

**GRANT COUNTY  
PLANNING COMMISSION**

Chairman: Bill Bailey  
Vice Chairman: Dale Walker  
Board Members: Ollie Click, Lee Graham, Garry Piercy, Jon A. Hatt, James Turner, Jim Fleming and Blair Fuglie  
Secretary: Doris Long

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**COMMISSIONERS' HEARING ROOM - GRANT COUNTY COURTHOUSE, EPHRATA, WASHINGTON**

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**APRIL 4, 2007 @ 7:00 P.M.**

Members present:

Chairman Bill Bailey, Vice-Chairman Dale Walker, Lee Graham, Jon A. Hatt, Blair Fuglie, Ollie Click, James Turner

Members absent: Gary Piercy, Jim Fleming

**Board Action:**

Chairman Bill Bailey swears in those wishing to testify at this hearing in mass:

Do you hereby swear or affirm under penalty of perjury under the laws of the State of Washington that the testimony that you give is truthful and accurate to the best of your knowledge and belief?

Approval of March 7, 2007 Meeting Minutes.

Lee Graham motioned to approve the meeting minutes as presented and James Turner seconds the motion. The members voted and the motion passed unanimously.

1. **PUBLIC HEARING – Anthony Schneider – Preliminary Subdivision-** A Preliminary Subdivision of a 53.28 acre-parcel into five (5) lots in the Rural Residential-1 (RR1) Zone.

FILE #06-4633  
S. 18, T. 20, R. 26  
Igor Shaporda - Project Planner

Igor Shaporda presents the Staffs Report to the Planning Commission members along with Agencies/Departments and Public comments that have been received. Staff displays maps/photos on the overhead showing the location of the proposal along with surrounding zoning. Igor asks the Commissioners if they have any questions for him.

Dale asks Igor if he would show a map again and if the City of Ephrata and the Urban Growth Area were shown on the north end of this map.

Igor answers, no that the previous map showed the Ephrata city limits and UGA.

Stirling Knudsen 130 1st Ave NW, Ephrata, previously sworn. Stirling reports there is one issue yet to be resolved with Public Works regarding an easement to allow access to the back of the property, of the first large

lot, that contains the house. He states that issue could be resolved if Public Works would grant an easement off of the private road system.

Igor responds to Stirling's statement regarding the access road and easement stating this issue has been addressed and is included as one of the conditions of approval.

Dale asks about the issue of the access to the lot being resolved and if Public Works has signed off.

Sterling asks to make a suggestion regarding the access to the lot. He states that the resolution to the issue, with the access to the back of the lot, lies with Public Works. Stirling thinks it is not a big issue since it is not the major access to the lot. He thought it would be fair to make it a condition of approval to obtain the easement from Public Works.

Bill states it is all ready suggested in the conditions of approval.

Jon asks if it is the triangular piece of the lot that is isolated by the siphon that is being discussed.

Sterling responds yes.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.*

Dale states that he has a problem when plats are approved and some of the requirements of the conditions of approval are based on the design and construction of that plat. Also, that only part of the findings of fact reflects that it doesn't comply with regulations at this time, and that there isn't an approval from public works. Dale adds that he has a problem when the Commissioners approve something and it is only half or partially completed.

Jon states that he sees the issue as being pretty easy to resolve and that it only impacts a small portion of the lot. He also states it has been verbally expressed that Public Works would probably go along with the condition of approval.

Dale responds to Jon's comment telling him, the issue is relative to the number of lots that a private road can serve. If Public Works approves it they would be in contradiction of the regulation, that a private road can only serve 4 lots and this would be serving 5.

Bill states there are a couple of options available, one is to table the decision until the next meeting and let the issue be resolved, deny the project, or approve, and perhaps change condition 10.

**ACTION: DALE WALKER MAKES A MOTION TO TABLE THE ANTHONY SCHNEIDER PRELIMINARY SUBDIVISION UNTIL THE NEXT MEETING. JAMES TURNER SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.**

2. **PUBLIC HEARING – Douglas & Elberta Carlile – Preliminary Subdivision** – A subdivision of two (2) parcels totaling 125.898 acres into twenty-six (26) lots and two (2) open space tracts in the Rural Residential-2 Zone.

FILE #06-4685  
S. 02, T. 19, R. 28  
Hector Torres - Project Planner

Hector Torres presents the Staffs Report along with Agencies/Departments and Public comments that have been received. Staff displays maps/photos on the overhead showing the location of the proposal along with surrounding zoning.

Bill asks if one of the parcels of the map being displayed is a farm unit.

Hector responds that it is being farmed and irrigated, but he is not sure if it is a farm unit.

Bill asks if another parcel being shown is a government lot split by the creek.

Hector responds yes, the parcel being questioned is a government lot with a creek flowing through it.

Lee asks where the lots are going to be located, how close to the creek.

Hector shows an aerial photo on the overhead explaining where the parcel boundary runs and that the lots will not be any closer than that parcel boundary.

