

**GRANT COUNTY  
PLANNING COMMISSION**

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

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

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**FEBRUARY 7, 2007 @ 7:00 P.M.**

Members present:

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

Members absent: Gary Piercy, Jim Fleming

**Board Action:**

Bill Bailey reads the motion to the BOCC regarding the Shoreline zoning that was in the meeting minutes.

Approval of January 3, 2007 Meeting Minutes.

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

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?

1. **PUBLIC HEARING –Moses Pointe Holdings – Preliminary Subdivision** - A preliminary subdivision of 13.7 acres a Planned Unit Development of Moses Pointe, Fairway 1 in the Urban Residential 2 Zoning District

File # 92-1384-06  
S. 07, T. 19, R. 28  
Billie Sumrall - Project Planner

Billie introduces our new Planner Vanessa Dolbee and our new Director Dave Nelson.

Billie Sumrall presents the Staffs Report to the Planning Commission members along with Agencies/Departments and Public comments that have been received. Billie brings to the attention of the Commissioners a letter by Scott Clark.

Billie asks the Commissioners if they have any questions for her. No questions for Billie.

Scott Wagner, Manager of Moses Pointe, previously sworn. He mentions that Billie has done a great job. He asks that one item be added for additional clarity on the map that was provided. He states that it indicates they have 37 four-plex town home units and 12 duplex town home units. He asks if he would be able to switch between four-plex and duplex units as long as he does not exceed the 172 units total. He is asking for it so he

does not have to come back and ask for an amendment. He asks the Commissioners if they have any questions for him.

Bill asks to clarify Scott Wagner's statement regarding the amount of units that will be built on site. Scott clarifies that. Bill states they see no problem with that and staff sees no problems. All Commissioners agree.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.*

The commissioners discuss the proposal.

Dale comments that he went over the site today and he feels that Moses Pointe has done a good job and carried out their plans as submitted.

**ACTION: DALE WALKER MAKES A MOTION TO APPROVE THE MOSES POINTE HOLDINGS PRELIMINARY SUBDIVISION WITH THE REVISION OF DUPLEXES AND FOURPLEXES BEING ALLOWED TO CHANGE AS LONG AS THE 172 UNITS IS NOT EXCEEDED WITH THE ELEVEN (11) CONDITIONS OF APPROVAL. OLLIE CLICK SECONDS THE MOTION. IT IS VOTED ON AND PASSED UNANIMOUSLY.**

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

- 2. PUBLIC HEARING – Lester Mather – Reasonable Use Exception** – to enable placement of a manufactured home and construction of a pole building on a 2.50-acre parcel in the Rural Residential 1 Zone of Grant County.

File # 06-4631  
S. 02, T 21, N, R. 26  
Rick Rettig - Project Planner

Rick Rettig 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. Rick asks the Commissioners if they have any questions for him.

Dale asks to have the vicinity map be put back up on the overhead. Dale asks about the access and asks Rick to show them where that would be located. Blair Fuglie asks if there are other 2.5 acres lots in the area. Blair states he is looking for consistency. Lee states that looking at the aerial view that it looks like it was platted. Ollie Click tells the Commission members the land was platted by BLM back in the 1950's into 2.5-acre lots. Dale asks about the approach permit that Public Works requested. The proponent will answer that question.

Lester Mather, 229 Nob Hill Drive, previously sworn. He answers the question regarding the approach that it is permitted by DOT. He also answers questions regarding the easement. He states all were approved through the County process. He also gives some history on when the land was platted and why it was platted. He also tells the Commissioners he has taken care of the septic system and what kind of system he will be putting in. He also gives a little background on the type of garage he plans on building. No questions from the Commissioners.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY CLOSED.*

Lee asks if condition number seven (7) is worded properly. Dale states that he assumes that it is speaking of the approval that is based on the exception of the plat 20 years ago.

Rick states the Reasonable Use Exception they applied is also an applicable land use rule.

