

**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

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

JANUARY 3, 2007 @ 7:00 P.M.

Members present:

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

Members absent: Gary Piercy

Board Action:

Approval of December 6, 2006 Meeting Minutes.

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

James Turner made a motioned to elect Bill Bailey as Chairman of the Planning Commission for the year 2007. Seconded by Lee Graham and unanimously approved.

Jim Fleming makes a motion to elect Dale Walker as Vice Chairman for the year 2007. Seconded by Ollie Click and unanimously approved.

Bill Bailey makes a motion to appoint RoseMary Dart as Alternate secretary. Jim Fleming seconds the motion and unanimously approved.

The Commission members welcome back Ollie Click.

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 –Homestead Acres Major Plat – Preliminary Subdivision** - A preliminary subdivision of ~63.06 acres into thirteen (13) lots in the Rural Residential 1 (RR1) Zone of Grant County. Twelve (12) lots will be for single-family residences and one (1) lot will be designated for open space.

File # 06-4649
S. 01, T. 19, R. 27
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 reads a letter from Public Works stating that the traffic study was waived by the Grant County Public Works Engineer, Derek Pohle. He also tells the Planning Commission that the covenants will cover the concerns regarding quality of future homes.

Dale Walker asks to see a larger map that shows the surrounding area of the proposal. Igor displays a map on the overhead projector. Dale asks Igor where the roads lead in relation to the Quincy District. Igor displays a vicinity map, which shows the location of the site. Dale asks Igor questions regarding the covenants and what they would address. Igor answers the question. Dale asks Igor what he means by "integrity of the area". Blair asks about the east side of the project where an easement is located and if that is in the project area. Igor suggests that the easement be located in a different spot but states the proponent should answer that question.

Jim Keyes, 321 S Beech, previously sworn he is the surveyor for the project. He addresses the easement. He states it is a gravel driveway and it is adjacent to the plat and has been there for approximately 20 years. He adds the owner will sign papers to make the easement legal. He explains what the covenants will consist of and gives a little background on the land along with history on the water rights that go with the land. He also gives some background on septic and water and how much would be used for each.

Dale asks what the water depth is. Bill asks why with the water rights they didn't break it up into 5-acre lots.

Jim states they are taking advantage of the clustering development. He states when they cluster them down to one to two acres it gives people the option to have animals. He also states cost wise it is much better for the proponent. Jim addresses page 6 item 12 (d). He asks what happens if 15 years down the road that sewer and water is introduced then that 15 acres could not be developed because of condition 12 (d). He would like to see some leeway in that condition for future development.

Bill asks Scott to comment on the wording of 12 (d).

Scott agrees that if the Planning Commission is inclined wording could be introduced that would work to give them flexibility in future years.

Dale makes a statement regarding clustering. He sees the clustering as a selling point. When someone buys the property they buy part of the open space. He states it should be considered in the language.

Scott agrees with Dales statement and gives his reasons why he agrees.

Dale asks Scott a question regarding how many homes are allowed when clustering. Dale adds that his manual reads eight and the Planning Commission have not received an updated manual or new rules.

Scott states that it has changed and he is checking to see if he has an updated version. He also adds that it depends on the zoning of the property. He looks it up in the UDC code and in the old code Rural Residential one it was 12 dwelling units.

Lee asks about the Wal-Mart issue in Chelan. He adds that it deals with clustering so he hopes he is not out of line asking this question. Wal-Mart is putting a 163,000-foot building on an 18 acres parcel where they are only

allowed 50,000 per five acres. He feels it is very similar to what is being done now and the judge threw that back at them and told them it couldn't be done. He asks if we are protected on that issue.

Scott explains that the city approved a proposal, which was only for 50,000 square feet and what was built was larger.

Lee states the paper reported 50,000 per five acres. Scott states the mayor believes that was done but the judge thought otherwise.

Bill points out the danger in making all the five acre parcels. In event the City of Moses Lake brings that area into the UGA or incorporates that area it becomes eligible for one acre or less parcels. He adds "we have the situation where each five-acre parcel could rezone their piece". He sees the point that was brought up could be a benefit so the thirty-acre parcel could eventually be developed in a more orderly fashion than the five-acre parcels.

