

MINUTES OF ELLENSBURG CITY PLANNING COMMISSION

Date and Time: Meeting of September 22, 2016 at 5:45 p.m.

Place of Meeting: Council Chambers, Ellensburg City Hall

Present: Chairwoman Gretchen Thatcher, Beverly Heckart, George Bottcher, Ed Harrell, Fred Padjen, Gayl Curtiss

Absent:

Others Present: Community Development Director Kirsten Sackett, Senior Planner Angela San Filippo, Attorneys Jeff Slothower and Steve Lathrop, Mark Charlton and Tom Henderson of Mid-State Coop

1. Call to Order

Chairwoman Thatcher called the meeting to order at 5:47 pm.

2. Minutes

Commissioner Heckart distributed some corrections to the minutes. She moved to approve the minutes of the July 21, 2016 Special Meeting, as corrected. Mr. Bottcher seconded.

All in favor; motion to approve minutes as amended passed.

3. Public Hearings:

- a. Proposed 2016 Amendments to the City of Ellensburg Comprehensive Plan

Chairman Thatcher stated that the purpose of the public hearing was to consider five proposed amendments to the Comprehensive Plan docketed by City Council. She read through a list of all five of the items. She opened the public hearing and read through the procedures of the hearing.

Senior Planner San Filippo presented the Staff Report, starting with Proposal 16-01, which is the proposed update to the 6-year capital improvements plan as referenced in Chapter 6 of the Comprehensive Plan. The meeting placket includes the 6-year budgets for parks and recreation, energy services, and public works. She said that some of the public works numbers were pulled from existing plans adopted by the City. She explained that the proposal also included an amendment to the Comp Plan text itself, to simply reference the *most current* facilities plan rather than referencing a specific year.

Commissioner Heckart asked about the proceedings. She asked if the Commission would be opening and closing the public hearing for each of the five individual items. Staff explained the procedures that should be followed, specifically recommending that the Commission open and close the hearing for each of the five docketed items.

Thatcher opened the floor to the public for docket item 16-01. No members of the audience spoke regarding this amendment. Thatcher closed the hearing. Heckart

moved that the Planning Commission recommend to Council approval of docketed item 16-0. All in favor; motion passed.

Thatcher moved on to amendment 16-02. San Filippo stated that this docket item was put forward by the Landmarks and Design Commission, as a proposal to consider amending the parking requirements in the CC-II zoning district to match the parking requirements of the CC zoning district. The stated purpose was this could be a means of preserving the historic structures in the CC-II district. In order to achieve this goal Staff is proposing to add a new goal in Chapter 2, which would initiate a study of the parking requirements in the CC-II zone, rather than just simply changing the code through this process.

Thatcher opened the public hearing. No members of the audience spoke. Thatcher closed the public hearing. Heckart said she had a suggestion to change the wording of the comp plan amendment as follows: *As one means* of preserving the existing historic structures in the downtown area, analyze and study the benefits of not requiring off-street parking for any uses in the CC-II zoning district, except for residential uses. Bottcher seconded the motion with the proposed wording. Thatcher asked for discussion. There was none. All in favor, motion passed.

Thatcher moved on to item 16-03. San Filippo stated that this proposal was to allow for four specific parcels of land to have heavy industrial zoning on the property in the future. This would change the map found on figure 4.9, page 58 of the Comp Plan. This request was submitted by Mid-State co-op, as their use on those four parcels has been heavy industrial since the 1970's. The company recently went through a formal rezoning process, but it was recommended for denial by the Hearing Examiner because the rezone was not supported by the Comprehensive Plan.

Thatcher opened the public hearing. Mark Charlton, 4820 Fairview Road, Ellensburg, spoke to the Commission. He said he is a current board member of Mid-State co-op. He said that the co-op was formed in 1945 as an agricultural co-op and is owned by the users. It has approximately 126 members, and also sells its products to the general public. He stated that it has over 1500 patrons in Kittitas County who receive back from Mid-State. Mr. Charlton said that one of the many products they offer is blended fertilizer, which they sell for application on commercial crops, pastures and gardens. Mid-state is desiring to modernize the blending facility, which is important for serving their customers. The property they have identified for the blending facility has been owned by Mid-State for many years, and was previously utilized by Mid-State for heavy industrial purposes. In trying to determine the appropriate location for the facility, it has been found necessary to concentrate their work on their existing property. A rezone of the property would be a necessary step to meet this need of the Mid-State and their customers. He stated that the industrial activities that will be conducted on the property will be exactly identical to the activities that are already occurring on their property.