Bill asks about the current map being displayed on the overhead. He would like to know if the two lots located in the middle is where the current farmstead is.

Hector answers yes. They were designed to subdivide the existing development from the parcel that wasn't designated on the preliminary subdivision as being open space. But the parcel will have to be designated open space to allow the design to proceed as it is.

Hector goes on to explain that one of the conditions he has recommended is that the open space tract be redesigned so that the wetland buffer is incorporated in to it. There is also another condition, that an access to the government owned land be required through the open space tract. The Bureau of Reclamation suggested that the access should come through the cul de sac.

Bill asks Hector if he has a map showing the 100 foot buffer from the high water mark.

Hector answers no, he does not have a map that specifies that and he has not received a map identifying the ordinary high water mark. Hector states he does believe that the wetland and wetland buffer exceeds the 100 foot requirement. He goes on to explain that he also has included a condition recommending that the wetland buffer be extended to include the 100 year flood plain.

Hector explains to the Commissioners that this project was previously submitted and displays the original design of the subdivision on the overhead.

Dale asks how this subdivision is substantially different from the last one they reviewed in 2004.

Hector responds the main difference is that more of the lots have been moved from the west side of the creek to the east side of the creek. He adds that in the original subdivision there were only 4 lots on the east side of the creek.

Bill asks how many lots were on the west side, previously.

Hector answers 20 lots and 1 open space tract. He goes on to explain this proposal has 17 lots, with 4 lots being moved from the west side to east side of the creek. Also, the open space located between the two clusters on the west side of the creek is larger.

Dale asks if the configuration of the depth and width of lots 4 thru 10 has been changed.

Hector responds lot 3 is designed a little differently, so there may be more space there.

Dale says he doesn't see designation of the lot size regarding the depth and width of lots 4 thru 10.

Hector answers to look at pages 3 & 4 of the subdivision mapping.

Dale asks how that is substantially different from the previous lot sizes, or is it substantially different.

Hector answers that he doesn't have the length and width measurements from the previous design so he can't answer that specifically.

Bill asks if the public and agency comments requesting information were sent out on March 20<sup>th</sup>.

Hector replies, yes that is correct. He also states that he will hand out a supplemental package of material, received after March 28<sup>th</sup>, containing comments from the Bureau of Reclamation, Public Works Department, East Columbia Irrigation District, Department of Ecology, Moses Lake Irrigation Rehabilitation District, Erma Sanders and the McElroy Law Firm. The supplemented material also contains an updated condition from Public Works to reflect their updated comment.

Hector provides the Commissioners with a pack of supplemental comments and materials, which will be entered as part of the record. He asks them if they have any questions for him on the new comments or are there any they would like him to read into the record.

Bill states that he is assuming that all of the material will go on the record.

Hector answers yes, that all will now be part of the record.

Bill comments on the Bureau of Reclamation comment sheet regarding one of the parcels being a farm unit.

Hector responds that there is a government lot included in the project; the parcel located on the east side of creek is Farm Unit 189.

Blair inquires about lots 18 thru 26 being located in the farm unit.

Hector answers yes, lots 18 thru 26 are in the farm unit.

Bill asks if any agency other than the Moses Lake Irrigation Rehabilitation District has any comments about the sewage.

Hector replies, the Bureau of Reclamation briefly commented on it. The Health District commented and stated that several of the lots have special requirements that will have to be complied with in order to be developed. But it appears that the Health District believes that there can be a septic system and well sited on each lot. Hector states that a JARPA (a shoreline permitting) had been originally reviewed in 2004, but because there has been a decrease in the number of lots that would be located inside the shoreline environment, Staff made a determination that a new shoreline permit was not needed and instead implemented the old decision.

Bill states the difference between this proposal and the one done 2 - 2 1/2 years ago is that there are 3 or 4 lots moved from the west side to the east side.

Hector responds that previously when Mr. Carlile submitted the proposal the county was operating under a different code. There has been some amendments to the code and now Mr. Carlile's new cluster development, if it complies with the conditions of approval, would meet those clustering standards where it was determined they did not meet them back in 2004.

Bill asks if there was not a lawsuit.

Hector responds yes, there was, and part of that is the reason why those changes were initiated.

Bill asks Hector if he is done with his staff report.

Hector answers yes, the Commissioners have seen the comments provided in the packet and supplemental material. He states Staff has recommended 15 additional conditions of approval and provided some findings of fact. Hector asks if they have any other questions for him.

Lee inquires about the Department of Health wanting a 100 foot radius around each well, and if the lots are 165 to 185 feet wide how do they purpose to avoid overlapping?

Hector states the wellhead protection zones can over lap each other, but the septic tanks can not be placed in the well head protection zones. Hector also states that he believes that residences can also be built over the wellhead protection zones, but they can not implement uses that may contaminate water within those wellhead protection zones.

Lee asks if a radius around a septic system is also then required.

Hector answers that there isn't a set radius. It is the location of the drain field, the replacement drain field and the septic tank that can not be within the wellhead protection zone. Also, uses that may contaminate the wellhead zone can not be placed over it, and he believed it could not be constructed on either.