Jim agrees with Dale and explains why. He feels the open space is protected by the zoning under which the plat is being filed and will be in place until such time sewer and water comes into the city. No further questions for Jim Keyes.

PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY IS CLOSED.

Igor distributes comments from Emergency management and they (Emergency Management) have no objection to the project.

Lee makes a motion to recommend approval with one recommended change to 12 (d) that would read, "until such time as infrastructure development would allow higher density development". Lee asks if that would work.

Scott suggests it be amended to say, "It should comply with 23.12.075 with regard to open space requirement". Omit the language that says, "No further subdivision cannot contain a dwelling unit". His reasoning is based on the discussion they had before he believes there is enough latitude that we can comply with a little different language without making a statement to have it a certain way. Scott states he is concerned that it may be too restrictive and almost suggests that it is noncompliant with the text itself.

Lee strikes his recommendation for approval and it should say subdivision shall comply with Grant County Code 23.12.075(e) (8).

Dale asks Scott to explain what that means.

Scott explains it is a reference to a requirement for open space and the discussion has been that there would be language created that will be able to both comply with the code but meet the long term intent of what it is your considering happening. So simply saying comply with it and he thinks there is enough latitude for us (Planning Commission) to do what it is they are intending to do. Basically down the road it may be amended.

Bill adds that is he understands what Scott is saying that if there is to be verbiage on the face of the plat it's not yet developed. Scott answers yes that based on their direction they will work with the applicant to come up with something that will meet the code and still meet the intent or direction they are taking.

Dale asks if they are taking out the notation, "The following notation shall be placed on the face of the plat". Scott states he feels that can be taken out because that will be part of the requirement under the code. It will just be a different notation. Dale adds that he feels it should be on the face of the plat. All commission members agree.

Bill states the intent is that under current zoning that lot 13 cannot be developed for residential use. Until in the event that there is a major change, specifically the area coming into the Urban Growth Boundary or within the city limits.

Lee asks if 23.12.75 directly address future growth in an open space cluster.

Scott states it does not.

Bill asks if everyone understands the motion and the Revision of condition 12 (d).

ACTION: LEE GRAHAM MAKES A MOTION TO APPROVE THE HOMESTEAD ACRES PRELIMINARY PLAT AS PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE TWELVE (12) CONDITIONS OF APPROVAL WITH A REVISION IN 12 (D) OLLIE SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.

FINDINGS OF FACT IN THE AFFIRMATIVE.

Dale asks if in the future in the conditions of approval the staff could make sure the commission gets the specific verbiage from the Unified Development Code if it is to be used as a condition so they know how it is worded and applied.

Scott states in general terms yes and they should receive them.

- 2. PUBLIC HEARING – James McCreary/Intuit Re-Zone – Minor Zone Change** – of two parcels from Rural General Commercial (RGC) to Urban Commercial – 2 (UC-2) to make the zoning consistent with land use designation.

File # 06-4660
S. 04, T 20, N, R. 24
Dorothy Black - Project Planner

Dorothy Black 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.

Dorothy reads the BOR comments, which asks the proponent to release their water rights if it is removed from agricultural production. Dorothy reads the one condition of approval that states "the applicants shall release the agricultural water supply from this farm unit for the area not in agricultural production".

Bill asks Dorothy about the suggested condition of approval and if she means the applicant shall release that portion of the agricultural water supply from the farm unit or do you mean release all of it.

Dorothy states it would be just from the building site area. If they elect to use the rest of the parcel for agricultural purposes they can keep the water for that area.

Bill feels the language should be more specific.

Dorothy agrees.

Lee asks to define agricultural production and if green lawn on sixty-three (63) acres would be considered agricultural production. Lee adds that he was under the impression they were going to have quite a buffer zone of grass, which is going to need water.

Bill adds that his concern is the potable water supply and using it for watering that much acreage.

Lee would like to define agricultural production or if there were construction they would not have the water rights.

Jeremy McCreary, 8116th Avenue SE, previously sworn. Michael Gulasch the authorized agent asked him to attend this meeting and he would be happy to answer any questions.