Mr. Padjen asked about blending and what that entailed. Tom Henderson, General Manager of Mid-State co-op, 339 Susan Road, approached the Commission. He said he has been the manager for 10 years, and has been in agriculture all his life. He said that what they need to do is no different than what they have been doing on the property since the 1970's, but they simply need to update their product and the facility. Regarding the question about blending, he explained the process, and stated that they currently utilize the same process at their existing facility. Mr. Bottcher asked more

questions about it and Henderson explained that there is no gas. He said that the products are not combustible. He said that if the facility itself were to catch fire, the fertilizer would not catch fire. Ms. Curtiss asked if there were any residential properties around there, and Mr. Henderson said that there are not. He stated again that the use is identical to what they are currently doing, but the facility would be an updated facility. Mr. Bottcher asked if they used the freight system. Henderson said that they do have freight at a different facility, but everything comes to this particular facility by truck. He said a bigger facility would be a benefit to the public because with the small facility they have now, they sometimes have 3-5 trucks waiting to unload. With the modernization of the facility, they could get the trucks in and cut down on the traffic. Ms. Curtiss asked about why this property was never zoned appropriately. Staff said that it was zoned industrial in the past, but that Staff wasn't here at the time the zone change occurred and could not speak to it. Commissioner Heckart explained what happened with the last Comp Plan update, and the desire to have this area of the city to be designated more general commercial.

Jeff Slothower, 207 W. 7th Ave, attorney for the property owners, approached the Commission. He said he has represented Mid-State for the last 10 years. He wanted to provide some history on the property, and explain the rezone request. He said back in 1945 there was no zoning at the time, and the industrial uses naturally gravitated toward the railroad corridor. In the early 1970's Ellensburg adopted zoning for the first time. He stated that there was no comprehensive plan back then. His clients' property was zoned Heavy Industrial. He said that all of the activities that are happening on this specific property right now, were occurring back then. He said that their property was surrounded by industrial uses. Over time many of the uses have gone away, but his clients' specific use has continued on. He explained that Mid-State's facility itself is antiquated and needs to be updated, which is why they looked at a rezone. Mr. Slothower said they met with City Staff about the rezone, and they knew it was a close call; however, the Hearing Examiner didn't feel comfortable with the rezone because the Comp Plan didn't support it. Slothower said that there are areas which do support industrial uses along this street [Wenas] and along Dolarway. He read those sections of the Comp Plan which supported it. He said that his clients are simply asking for a designation that the Comp Plan support these specific parcels for heavy industrial, and change the future land use designation map. If they get this approved Mid-State will go back and ask for a rezone again. He said that it makes sense to keep their industrial use near the railroad, where it has always been. He said he represents other clients that would like to have areas available for heavy industrial zoning. Mr. Slothower requested that the Commission recommend approval to City Council. He said that looking out over 20 years, this seems to be a more appropriate use to keep it consistent with its historic use. Bottcher asked why the Hearing Examiner didn't recommend approval. Curtiss asked if the neighbors would have an opportunity to appear. Staff explained that during the public hearing process for the rezone, notices were sent out to neighboring property owners within 300 feet of the property, as required by law. The property was also posted with a land use action sign, and the hearing was advertised in the newspaper as well. Staff explained that this is the standard procedure for any rezone requests in the City.

Gary Cummisk, 1105 E. 4th Ave, a member of the audience approached the Commission. He said that since this is changing from CC-II to Heavy Industrial, he wanted to know if it would have any tax implications, or change any of the regulatory oversight. Slothower responded that it wouldn't really change the regulations, but they

would have to go through the rezone. If approved, the new facility would have to go through the building permit stage, and comply with all existing regulations at that point. He also indicated that the comp plan change has no real change on the regulatory environment under which they would construct the facility. Regarding taxes, Mr. Slothower responded that yes there would be a change. He said that Mid-State would be investing in the property which would ultimately lead to increased taxes. This would be a tax benefit for the community, but a tax hit for the owner.

Thatcher closed the public hearing, and opened this up for discussion amongst the Commission. Mr. Harrell asked questions about the future land use designation map. Staff explained Figure 4.9, with the comp plan designation and the implementing zone.

Heckart said that what is happening in the area is conflicting requests. Harrell said what he is concerned about is whether any one with the CC-II zone would be able to apply for Heavy Industrial. Sackett explained that even if we changed the Implementing zone of Heavy Industrial to include not just I-L, but also CC-II, that anyone within CC-II would have to go through the site-specific rezone process. It wouldn't automatically assume that all CC-II zones would then be changed to heavy industrial area-wide.

Bottcher made the motion to approve the Comprehensive Plan proposal 16-03 to change the comp plan designation of those four parcels from commercial to industrial. Padjen seconded. Thatcher called for discussion. Bottcher asked about the existing maps in the comp plan and the difficulty in reading them. Heckart asked about whether we were going to stick to the literal wording of the proposal to change the designation of only four parcels or whether the motion assumed a change in designation that would make heavy industrial uses permissible in the CC-II zone. She was concerned that the area east of the depot is in a transitional stage, and heavy industrial might not be appropriate for the whole CCII designation/zone. Padjen responded that at present he saw no conflicts pertaining to the four parcels in question. Staff stated that they presented the recommendation the best way they knew how to accomplish the proposed item. However, Sackett said that they could check with legal counsel.