Dale inquires about the Fish and Wildlife stipulation that 1/3 to 1/2 of the lot be left in steppe vegetation. He asks if by meeting the requirement is the size of the property being constricted to the point that the vegetation could not be maintained while digging up the ground for a septic system. He adds if all of the septic systems are placed in the front part of the property, and the overlapping wells are on the back part of the property, then there would be no room left to build a house.

Hector said Staff has not recommended that the condition requiring 1/2 to 1/3 of the lots to be maintained in open space be implemented. He states Staff has recommended that a minimum buffer, with the 100 feet, be maintained from the ordinary high water mark throughout the development site. The buffer area shall be designated as non-developable and shall be maintained in a native state. Hector states that is condition #11(b) in the staff report. He also states the other alternative to that would be to require that the wells and wellhead protection zones be placed on the back of those lots that are closest to Crab Creek and the septic tanks be placed at the front of the lots. This would help to maintain the open space along the creek.

Dale asks if the 100 foot buffer comes up into any of the lots.

Hector answers he believes it would be similar to the buffer required for the wetlands, which is 75 feet (he thinks) from the edge of the wetland.

Dale asks about their maps not showing where the 100 foot buffer is.

Hector responds that they do not know exactly where the buffer is located.

Hector displays a map on the overhead to show the Commissioners the vegetation located between the edge of the wetland and the ordinary high water mark, based on a site visit by Staff. Hector estimated the distance to be about 25 feet, and states this is a category 2 wetland which requires a 75 foot buffer. He explains this is the largest area that the wetland buffer extends into the lots. Minimally it is going to be 75 feet. Staff believes that the 100 foot buffer requirements, set by Fish and Wildlife, will be consistent with the wetland buffer once the ordinary high water mark is identified. If it is not consistent, then those areas will have to be incorporated into the buffer area.

Jon observes that the specific lot Hector is speaking about is an open space designated lot.

Hector explains that is why Staff has suggested that the boundaries be adjusted to include all of the wetland and its buffer into the open space tract, to insure that no development would occur there.

Dale asks if on lot 2 a well was put in, and a 100 foot radius was then drawn in around that well, and then taking out the wetland, how a septic tank would fit on the property.

Hector answers that he is not an engineer, but there is a length of 344 feet available with the configuration of the lot. If a well were to be placed in a couple of different locations (pointed out on the map) there would be enough room on the other side for a septic tank. Hector explains in this case, with the location of the lot next to it, the wells would probably be able to be clustered close to each other. Then the wellhead protection zones would be almost the same and incorporate the same amount of area. Hector went on to point out on the map what he feels would be a couple of possible solutions as to how to place a well, septic system and a residence on the lots.

Bill observes that the developer would not really be able to sell the lots unless everything would fit.

Hector responds that the Health District would not approve it unless there can be a 100 foot wellhead protection zone, a place for a septic tank and a replacement drain field on each lot.

Bill asks Hector if what he is saying is that they won't approve the plat.

Hector answers yes. The Health Department would not sign the plat and give final approval. He goes on to say that the Health District states that the wellhead protection zone has to be maintained on each lot. Otherwise, there will have to be an easement approved by the adjacent property owner for that wellhead protection zone. This is also another requirement that will have to be satisfied. Hector points out on the map a couple of instances of this situation possibly being required. He further explains that these are additional restrictions that the developer would have to comply with in order to get the project approved in the final stages.

Ollie asks a question regarding the wetland boundaries and the surveyed right of way for the Bureau of Reclamation.

Hector indicates where the Bureau of Reclamation property line is located; everything on the east side of the line belongs to the Bureau everything on the west side belongs to Mr. Carlile. He points out that the wetland boundary does encroach into a couple of the parcels.

Ollie inquires if Hector is saying that the wetlands are actually moving outside the Bureau of Reclamation's property.

Hector responds that they are moving outside of the Bureau of Reclamation's property, and the wetland buffer will also encroach into Mr. Carlile's property. He states that this is the most obvious case throughout the development and that is why he is showing this map as an example.

Ollie and Hector discuss the Bureau of Reclamation's right of way procedures in the past and their wetland boundaries.

Hector displays a map on the overhead and states that the Bureau of Reclamation did comment that a portion of the wetland was artificially created by Mr. Carlile. The Bureau of Reclamation has stated that there, possibly, has been some encroachment into their property, and before they will sign off these encroachment issues will have to be dealt with. (The map being displayed is showing a category 3 wetland requiring a 50 foot buffer.)

Dale asks if the cul de sac for the plat and lots 20, 25, 21, 24, 22 and 23 is actually crossing the USBR canal and the USBR easement as well.

Hector responds yes it does, and that the Bureau of Reclamation has commented on that as well. Mr. Carlile would have to obtain the appropriate permitting from the federal government before they would be allowed to cross that easement. He states to address this Staff has recommended a blanket condition that the developer shall comply with all requirements from the Bureau of Reclamation.