**ACTION: BLAIR FUGLIE MAKES A MOTION TO APPROVE THE LESTER MATHER –REASONABLE USE EXCEPTION AS PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE SEVEN (7) CONDITIONS OF APPROVAL. DALE WALKER SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.**

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

- 3. PUBLIC HEARING – Tim Adams – Preliminary Subdivision** – of 194.4-acres into thirty-eight (38) residential lots with five (5) open space lots in the Rural Residential-1 (RR1) Zone of Grant County.

File # 06-4648  
S. 02, T 21, N, 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.

Bill asks Igor to show the open space lots on the overhead.

Dale asks about the clusters being served by the one access onto the County road. He asks if it is going to continue on to a county road or is that an access to another set of lots. Igor tells Dale that is a road but it is not part of this proposal and will connect with Road 7.8 NE.

Dale asks why it would show a road continuing on to another County Road when the clustering standards specify that access be through one County road.

Igor states that the major reason is for road continuation.

Bill asks Igor to clarify his statement asking him if that means there is currently one common access point. Igor answers yes.

Dale asks the question about the proposal that goes beyond this plat if it is for the purpose of another plat.

Igor states that the road is shown to give the Commissioners an understanding of the road system in this particular area.

Bill states the issue is that if there is only one access that road has to stop if they follow the code. Dales states that they are not approving that road because it is not part of this proposal. Lee adds that it brings up issues with the rules and regulations that could change in twenty years.

Jim Keys, Columbia Northwest Engineering, 321 S Beech Street, Moses Lake, previously sworn. He states that he agrees with everything in the staff report and the Conditions of Approval. He brings up one condition of approval that concerns the Northwest corner of the Cayuse Plat. He states in the Northwest corner of this plat that the road right of way would extend up and touch the south line of the Miller Plat at the point the private road comes down. There was never going to be a private road there because when they received approval of the

Miller Plat all of that went away because thirty (30) feet down the west side was dedicated. He adds all of that has changed. Public Works still wants the road extended all the way down. Mr. Miller met with Greg Pohle and they worked out a deal that they would not dedicate the thirty (30) feet on the west side of the Miller Plat and he would extend the private road easement straight on down. Jim hands out a sketch he has drawn so it is a little more self-explanatory. It will be exhibit one. Jim explains lots 7 and 8 are the two southwesterly lots of Miller Plat to the north of Cayuse Plat. Lots 9, 10 and 11 are part of the Cayuse Plat. The cul d sac that ends at lots 10 and 11 is the end of the proposed County road right of way and be dedicated on Cayuse Plat. The cul d sac up on the north end of lots 7 and 8 is the south end of the private road and utility easement from the Miller Plat. All the area colored in green between lots 7 and 8 on the Miller Plat was agreed to today by Mr. Miller and Derek Pohle the Public Works Director that it would be extended not built but extended as a private road easement. Mr. Adams, the owner of Cayuse Plat is agreeing to extend a private road utility easement, unconstructed north to touch the south end of Miller Plat. The purpose being that someday if the people who own the ground wish to dedicate it and construct it to a County standard they can do that if they are all in agreement. If not it stays a private easement but the point being that it is there if the need ever arises.

Dale asks under what condition of approval this falls. Igor states that it is under 11 (e) 1 and he explains why. Igor states staff is in agreement.

Jim states they are in agreement with everything else that staff has submitted and asks if the Commissioners have any more questions for him.

They ask Igor if 11 (e) 1 is the new language and Igor states that it is.

Jim asks if they have removed the 90-degree turn.

Jim Keyes tells the Commissioners that the 90-degree turn has been removed.

Dale asks about lot 10 on the east property line, which reads, "shall connect a road easement extending to the north".

Jim Keyes states that is correct. Jim explains the easement exists but won't be constructed. He states it will tie the two plats to provide an access up to Road 7.8 if it ever becomes necessary. It includes lot ten (10), and also seven (7) and eight (8) and two other lots on the Miller Plat. It also covers a portion of lot eleven (11) of the Cayuse Plat.