Bill asks if he understands the condition of approval for the water. Jeremy asks Bill to explain. Bill explains what the Bureau is requesting and how the Planning Commission feels that is being a little unrealistic.

Jeremy explains the proposal and planned on the project being done in phases. He states that 30 to 45 acres would remain in alfalfa.

Bill tells Jeremy that they will need to come to an agreement with the Bureau.

PUBLIC TESTIMONY OPENED. PUBLIC TESTIMONY CLOSED.

Bill states that his initial reaction would be to eliminate the condition of approval.

Dale states they need to comply with the United States Department of Interiors request and allow the landowner to negotiate how much water would be left on the property. He gives his reasons why he feels this way.

Bill states they will come to an agreement with the Bureau. Dales states that if we ask for their comment we need to comply.

Jim Turner reads the definition. Lee states that the definition is what bothers him. He adds if they (the applicant) have a five to ten acre green zone buffer for that building they need the irrigation water for that.

Dale states he does not disagree with that but what he is saying is they need to leave that as a condition of approval.

Bill adds that if they take the first line, "development shall comply with all conditions of approval of the Bureau of Reclamation".

Dale states that would be fine. The other Commission members agree.

Bill adds that "we" are not going to negotiate with the Bureau the landowner will be responsible for the negotiation. The commission members agree.

ACTION: DALE WALKER MAKES A MOTION TO APPROVE THE JAMES MCCREARY/INTUIT RE-ZONE – MINOR ZONE CHANGE AS PRESENTED BY THE PLANNING DEPARTMENT STAFF WITH THE ONE (1) CONDITION OF APPROVAL AS RESTATED. JON HATT SECONDS THE MOTION. VOTED ON AND PASSED UNANIMOUSLY.

FINDINGS OF FACT IN THE AFFIRMATIVE.

Bill addresses comments made at the last Commission meeting regarding lot sizes on lakeshore parcels. Specifically the range under Shoreline Development would be 80 feet with the next range being 300 feet. He had thought there was a motion made to recommend to the County Commissioners that this issue be studied and some alternative be developed for future development. He asks the Commissioners if they remember that conversation. His first question is to the Commissioners, “(Do you) remember that discussion”. His (next) question to staff “Is the BOCC aware of their (our) concerns or do they simply get their minutes”. Staff tells the commission members the Board of County Commissioners do get the minutes. Bill suggests that they make a motion now about the Planning Commissions concern for the future shoreline development.

Scott states that staff would be in favor.

Dale Walker moves “The wide variation in minimum feet (80 to 300 feet) of lot width for shoreline development be brought to the attention of the Board of County Commissioners, and further suggests to the Board of County Commissioners that the Planning Committee review the present standards of lot width for shoreline development. Jim Fleming seconds the motion and it passed unanimously.

Scott gives some history. He states there is a regimented schedule and this county’s timeline is in 2011. The reason it is being discussed now is that DOE is concentrating their efforts on amendments to the shoreline management plans for jurisdictions that are doing their Countywide reviews and updates. The proposal to amend the shorelines management plans for small portions are not being dealt with currently. He asks the commission members if they remember the Moses Pointe Shoreline re-designation and initially Department of Ecology’s’ response to that was they were not going to get to it for five years. Any shorelines amendments require Department of Ecology’s approval.

Lee asks Scott if he read the article in Capitol Press regarding King County Planning process and it being challenged by a group of people. Scott states he has not heard of that article. Lee explains the judge ruled against this group that wanted to challenge the committee planning process because they felt it was too restrictive. The judge ruled against them and said that the state rules trumped the county in all cases but in this situation he is thinking that he wants to get this to Scott so the Planning Commission can be kept abreast of this because he thinks it could affect this county. He feels the power is going up instead of staying local.

Dale asks Scott to clarify the time frame for the shoreline designation and if the first step would be with Department of Ecology. Scott confirms Dales statement and gives more details.

Bill asks in reality how much shoreline is there in the county that is public owned. Scott doesn’t know the exact amount.

Dale asks if the commission will have the clustering regulations by next week. Scott states yes.

Meeting adjourned at 8:16 PM.

Respectfully submitted:

RoseMary Dart, Alternate Secretary

Approved by:

Bill Bailey, Chairman