Dale wonders what happens to the lots if the request for the cul de sac to cross the easement is denied by the Bureau of Reclamation.

Hector responds that the lots could potentially be relocated.

Dale states that then would change the whole structure of the plat.

Hector responds yes, that it would change the structure of the plat and it would most likely require another review before the Planning Commission and the Board of County Commissioners. He adds that any substantial changes to the plat require another review. Hector states that there are several hurdles Mr. Carlile would have to comply with before this plat could be finalized, but Staff has tried to address them under the recommended conditions of approval. Hector explains a lot of the easement issues depend on what type of facility it is and what type of development is being proposed. But the Bureau of Reclamation always maintains the right to go in and construct and repair as needed, so it would not allow any permanent type of development to be built over these easements.

Doug Carlile 5792 Road K NE, Moses Lake, previously sworn. Mr. Carlile explains they have met with the Bureau of Reclamation regarding the easement and as to where it is located. What they propose to do is use an easement that is shown, on the development plat map, as currently running in front of all of the lots. The easement would basically end up in the same location at the back of the property, and by doing this it would be creating more wetland on the property.

Mr. Carlisle clarifies that it is Farm Unit 169

Mr. Carlile states that the wetland studies have been prepared, Western Pacific Engineering has prepared the soil logs for the sanitary sewer system, the Health Department has acknowledged that every lot will perk and there can be a septic system on every lot that is out there. He believes they have met all the requirements of the county. He asks the Commissioners if he could answer any questions for them.

Jon asks regarding the cul de sac, if the Bureau of Reclamation has allowed Mr. Carlile to go across lot 26 and down the south boundary of the property.

Mr. Carlile responds that it will not be quite the south boundary of the property.

Jon asks if he is taking the diagonal out.

Mr. Carlile answers yes, they are taking the diagonal out and it is going straight to the back. He also states that it will be piped, and that there is an easement on the front of the lots also.

Hector provides a map for Mr. Carlile to display on the overhead.

Mr. Carlile shows the Commissioners a map regarding the existing location of the ditch and the easement being requested.

Dale asks if it is a delivery ditch or a waste ditch.

Mr. Carlile responds that it is a waste ditch and indicates where the delivery ditch runs and where the mainline ditch is located.

Dale asks if it is an overflow ditch.

Mr. Carlile answers, yes.

*PUBLIC TESTIMONY OPENED.*

Chuck Page 10925 Road 5.4 NE, Moses Lake, previously sworn. Mr. Page states he lives adjacent to and just south of lots 21 thru 25 on the private road 5.4. He also states he believes this project is out of the growth management boundary and that these are suppose to be 5 acre lots. Mr. Page states he does not know what size these lots are, but that they do not appear to be 5 acre lots. He adds that he shares an older well with Erma Sanders; the well was put in, he believes, in the late '40's, and it is not that deep. Mr. Page states that he does not want to lose his ground water and well water. He is also worried about the septic because of the shallowness and the level of the ground water rising in the summer time during the irrigation season. Mr. Page states that everything drains from the Wheeler area down to that basin. They are worried about the ground water coming up and contaminating the wells. He continues that those are the biggest issues. Mr. Page wonders if his well does go dry due to the number of wells in the area, will he have to dig a new well and deal with the hoops and expense of that, and also how it will affect Erma. Mr. Page explains that he has saved his whole life to be able to move to the country, to get outside of town. He moved to his present location a year and a half ago in August, and now he is going to have neighbors springing up. Mr. Page adds that he hopes the Commissioners will consider the issues he has brought up.

Don Beckley 429 Hwy 17 SE, Moses Lake, previously sworn. Mr. Beckley reports he is attending the meeting as two functions, one of them being in assistance to his good friend and neighbor, Erma Sanders. He goes on to say that he would like to respond to the questions asked regarding the septic tanks. Mr. Beckley continues that



he would like to express as a contract employee with the Moses Lake Irrigation and Rehabilitation District that they have submitted a second comment. The first comment dated September 22<sup>nd</sup> 2004 explicitly addresses those issues and he believes the Commissioners have that letter in their file from the previous hearing. He states that he could read a specific paragraph from the letter if the Commissioners would like.

Bill directs him to go ahead.

Mr. Beckley reads from the comments concerning Dove Haven Estate Subdivision, third paragraph, "Our concerns are based on nutrient contribution from septic tanks systems which reach the lake and stimulate growth of algae and aquatic weeds there too. The district has sponsored major lake restoration programs over the past 26 years which are directed at reducing nutrient impact on the Moses Lake's water quality. We sponsored a study in May 1986 involving near-shore monitoring of ground water down-gradient from developed areas served by septic systems. These monitoring results show that phosphorous concentrations are high in these ground waters which drain directly into Moses Lake. The Washington State Department of Ecology conducted a TMDL Study in 2001 which further confirmed this is an on going problem. If the shoreline area continues to develop on the individual septic systems, both past and on going lake clean up efforts are thwarted." Mr. Beckley states that the letter continues from there, and he submits that that document is all ready in the possession of the Commissioners.

