ROLL CALL was answered by Councilmembers Barry, Bassett, Carlson, Lillquist, Niner, Perrie and Mayor O’Brien

Others present were City Manager Barkley; City Attorney Pidduck; Community Development Director Witkowski; Associate Planner Eyerly; Deputy Clerk Keno, and twenty plus members of the audience.

CONTINUATION OF PUBLIC HEARING ON PROPOSED REGIONAL RETAIL COMMERCIAL ORDINANCE AND POSSIBLE CONSIDERATION ON FIRST READING

The purpose of the special meeting is a continuation of the public hearing on the proposed regional retail commercial ordinance. This public hearing is a continuance of the July 30, 2007 public hearing.

Mayor O’Brien called the public hearing back into order from the July 30, 2007 meeting.

Council continued with taking public comment from the audience.

Martin Kaatz, Downtown Task Force member, speaking on behalf of the Task Force, read an alternative definition for regional retail and reviewed the Task Force’s July 23, 2007 memo to Council included the August 1, 2007 agenda packet. The Task Force urges Council to reconsider its decision to permit regional retail at the West Interchange. Regional retail should be restricted to development in the proposed 85 acre CC-11 rezone south of Mountain View Avenue combined with adoption of the Task Force’s proposal to use overlay districts.

Council asked questions of Mr. Kaatz and staff. Council discussed overlay districts and zones.

Rick Cole, 660 Southridge Drive, owner of commercial highway property in the City, expressed confusion over the numerous alternatives proposed in the ordinance. The definition of “regional retail commercial” on page 44 of the agenda packet seems to be tied to location rather than size or use. The language is ambiguous. If it means a specific location then it needs to be specified. He spoke about the landscape screening standards of F-30, page 50 of the agenda.

Catherine Clerf, 60 Moe Road, speaking on behalf of light and heavy industrial, energy utility- type businesses, stated her grave concerns over the Landscaping and Design Committee proposals that Council quickly made motions on. Once again, the City is making it impossible for people to invest here. The City needs to look at the people who are risking their money.

Larry Nickel, 317 ½ N. Pearl, #1, speaking for himself and a group larger than the combined membership of City boards and commissions entered the August 1, 2007 agenda in the public record.
He questioned how the public hearing is being conducted. The proposed ordinance should not be amended during the public hearing. Mr. Nickel read from a prepared statement which he entered into the public record.

David Kaufman, 101 W. 10th, stated the City already has a contiguous retail commercial area of town from University Way all the way down beyond Umptanum. If we begin to develop another area of town to have the convenience of the retailing activities currently available we will have to duplicate business establishments we already have to provide the same progression of activities for someone who walks or drives. The ordinance is unclear as to Council's intent for what it wants in the community. A corridor that is fit for walkability and cycling will have to be developed at the West Interchange.

Helen Wise, 1106 E. 3rd Avenue, stated her concerns about the 40 acre minimum. She believes a 10 acre minimum is more reasonable.

Janice Sharar, 390 Cattail Road, Kittitas County Conservation Coalition member, read from a prepared statement which she submitted into the public record. She urged the regional retail zone be adequately addressed in the City’s comp plan.

Bev Heckart, 906 E. 1st, member of Citizens Against Sprawl, stated the reason for Penneys going out of business was demographics. Penneys is only locating stores in population centers of 100,000 or more. She suggested the City does not have multiple big box stores because it does not have the population base.

Roger Weaver, 1217 Radio Road, stated the amendment process Council followed Monday night (July 30, 2007) was not in order, i.e., amending a document that is being reviewed. He questioned when the draft vesting language available at Monday’s meeting would be discussed.

Councilmember Lillquist stated the proposed ordinance was amended to include the design standards recommended by the Landmarks & Design Commission for the purposes of discussion.

Margaret Fischer, Historic Landmarks & Design Commission Chairperson, stated the Commission used standards from Hailey, Idaho; Ames, IA; Redmond, WA, Olympia, WA and Fort Collins, CO. The Commission took those five and picked out the best talk. Part of the standards come from really good design code in Redmond, WA. The standards are for the next twenty years as required by the Comp Plan—not just for one parcel.

Council asked questions of Ms. Fischer.

Steve Merwick, President of Western Cities, Inc., 15706 N.E., Bothell, speaking on behalf of the Lamb family, stated it is his client’s intent to develop a typical shopping center with a wide range of uses, including retail. He questioned the definition of “regional retail commercial” under Section 4 and the appeal process in Section 9 of the proposed ordinance.
Rick Cole, 660 Southridge Drive, stated whatever Council does needs to be clear, articulate and even in standards so that people who come to do something know what the rules are. A lot of the language is subject to interpretation and misunderstanding. Section 9 of the proposed ordinance lacks information on time parameters. All stages in the process should have time limits.

Council recessed at 9:00 p.m. for ten minutes.