Blair asks about the Miller Plat and if they approved it with an easement on the west side of the plat.

Jim Keyes answers with a yes and explains what happened on the Miller Plat. He explains they were going to dedicate thirty-feet (30) on the west side of Miller Plat to match with thirty-feet (30) on the other side. When the Conditions of Approval were written up after it went to the County Commissioners it said under the Public Works Department that all the conditions of the Public Works Department would be met. Nobody caught it because one of the conditions from the Public Works Department was the easement be extended on the Miller Plat on the south property line and Public Works would not back down on that condition. The easiest solution was to work it out with Derek Pohle from Public Works Department.

*PUBLIC TESTIMONY OPENED*

Robert Lyons, 7559 Road D.9, previously sworn. He has no objections to the development but wanted to express his concerns about lighting. He hopes that at some point that it would be under consideration to have a lighting ordinance that would require cold cut off lighting at night.

Kim Wareham, 5725 Bouldercrest, previously sworn. He asks Igor to put up a map that will show where his house is located. He states that he is not against or for the proposal but he would like to see consistency and fairness applied to all applications.

Public Testimony is closed.

Bill explains to the public clustering and also addresses the lighting issue.

Lee states that it is very difficult to be consistent when the rules have changed in the last ten years but they are trying to stay consistent.

**ACTION: LEE GRAHAM MAKES A MOTION TO APPROVE THE TIM ADAMS PRELIMINARY SUBDIVISION AS PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE ELEVEN (11) CONDITIONS OF APPROVAL BLAIR FUGLIE SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.**

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

- 4. PUBLIC HEARING – Eric Walker – Plat Alteration** – to reconfigure the existing four lots. The west half of Lot 15 contains a single-family residence with a swimming pool and pool house. Lot 14 contains a tennis court and the other lots are vacant. The four lots total 6.81 acres and is located in the Urban Residential 2 Zone of Grant County.

File # 06-4674  
S. 34, T 19, N, R. 28  
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.

Bill tells Rick they do not have copies of page nine (9) that Rick is addressing. Copies are made and handed out to the Commissioners.

Rick shows maps on the overhead projector. Bill asks about the four (4) small lots. Rick tells the Commission the lots are included to show how it could be developed further in the future. He adds the lots are not a part of the proposal.

Bill asks why they are being shown when they are 1/6<sup>th</sup> of an acre when the minimum lot size is a 1/4 of an acre.

Rick tells the Commission it would have to be reconfigured and one of the Conditions of Approval addresses that issue. Rick reads the condition to the Commission, which is condition 12 (b).

Jim Keyes, Columbia NW Engineering, 321 S Beech Street, Suite A, previously sworn. He states that they agree with all the conditions and findings of fact and he explains why the lots are reconfigured and asks the Commissioners if they have any questions for him. No questions for Jim.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.*

Rick states that one of the conditions from Moses Lake was to show the redevelopment plan. Bill explains that we are not approving A, B and C. This is not part of this process.

**ACTION: JAMES TURNER MAKES A MOTION TO APPROVE THE ERIC WALKER PLAT ALTERATION PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE TWELVE (12) CONDITIONS OF APPROVAL BUT REMOVING CONDITION 12 (B) WITH THE NOTATION THAT LOTS A, B AND C ARE NOT PART OF THE PLAT ALTERATION. OLLIE CLICK SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.**

Rick explains to the Commissioners that one of the comments from the City of Moses Lake was to show the redevelopment plan would be a part of the conditions.

Bill states that he thinks what the City means is that we need to show the redevelopment plan does not alter the plat at this point. Bill adds that his understanding is that we are not approving lots A, B and C they are not being considered but simply being shown as a future way to develop. Bill asks if that is the way staff understands it.

Staff agrees.