He goes on to say the adjoining property owners were issued the major subdivision plat and were asked to comment on it. In the last comments made by Mr. Carlile they were informed that this easement, as submitted on the document, is no longer true and in effect. Therefore, their comments were based on the wrong documentation. Until they see the corrected document they have no way to tell otherwise, except by Mr. Carlile's comment.

Mr. Beckley comments on his personal observations of the Moses Lake and Crab Creek area, and how far reaching the watershed is that comes down the creek. He goes on to explain about some of the area's flooding history and the large amount of water that was being carried down Crab Creek during that time. Mr. Beckley states that the flood occurrence is a reality as far as the Moses Lake Irrigation Rehabilitation District is concerned, and that these lots would be inundated and ripped out.

Mr. Beckley explains that Mrs. Sanders has asked him to speak on her behalf, due to her age and condition, and that her letter is pretty self explanatory.

Bill notes that Mrs. Sanders is in opposition and they have the letter in the file

Greg McElroy 1808 N. 42<sup>nd</sup> Street, Seattle, (attorney from Seattle, also maintains an office in Ellensburg and works only in counties that border the Columbia River) previously sworn. Mr. McElroy comments on the flooding, the 100 year flood plain and the development of the country side.

Mr. McElroy states that he has submitted a written letter and explains that the problem with this proposal is that it is virtually identical to the proposal that the Planning Commission had unanimously rejected 2 years ago. The Board of County Commissioners did not take the recommendation and the case was taken to the Superior Court in the State of Washington. The judge, who is a very good development judge and very pro-development, agreed with the Planning Commission. He goes on to state, that the problems with the cluster ordinance were solved not by changing the proposal, but by changing the cluster ordinance, and changing the cluster ordinance in some ways that very uniquely helped the proposal.

Mr. McElroy also states that the problem he sees is that the subdivision still has a dead end road that is about a half a mile long, and the public safety issues with dead end roads remain exactly the same. He discusses this issue and other issues that can occur when a developer moves forward and starts building before he has approval or if the approval keeps being deferred to a later stage.

Mr. McElroy displays on the overhead the decision made by the judge on the last proposal and reads specific items from the decision. He explains that Judge Cooper read every page of the transcript, every document in

the file, all of the laws associated and he agreed with the Planning Commission. Mr. McElroy goes on to explain that Judge Cooper questioned whether or not this proposal could comply with septic systems and individual domestic wells. The judge also noted that the plat did not serve public use, that it did not comply with health requirements for sewage disposal and potable water, and that the footnote reads that the real problem is that it does not contain evidence of the availability of an adequate water supply. Mr. McElroy then states that in the rest of the decision the judge looked both at the Grant County Code and at the state law and said when looking at these lots, where is the building footprint going to be, where is the wellhead protection zone, where is the septic tank and how does that relate to the gravity and flow of the lot. The judge specifically said it is not appropriate to defer that to the final plat stage. With clustering and the environmental review how those things are going to occur are absolutely material and necessary to the decision at this stage. Mr. McElroy then discusses the issues that occur when the real decisions are deferred until too late.

Mr. McElroy states that one of the specific requirements that need to be made is even though one of the proposals technically complies with all of the provisions of the cluster ordinance it has to be decided if there has been enough information provided to know by clear and convincing evidence this proposal can actually be built. He then goes on to read from the decision “deferring consideration of the on site septic systems and potable water supply is simply not an option” and Mr. McElroy adds that the judges’ ruling is it is not an option at the preliminary plat stage. He states that in the court hearing they demonstrated the lot configurations at that time, which is virtually identical to this one, and without having covenants between multiple lot owners there is no way to put it on the plat. If the engineers say it can be done, then it needs to be shown, and then the evidence needed to prove it would be available.

Mr. McElroy explains an additional problem with the proposal is a development that is premised on multiple exempt wells violates a state court case called Campbell and Gwen. He states what that case says is, any land owner can put an exempt well without a water right on their property for domestic purposes, but a developer can not premise his development on multiple exempt wells. So, when Mr. Carlile goes to get signature on the final plat he has to show the 17 exempt wells in a small area. The Department of Ecology would find it to be a violation; you can not have 17 exempt wells as a single owner. Mr. McElroy reminds the Commissioners that before Mr. Carlile gets the final plat sign off he is still the owner of the property.

Mr. McElroy states that his recommendation is that the proposal be turned down out right, unanimously, as the exact same proposal that was turned down before, because the on site wells and sewers have not yet been addressed.

Gilbert LeVander 22517 96<sup>th</sup> Street E, Buckley, previously sworn. Mr. LeVander explains that he reviewed the SEPA application and it was indicated that Mr. Carlile did have the water right. He contacted the Department of Ecology and they have no record of a water right being associated with that property. Mr. LeVander would like Mr. Carlile to explain that discrepancy.

He asked that the Commissioners would recommend to the Board of County Commissioners to reject this plat again.

