezone and Comprehensive Plan designation fits within all the goals and objectives of the County.

THOSE PRESENT & TESTIFYING: JARED FUDACZ, spoke in opposition of the proposal and felt it would have many detrimental effects to the Thorp Community including the agriculture character and environment. **RYAN FUDACZ** described the traffic issues that would be caused by the proposal in the Thorp area. He said the property access is incorrect and it's from the North Thorp Highway and not Goodwin Road. **JOHNNY BOITANO** spoke against the proposal and felt there'd only be one person to benefit from it. **PAULA THOMPSON** reviewed the history of Thorp and said it's a special community. She felt just because it was requested doesn't mean the Board has to approve it. She reviewed why it's inconsistent with the Comprehensive Plan. **DAVE FUDACZ** provided information on easements, and water issues relating to the property including lawsuits. **ROSS MINCHELL** said he's lived in Thorp for 45 years and has been involved with the community in various ways. He said he wasn't against the proposal, but questioned where everyone would get water. **CHAD BALA, TERADESIGN GROUP, LAND USE CONSULTANT**, said he submitted information during the Planning Commission hearing. He said although some concerns may be valid, but those aren't addressed at this level yet. He expressed support for the Planning Commission and Staff's recommendation of approval. **MARGE BRANSRUD** had questions on the developer's application relating to housing units and water. She felt they need to look into those issues further before approving the request. **MARCELLA MATHEWS** felt there would be impacts to farming access and that there's issues relating to water in that area which would lead to problems. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

JEFF SLOTHOWER, ATTORNEY REPRESENTING THE APPLICANT, explained the land use steps and with each step there are different criteria looked at. He said the concerns being expressed are for down the road, but it's a non-project rezone at this point, and urged the Board to approve the request.

CHAIRMAN OSIADACZ stated she met with both the applicant as well as neighbors around the parcel and asked if there was anyone in attendance who objected to her sitting in on the decision. She said she would be able to make an impartial decision. There were no objections.

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 22, Thorp Landing Rezone, and instruct Staff to prepare enabling documents with conditions of approval set forth and findings of fact and suggested conclusions as presented. **COMMISSIONER WACHSMITH** seconded.

COMMISSIONER WACHSMITH said he agreed with Mr. Slothower's comments that the issues and concerns raised will be addressed at a later time. **VICE-CHAIRMAN WRIGHT** acknowledged the specific area and region was a special place but is consistent with what is there now, and the concerns expressed will be heard and conditioned at a later date in a subsequent process. **CHAIRMAN OSIADACZ** said she would be voting in opposition. She read from the County's Comprehensive Plan along with the definition behind rural working lands and reasons why she was against the application.

Motion carried 2-1. Chairman Osiadacz opposed the motion.

DOCKET ITEM 23: JEREMIAH CROMIE, PLANNER II, reviewed a request for the Flying A Land Non-Project Rezone (CP-22-00003 & RZ-22-00003), a land use map amendment from Rural Working to Rural Residential and a rezone of 18 parcels, equaling 127.52 from Agriculture 20 to Agriculture 5 to match adjacent properties. The Planning Commission voted in favor 5-0 to recommend approval of the Flying A Land Non-Project Rezone. He said Staff recommended approval and the Planning Commission voted to approve the request with a vote of 5-0.

CHAD BALA, TERRADESIGN GROUP, representing the applicant, reviewed their application and said they were in full support of Staff and Planning Commission's recommendations to approve their request.

THOSE PRESENT & TESTIFYING: PAULA THOMPSON explained how the Open Space would only be good for ten years, and that will go by fast. She felt the Board should look at it further because it's not really long term in keeping the rural characteristics of the area. **PAT DENEEN**, spoke to the cost factor of attainable housing. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

VICE-CHAIRMAN WRIGHT moved to approve the Fly A Land Non-Project Rezone request (CP-22-00003 & RZ-22-00003) and instruct Staff to prepare enabling documents with conditions of approval set forth and findings of fact and suggested conclusions as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 24: KELLY BACON, STAFF PLANNER, reviewed a Staff Report for the Teanaway Ridge Non-Project Rezone (CP-22-00004 & RZ-22-00004). A Comprehensive Plan Land Use Map Amendment from Rural Working to Rural Residential and a Rezone of parcels, equaling 86.58 acres, from Forest & Range and Rural 5 to Rural 5 to match adjacent

properties. She said Staff recommends approval and the Planning Commission voted 3-1 to approve the request.