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

- 5. PUBLIC HEARING – Vern Cox – Plat Alteration** – of lots 1 & 2 of Cox’s Landing No. 3, and lot 6 of Cox’s Landing No. 9 in the Rural Residential 1 Zone of Grant County.

File # 07-4692  
S. 15, T 14, N, R. 23  
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.

No questions for Igor.

Igor states that February 5<sup>th</sup> a comment was received from the Department of Ecology he submits copies to the Commissioners. It will be Exhibit 1.

**Note:** There was no one present to represent the proponent.

*PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.*

The Planning Commission members discuss the proposal and some feel the proponent or someone representing the proponent should attend in case there are questions and so the Commission members can ask them if they agree with the Conditions of Approval.

Dale states that they would like to see someone here representing the proponent. He states they ask the proponent about the conditions of approval and if they agree with them.

Bill asks if we know that Stirling Knudsen got a copy of the Conditions of Approval.

Igor tells the Commission members that copies of the Conditions are mailed out to the proponent and the representative and he agrees with Mr. Walker that someone should be here to represent the proponent. Igor asks the Commission members if they do not feel comfortable making a decision.

Dale states that he will not make the motion or second it. He hesitates to make that decision when a big piece of ground will not be able to have a structure put on it. When a determination is made that would limit the use of the land someone should be present to say they are in agreement. Even if they submitted a letter that would be in the file that said they agreed with all the conditions but could not be present.

Lee states that he wonders if they should continue this because the proponent is not present.

Bill adds that this condition is not a surprise because it is in the Rural Residential 1 zone, which is one dwelling unit per 5 acres and this does max out this plat.

Igor explains a little further.

Jon states they are basically recommending to the Board of County Commissioners and it would give Mr. Cox another chance to come forward.

Dave Nelson states the official language for Conditions of Approval have to be written and what is being accomplished by the proponent being here is he understands the conditions and then agreeing to them. If he didn't agree to it and still approved it with the condition it is the written language that will bind that condition.

Bill adds that we know he has the opportunity to appear before the County Commissioners and refute it. Bill agrees with what was said but the one point he has is because it should not be a surprise to the developer even though nobody is here to talk about it. It is pretty straightforward.

**ACTION: LEE GRAHAM MAKES A MOTION TO APPROVE THE VERN COX PLAT ALTERATION AS PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE ELEVEN (11) CONDITIONS OF APPROVAL JON HATT SECONDS THE MOTION. VOTED ON WITH DALE WALKER IN OPPOSITION.**

**FINDINGS OF FACT IN THE AFFIRMATIVE.**

Bill comments that if they are uncomfortable with this action that they should establish a general policy as a Planning Commission that in the event the proponent or the representative do not appear they will table the action until the following meeting. However recognize that when we advertise a public hearing we will have a public hearing so the only issue may be whether we continue the hearing.

Dale asks Igor about the letter that was sent to the proponent and the agent telling them it was mandatory they come to the hearing. Igor reads a letter that is sent to the proponent before the hearing.

Dale asks if this is a policy in the Planning Department send a letter to the applicant/agent.

Igor states the letter uses the word must.

Bill tells Igor to change the word "must" to "shall".

Bill tells Igor to add a sentence that states, “ No action will be taken in the event no representative is present for the public hearing.

Dave Nelson comments that in the Unified Development Code (UDC) a formal format for a public hearing and telling the proponent they need to be present is not included in that format. It may be that it can be established by a policy and it may need to be an amendment change. Dave states he will clear that with the County attorney and will take whatever action we need to if that is the desire of the Commission that they don't act on anything if the proponent is not represented.

Ollie Click asks about the letter that was handed out to the commissioners. Bill states that it is for their information only. Ollie adds that it was under a Conditional Use Permit. Bill states that it is simply an item they will take no action on.

Bill was given an applications for Planning Commissioner Pamphlets and would like to order them.

Meeting adjourned at 8:57 PM.

Respectfully submitted:

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RoseMary Dart, Alternate Secretary

Approved by:

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Bill Bailey, Chairman