Doug Carlile 5792 Road K NE, Moses Lake, previously sworn. Mr. Carlile states that the Health Department has signed off and the fees have been paid for the inspection on the test pits. He also adds that they do have water rights for Farm Unit 169 and he explains that he understands, and is being told by Western Pacific Engineering; it is on the final plat that the location of the wells and septic tanks will be needed. Nor has any other development in the county been required to have what he is being asked to provide for the preliminary plat approval. He states they have all ready proved the sewer; his partner does have a business that has the water rights. It will be put in the covenants that the 100 foot well buffer will be shared for each lot sold. That will be stipulated before a lot is ever sold and the same with the septic system. Mr. Carlile explains some of this stuff is not required right now by the county, it is required at the end of the process.

He asks if there are any other questions that he could answer.

Bill states that when they denied this previously it was discussed that a development like this needs to be constructed with community sewer system, it needs to be a considerable distance from the water and it needs to be designed so that it could be tied in to a municipal system in the future.

Bill reads from the third page of the letter from the Bureau of Reclamation “We also fear that the residential septic systems to be situated along the banks of Crab Creek may overload the filtering capacity of the soils. The resulting contamination may have impacts downstream of this location. A downstream segment of Crab Creek is currently listed as impaired on the current (2002) Clean Water Act 303(d) list.”

Dale wants to bring up the issue raised regarding the 100 foot buffer around the normal high water mark. He does not have anything that specifically defines where the normal high water mark is located and where the 100 foot buffer around the high water mark is. It is a condition of approval, and if they can not see if it does or does not affect the boundaries of the lots, or the positioning of wells, or septic tanks, or houses it is difficult for them to make a fair decision. Dale states that he has been on the project site and is concerned about the water quality issues. He doesn't see that they have enough information to truthfully say that they know that a well and septic tank will fit on each one of the lots. In a circumstance away from the water and away from this heavy of a density it may not be an issue. But at this site it does become an issue and it is difficult for him to say that they should pass this one.

Dale makes a motion to recommend to the County Commissioners the denial of this subdivision along with the original findings of fact to the negative.

Bill verifies if Dale is talking about the original finding of facts from 2004?

Dale responds yes.

Dale and Bill discuss adding an 8th finding of fact regarding the issues identified in the lawsuit memorandum decision having not been addressed.

Ollie seconds the motion.

Lee would like to clarify his issues and states that he does not like clustering. He is concerned that any rise in the water level could cause trouble, and that the whole Crab Creek area is a phosphate rich environment. Lee adds he would be more positive towards this proposal if there were a planned development for water and sewer that could eventually be tied in to a municipal system. He is concerned with that many septic systems and that many wells located on that small of piece of property.

Jon states that he sees it as a bad development site, with the creek and then impacting it with high density residential housing.

Bill asks if the Commissioners understand the motion to recommend it to the County Commissioners with denial of this application, the preliminary subdivision with eight (8) findings of fact in the negative. The seven (7) that are listed and the eighth (8<sup>th</sup>) which would include the statement that the issues addressed in the memorandum decision - Gilbert LeVander versus Grant County, a political subdivision in the State of Washington, and Douglas Carlile and Elberta Carlile, husband and wife - have not been met.

**ACTION: DALE WALKER MAKES A MOTION TO DENY THE DOUGLAS AND ELBERTA CARLILE PRELIMINARY SUBDIVISION WITH THE SEVEN (7) FINDINGS OF FACT LISTED AND AN ADDITIONAL EIGHTH (8<sup>TH</sup>), WHICH**

WOULD INCLUDE THE STATEMENT THAT THE ISSUES ADDRESSED IN THE MEMORANDUM DECISION, GILBERT LEVANDER VERSUS GRANT COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF WASHINGTON, AND DOUGLAS CARLILE AND ELBERTA CARLILE, HUSBAND AND WIFE, HAVE NOT BEEN MET. OLLIE CLICK SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.

### FINDINGS OF FACT IN THE NEGATIVE

- 3. PUBLIC HEARING – Rod & Connie Pierce – Minor Zone Change** – A Minor Zone Change for a 9.2-acre parcel zoned Rural Residential-2 with a Comprehensive Plan Land Use Designation of Shoreline Development-3.

File #07-4697  
S. 21, T. 24, R. 27  
Billie Sumrall - Project Planner

Scott Clark (substituting in the absence of project Planner Billie Sumrall) presents the Staffs Report to the Planning Commission members along with Agencies/Departments and Public comments that have been received. Staff displays maps/photos on the overhead showing the location of the proposal along with surrounding zoning. Scott asks the Commissioners if they have any questions for him.

Bill asks a question regarding the staff comments concerning the zoning information provided.

Scott states the information in question is an error and directs the Commissioners as to where they can find the correct zoning information.

Bill observes that there are no comments from Fire District 7 of the Blue Lake Water Users.

Scott replies that there were no comments received from that agency.

Dale asks in the Shoreline Development 3 zoning designation how many houses are allowed in how many feet of shoreline.

Scott answers this particular development is not actually located on the shoreline.