CHAD BALA, TERADESIGN GROUP representing the applicant, reviewed the application and expressed support of Staff and the Planning Commission's recommendation of approval. **THOSE PRESENT & TESTIFYING: JENNIFER NELSON, REPRESENTING THE WASHINGTON STATE DEPARTMENT OF FISH & WILDLIFE** said it was a special area and expressed concerns relating to the natural and critical areas on the properties. She felt it would create dangerous areas for people such as the river and urged the Board to deny the request. **PAULA THOMPSON** commented on the application being within the Forest & Range and its consistency with surrounding areas.

*****THERE WERE AUDIO ISSUES ON THE RECORDING AND THE SOUND WAS MUTED.**

At 8:16 p.m. there was a ten-minute recess. At 8:26 p.m. the Board reconvened back into the Public Hearing.

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

VICE-CHAIRMAN WRIGHT moved to approve the Teanaway Ridge, Non-Project Rezone (CP-22-00004 & RZ-22-00004) and instruct Staff to prepare enabling documents with conditions of approval set forth and findings of fact and suggested conclusions as presented.

COMMISSIONER WACHSMITH seconded. Motion carried 3-0.

DOCKET ITEM 25: DAN CARLSON, CDS DIRECTOR presented a Staff Report regarding the Mardee Lake Non-Project Rezone (CP-22-00005 and RZ-22-00005). He said they received a SEPA Appeal for it, but the timing in relationship for the docket schedule didn't allow for a full briefing schedule. He reviewed the procedure to allow the SEPA appeal to go first before the underlying application. Briefs had been received from both the applicant and appellant earlier in the day. **STEPHANIE HARTUNG, DEPUTY PROSECUTOR** reviewed Case Law that suggested there would be standing, and the parties were in attendance to discuss their positions. It was noted the general public would not be allowed to provide testimony during the SEPA appeal.

JEN SYROWITZ, PROGRAM MANAGER FOR CONSERVATION NORTHWEST, REPRESENTING THE APPELLANT, provided information on the various concerns relating to the project and SEPA appeal for the Mardee Lake Non-Project Rezone. She said the application did not align with County Code or SEPA law. **KARL FLACCUS,** said he was landowner in Gold Creek Valley and is a direct beneficiary of the ecological and critical area zones. He said he wasn't against development but thought a critical area report should be completed.

MAUREEN MITCHELL, REPRESENTING THE APPLICANT, reviewed information regarding their request. She said Mardee Lake, Inc. appreciated the importance of State and Federal funding to support the restoration of the Gold Creek area, but what it essentially comes down to is the appropriate time for environmental review and procedure. She did not believe the appellants had standing at this point.

VICE-CHAIRMAN WRIGHT moved to deny the SEPA appeal. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

It was recommended for the appellant to have the ability to provide rebuttal and revote again. **MR. FLACCUS** provided rebuttal and said they are not arguing about all rezones, just this specific one. **JEN SYROWITZ, PROGRAM MANAGER FOR CONSERVATION NORTHWEST, REPRESENTING THE APPELLANT**, provided final comments on the rebuttal and urged the Board to uphold the SEPA appeal.

VICE-CHAIRMAN WRIGHT moved to deny the SEPA appeal, as presented. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

DOCKET ITEM 25: KELLY BACON, STAFF PLANNER, provided a Staff Report on the request from Terra Design Group for a proposed rezone and map amendment to for parcels currently zoned Forest and Range with a Rural Working Land Use, rezoned to Rural Recreation zoning and land use designation. She said the Staff recommends approval and the Planning Commission voted in favor of the request by a 4-1 vote. **CHAD BALA, TERRA DESIGN GROUP** reviewed their application and recommended the Board's support of their request. **THOSE PRESENT & TESTIFYING: PATTY GARVY DART** spoke to the significance of Mardee Lake and its uniqueness. **PAT DENEEN** explained how there are already people who cross country ski and play in the area, and if any property should go to rural recreation, it should be this one.

THOSE PRESENT & TESTIFYING: SCOTT DOWNES, DEPARTMENT OF FISH & WILDLIFE said they had already submitted a letter into the record regarding the wildlife corridor. He recommended denying the request and remanding it back to Staff. **LAUREL BAUM, CONSERVATION NORTHWEST** comp plan calls out Mardee Lake in Subarea D, noting there are extensive wetlands and is not in alignment with the Comp Plan. **KRISTINA ERNEST** expressed concerns regarding the rezone and felt there was no protection of critical habitat. **CHAD BALA** provided a rebuttal.

VICE-CHAIRMAN WRIGHT moved to approve Docket Item 25, Mardee Lake Non-Project Rezone CP-22-00005 and RZ-22-00005), and to instruct Staff prepare enabling documents. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

The meeting was adjourned at 11:31 p.m.

KITTITAS COUNTY COMMISSIONERS

CLERK OF THE BOARD



Julie Kjorsvik

KITTITAS COUNTY, WASHINGTON



Laura Osiadacz, Chairman