Council reconvened at 9:10 p.m.

Larry Nickel, 317 ½ N. Pearl, #1, speaking for a large group of individuals, as well as himself, stated Council is attempting a spot zone at the West Interchange. Mr. Nickel spoke at length about the Fred Meyer project and economic development. He submitted the following documents into the public record: 1) Excerpts from Chapter 1.42 EMC – SEPA and excepts from WAC 197 – SEPA; 2) SEPA Application Environmental Checklist for the City of Ellensburg; 3) Ellensburg Economic Development Study dated October 6, 1993; 4) City of Ellensburg Fiscal Impact & Financial Feasibility Study dated October, 1997; 5) Fred Meyer SEPA Checklist Submitted January 20, 1998; 6) Fred Meyer Geotechnical Investigation Prepared by GN Northern; 7) Fred Meyer Environmental Site Assessment prepared by Fulcrum Environmental Consulting, Inc.; and 8) Fred Meyer Draft Environmental Impact Statement dated August, 1998 (Ellensburg Public Library copy).

He also submitted into the public record a folder containing the following documents: 1) 11/10/05 Executive Order Re: Archeological and Cultural Resources signed by Governor Christine Gregoire; 2) 01/06/06 letter from Joyce Phillips, CTED, to Robert Witkowski, City of Ellensburg, Re: Proposed Amendments to the Comprehensive Plan; and 3) 03/02/06 letter from Joyce Phillips, CTED, to Robert Witkowski, City of Ellensburg, Re: comments on the Proposed Update of the Comprehensive Plan. Mr. Nickel outlined the history and recent history of the comprehensive plan process. He requested all six Councilmembers previously identified in his statements resign.

Roger Weaver, 1217 Radio Road, spoke about the public participation process.

Mayor O’Brien closed the public hearing.

Council and staff discussed vesting, the draft vesting language and potential first reading of the proposed ordinance. City Attorney Pidduck advised Council if it were to have vesting language such language would need to be incredibly precise. As discussed previously, Washington State has one of the most liberal vesting statutes in the United States. Based upon the City Attorney’s initial review, the draft language suffers all of the defects of the previous vesting language. Council consensus was to have the City’s land use attorney, Carol Morris, review the draft vesting language

Re-open the public hearing. Perrie

Affirmed
Steve Merwick, Western Cities Development, Inc., 15706 N.E., Bothell, speaking on behalf of the Lamb Family, stated Section 9 of the ordinance outlines exactly what needs to be done. It will cost a developer many thousands of dollars to complete those documents.

Rick Cole, speaking for himself, spoke about the purpose of vesting. The draft vesting language is not clear.

Councilmember Lillquist encouraged waiting for the master and binding side plan ordinance.

Roger Weaver, 1217 Radio Road, asked what more does Council need? Business won't come if it doesn't have a predictable environment in which to do business. It is a philosophy of wanting to do business.

City Attorney Pidduck asked Mr. Weaver to provide examples of vesting language from Yakima and Wenatchee. Community Development staff contacted these cities and was advised they don't have vesting language.

Councilmember Lillquist stated she is not opposed to vesting but wants it placed in a master site plan or binding site plan ordinance.

Mayor O'Brien closed the public hearing.

Further Council discussion.

Move that a site plan review application shall be considered vested under the zoning Perrie and other land use control ordinances, including regulations related to landscaping, design, signage, environmentally critical areas and similar development regulations that are in effect at the time a complete application for site plan review as set forth in Section 1 above is submitted to the City, and subsequent implementing permits shall also be considered vested to the same zoning and land use control ordinances that were used to judge the site plan application; provided, however, that nothing herein shall vest subsequent implementing permits to building, construction or fire codes prior to the submittal of a complete building permit application. The site plan vesting provided for in this section shall expire within five years from the approval of the site plan application unless a complete building permit has been submitted within the five year period.

Council discussion. Councilmember Lillquist requested a roll call vote.
Vote on motion. Barry(Yes)
Bassett(No)
Carlson(Yes)
Lillquist(No)
Niner(No)
Perrie(Yes)
O’Brien(Yes)
Motion approved.

Council discussion of Planning Commission recommendation to delete 1,000,000 square foot maximum in Section 6. of proposed ordinance.

Delete one million square foot cap on regional retail commercial from proposed Perrie ordinance.

Councilmember Niner requested a roll call vote.
Barry(Yes)
Bassett(Yes)
Carlson(Yes)
Lillquist(Yes)
Niner(Yes)
Perrie(Yes)
O’Brien(Yes)
Motion approved.

Schedule a special meeting for Thursday, August 9, 2007 at 7:00 p.m. to consider Carlson the proposed regional retail commercial ordinance and possible consideration of first reading. Affirmed

**ADJOURN** Adjourn at 10:46 p.m. Barry
Affirmed

_________________________________
Mayor
ATTEST: __________________________________

City Clerk