Dale asks if it still falls under shoreline designation because of the closeness to the lake.

Scott answers yes, that it does.

Stirling Knudsen 130 1<sup>st</sup> Ave. NW, Ephrata, previously sworn. Stirling states he didn't have much more to add except, that there has been some appropriation of boundary line adjusting done, with the neighbors, to make the minor zone change appropriate.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.*

Ollie comments on the location of the lot and the development of different size lots in that area.

Blair states that the change will bring the lot into consistency with the comprehensive plan.

**ACTION: BLAIR FUGLIE MAKES A MOTION TO APPROVE THE ROD AND CONNIE PIERCE MINOR ZONE CHANGE AS PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE FINDING OF FACTS IN THE AFFIRMATIVE. DALE WALKER SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.**

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

- 4. PUBLIC HEARING – Charles Tudor – Reasonable Use Exception** – A Reasonable Use Exception to enable the construction of a shop with residential living quarters on a 4.14-acre parcel in the Agriculture Zone.

File #07-4704  
S. 21, T. 19, R. 27  
Rick Rettig – Project Planner

Rick Rettig presents the Staffs Report to the Planning Commission members along with Agencies/Departments and Public comments that have been received. Staff displays maps/photos on the overhead showing the location of the proposal along with surrounding zoning. Rick asks the Commissioner if they have any questions for him.

Lee asks if he is reading the property statement correctly, that the property was purchased in the year 2000. He adds that it is his understanding that the requirement of one house in forty goes back further than that year.

Bill asks if proponent is present so that he could answer the question.

Charles Tudor 5229 87<sup>th</sup> Ave. NE, Everett, previously sworn.

Lee asks Mr. Tudor when he purchased the property.

Mr. Tudor responds in January of this year.

Bill asks if Mr. Tudor bought it knowing he technically couldn't build on it.

Mr. Tudor acknowledges, yes, and that the land is basically pasture land that he wants to put horses on. He would like to build a shop with living space for his retiring "cowboy" father in law to reside in, for as long as need be.

James asks Mr. Tudor if he is the adjacent property owner.

Mr. Tudor answers no.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.*

Ollie observes that basically this property is just a corner of a circle.

Blair points out that it is a legal lot.

Lee is concerned about putting a permanent house on the lot. He thinks a shop would be fine, but would feel more comfortable with a manufactured home that could be removed when the father in law no longer needs it.

Dale asks about the property being separated from Mae Valley Road by a right of way and would like to know exactly what that right of way is. Dale continues by reading from the comment section from the Quincy Columbia Basin Irrigation District regarding this right of way. He also asks about the road running along the property and asks Mr. Tudor if he understands that the Quincy Columbia Basin Irrigation District does not have to give him a permit.

Mr. Tudor answers that Mae Valley Road is the only road that runs along the property. He also understands that he may not be issued the right of way permit.

Mr. Tudor states that he is not allowed to use the district irrigation water to irrigate the pasture, but he would be allowed to put in an eight inch well to use for irrigation and domestic water. He hasn't went any further with the well or septic plans until he knows if it would even be possible to construct the buildings first.

Lee asks if Mr. Tudor would be adverse to the Commissioners striking the residence part of the shop as part of there approval.

Mr. Tudor states that would be fine.

The Commissioners discuss the issues of putting a residence and a shop on this piece of land.

**ACTION: LEE GRAHAM MAKES A MOTION FOR RECOMMENDED APPROVAL OF THE REASONABLE USE EXCEPTION REQUEST TO ENABLE CONSTRUCTION OF A SHOP AND RESIDENTIAL LIVING QUARTERS ON 4.14 ACRES, WITH THE NINE (9) CONDITIONS OF APPROVAL. OLLIE CLICK SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.**

**BILL BAILEY CLARIFIES FOR THE RECORD THE CHANGE IN THE DESCRIPTION OF THE PROPOSAL - INSTEAD OF "A SHOP WITH RESIDENTIAL LIVING QUARTERS" IT WILL READ "A SHOP AND RESIDENTIAL LIVING QUARTERS".**

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

- 5. PUBLIC HEARING – Vic Didra– Minor Zone Change-** A Minor Zone Change for a 279.5-acre parcel zoned Rural Remote with a Comprehensive Plan Land Use Designation of Agricultural Resource.

FILE #07-4706

S. 14, T. 18, R. 23

Billie Sumrall - Project Planner

Scott Clark (substituting in the absence of project Planner Billie Sumrall) presents the Staffs Report to the Planning Commission members along with Agencies/Departments and Public comments that have been received. Scott submits a comment from the Department of Ecology which will be entered as part of the record. Staff displays maps/photos on the overhead showing the location of the proposal along with surrounding zoning. Scott asks the Commissioners if they have any questions regarding the project.