Jeff Slothower asked if the public hearing could be re-opened. Thatcher re-opened the public hearing. Slothower explained that their request was simply to allow those four parcels to be re-designated, and they know that they would have to go through the rezone change if this comp plan amendment got approved. Mr. Lathrop suggested that we might apply the formulation chosen for Comp Plan proposal 16-04 where residential suburban could be combined with regional retail under certain circumstances.

Thatcher closed the public hearing. When she called for the vote, those in favor included Harrell, Padjen, Thatcher, Bottcher, and Curtiss. No one opposed the motion. Heckart abstained. The motion was approved.

Thatcher moved to proposal 16-04. San Filippo explained that the proposal is to change the legend of figure 4.9, future land use designations, to include R-S as an implementing zone for general commercial, with a footnote that R-S is appropriate when part of an approved regional retail project. This would be changing the same map discussed in the last proposal, docket item 16-03.

Thatcher opened up the public hearing. Steve Lathrop spoke on behalf on the owners of the property at the south interchange. He said that the comprehensive plan clearly

depicts the south interchange as appropriate for regional retail, with very specific requirements in order to actually qualify. He said that this is similar situation to Proposal 16-03, where the comp plan doesn't show support of the regional retail because R-S is not included as an implementing zone for general commercial. He said this appears to be an oversight, as the map wasn't considered when all the other regulations were put into place. He respectfully requested that this clarification be made to the Comprehensive Plan.

Thatcher closed the public testimony portion of the hearing. Bottcher said that this one is easy to recommend, because the whole regional retail thing is already approved at the two specific locations. This just helps clear up the table. Bottcher made a motion to approve 16-04, putting the R-S as an implementing zone as proposed by staff. Harrell seconded. All those in favor included Harrell, Padjen, Thatcher, Bottcher, and Curtiss. No one opposed it. Heckart abstained. The motion was approved.

Regarding docket item 16-05 San Filippo stated that this was submitted by Bob Hansen. He proposed to change the zoning at the west interchange, to change all the existing C-T zoning to C-H, stating there was limited demand for that use. When Staff originally looked at the proposal, there wasn't clear guidance in the Land Development Code that this proposal would need to be an area-wide rezone, rather than a comp plan amendment. San Filippo stated that the existing comp plan designation for general commercial is C-H and C-T, so no change needs to be made to the future land use map. She then explained that area-wide rezones are subject to a Type V process, but are usually included in a comprehensive sub-area plan. Our own code doesn't provide a lot of clarity on the noticing procedures for an area-wide rezone. Staff would submit that this type of proposal would need to go through its own SEPA and its own noticing requirements, and is recommending that this proposal not be included in the comp plan amendments.

Thatcher opened up the public hearing. There was no audience participation. Public testimony was closed. Harrell made the motion to disapprove Item 16-05 as a comp plan amendment. Thatcher seconded. Heckart offered an amendment, that in addition to all the other processes involved, that a land use analysis be made concerning the amount of land designated for C-H and C-T overall within the community. Bottcher asked Staff for a scope of the land use analysis projected for next year's Comprehensive Plan. Director Sackett explained it would include an analysis of how much land we already have designation for both C-T and C-H zones, and how much we actually need. Bottcher seconded the amendment to the motion. Harrell wanted a little clarification, and then agreed with the amendment. Thatcher called for a vote of all those in favor with the amendment to the motion. All in favor; motion passed. Thatcher called for a vote of all those in favor of the motion as amended. All in favor, motion passed. Motion as amended was approved.

4. Old Business

None

5. Citizen Comment

None

6. Discussion Items

Senior Planner San Filippo provided an update on the community outreach activities for next year's Comp Plan. San Filippo said we have done quite a bit of outreach, including attendance at the Farmer's Market, Bite of the Burg, soccer games at Rotary Park, as well as the upcoming Buskers in the Burg this weekend. She said that the intent has been to reach out to community members where they already are. In addition, she stated that the same survey is up on our online engagement tool Eburg Talks. She has also been meeting with all of the different City Commissions – Environmental, Utility Advisory Committee, Lodging Tax – with the intention of getting them involved in the comp plan chapters that are specific to the type of work that they already work on. She is asking them to help review and audit the existing chapters.

San Filippo stated that she has also been working on a housing and transportation study. She said that Staff has reached out to consultants to help the City with those two components and we will be working closely with the public works department on the transportation element. She said that we also want good technical input on housing as it has become an important issue city-wide, and not just for affordable housing, but also studying the range of housing types, availability, quality, etc. She said that we are hoping to take a Professional Services Agreement to City Council at their first October meeting.

To conclude, San Filippo said that she is also working to tie off the population projection and analysis. She said that the Council of Governments [COG] met last night, and the hope was to vote on the number, but the County requested additional time to study the projections. She said that the COG did get the County to agree to holding a special meeting on October 5 specifically to discuss this topic, and then again at their usual October 19 meeting.

7. Schedule Next Meeting

8. Adjournment

Chair Thatcher adjourned the meeting at 6:53 pm.