Mary Fadenrecht 7082 Olalla Canyon, Cashmere, previously sworn. Mary explains the land is currently used agriculturally. It is Farm Unit 109 and she doesn't know why it isn't zoned agriculture, but would like it zoned as such.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.*

**ACTION: JAMES TURNER MAKES A MOTION TO APPROVE THE VIC DIDRA MINOR ZONE CHANGE AS PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE 10 FINDINGS OF FACT IN THE AFFIRMATIVE. JON HATT SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.**

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

6. **PUBLIC HEARING – Tyrone & Peggy Trexler – Minor Zone Change**– A Minor Zone Change of a 71.74-acre parcel changing the zoning from Open Space Conservation (OSC) to Rural Residential-2 (RR-2).

FILE #07-4717  
S. 23, T. 25, R. 28  
Dorothy Black - Project Planner

Dorothy Black presents the Staffs Report to the Planning Commission members along with Agencies/Departments and Public comments that have been received.

Tyrone Trexler 38038 Road J.5 NE, Coulee City, previously sworn. Mr. Trexler stated he did not have any more to add in addition to what Dorothy presented. He asked if the Commissioners had any questions for him. The Commissioners did not have any questions.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.*

**ACTION: BLAIR FUGLIE MAKES A MOTION TO APPROVE THE TYRONE AND PEGGY TREXLER MINOR ZONE CHANGE PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE TEN (10) FINDINGS OF FACT IN THE AFFIRMATIVE. OLLIE CLICK SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.**

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

7. **PUBLIC HEARING – David Hendricks – Minor Zone Change** – A Minor Zone Change for two (2) parcels totaling ~ 8-acres from Urban Residential-3 to Urban Commercial-1.

File #07-4726  
S. 09, T. 19, R. 28  
Scott Clark - Project Planner

Scott Clark presents the Staffs Report to the Planning Commission members along with Agencies/Departments and Public comments that have been received. Scott submits a comment form from Public Works, which will be entered as part of the record.

Bill asks if the zone change to Urban Commercial is being done for the purpose of storing hay.

Scott answers yes, his proposal is for commercial storage of hay.

Dale Hendricks 7785 Dick Road, Moses Lake, previously sworn. Mr. Hendricks explains they are requesting the zone change in order to be able to stack hay in an area that would satisfy the requirements of his insurance company.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.*

**ACTION: DALE WALKER MAKES A MOTION TO APPROVE THE DAVID HENDRICKS MINOR ZONE CHANGE AS PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE TEN (10) FINDING OF FACTS. LEE GRAHAM SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.**

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

- 8. PUBLIC HEARING – Larry Haven – Minor Zone Change** – A Minor Zone Change for one (1) parcel totaling ~ 4.08-acres from Rural General Commercial to Urban Commercial-2.

File #07-4735  
S. 11, T. 19, R. 28  
Scott Clark – Project Planner

Scott Clark presents the Staffs Report to the Planning Commission members along with Agencies/Departments and Public comments that have been received. Scott submits comment forms from Public Works and the Assessor’s Office which will be entered as part of the record.

The Commissioners discuss the general location of this project with Scott.

Larry Angell 321 South Beech Street, Moses Lake, is sworn in by Bill. Mr. Angell states he has no statements to make, except to answer any questions the Commissioners may have.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.*

**ACTION: OLLIE CLICK MAKES A MOTION TO APPROVE THE LARRY HAVEN MINOR ZONE CHANGE AS PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE TEN (10) FINDINGS OF FACT. JAMES TURNER SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.**

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

**OTHER DISCUSSION ITEMS:**

- 9. UDC COMMITTEE – UDC AMENDMENT**

FILE #07-4730  
Scott Clark – Project Planner

Bill asks if there is a public hearing scheduled for the night regarding this matter.

Scott apologizes and states no there was an error in the draft. This is just a public meeting and not a hearing.

Scott is providing some background history to refresh the memory of the Commissioners regarding the Amendment to the Unified Development Code. Scott explains the Review Committee simply went back into the original proposal and modified it. Nothing new has been added to this amendment. It is reducing the number of changes to only those changes that were suggested to be brought back in front of the Planning Commission. He also states that his purpose tonight was to get the information to the Commissioners so they could become familiar with it before it is set as a formal public hearing next month. Scott reports there are about 250 changes to the tables as it is now. He acknowledges it is still a substantial amount, but not as many as previously presented, and hopefully, will make it easier to work with.

Scott and the Commissioners discuss how to interpret the editing and changes made to the document, and what type of amendments are being suggested to be made to the Unified Development Code



Bill states the Commissioners would need to take the document home and read through it. He also asks if the Review Committee has received copies.

Scott answers that the Committee will receive copies of the document, but that the Commissioners are the first to receive copies. Scott points out on the front page of the document the Commissioners will find the words “with Modified Table 3, 4 & 5 - Proposal C” so that it will help them to understand what it is that is being looked at. He also tells the Commissioners should any one like a copy of the previous proposal to let him know and those copies will be provided.

Scott announces that Dorothy’s title has changed, she is no longer an Associate Planner, but is now the Current Planning Manager.

Meeting adjourned at 9:57 PM.

Respectfully submitted:

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Doris Long, Secretary

Approved by:

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