CITY OF ELLENSBURG
Minutes of Council Meeting, Special Session
Date of Meeting December 11, 2008
Time of Meeting 7:00 p.m.
Place of Meeting Council Chambers, 501 North Anderson Street

Councilmembers Present: Bassett, Bottcher, Elliott, Miller, O’Brien, Tabb, and Mayor Lillquist

Applicant’s Presentation Team: Randy Lamb, Managing Partner of Triple L Properties; Jeff Slothower, Attorney at Law; Bruce McKean – Helix Design Group, Inc.; Steve Merwick – Western Cities Development; Stephanie Fishman – Transpo Group; Maggie Potter; Community Organization Facilitator; and Amy Kosterlitz, Attorney at Law.

City Staff Present: City Manager Barkley; City Attorney Pidduck; Community Development Director Smith; Deputy Clerk Keno

Others present: Louise Bell - Central Court Reporting and 75 plus members of the audience.

PUBLIC HEARING – TRIPLE L, LLC COMBINED PERMIT APPLICATIONS

Mayor Lillquist opened the public hearing to consider the Triple “L” Combined Permit Applications:

• Rezone Z07-02 and SEPA S07-19

• Preliminary Short Plat SP07-15 (Combined permit but not part of public hearing)

• Preliminary Plat 07-14

• Regional Retail Commercial Master Site Plan RRCMSP07-01

• SEPA 07-23

Mayor Lillquist requested Council set a time for adjournment around 10:00 p.m. and continue the remainder of the public hearing to a date certain, if necessary. The applicant’s preference is Thursday, December 18, 2008 at 7:00 p.m. in the Council Chambers.

Set Thursday, December 18, 2008 at 7:00 p.m. for continuance of the public hearing, if Miller necessary. Affirmed

In answer to Mayor Lillquist’s standard appearance of fairness questions, councilmembers made the following disclosures:

Councilmember Miller stated she received an e-mail from Barbara Newman and stopped reading it as soon as she realized the subject matter.
Councilmember O’Brien stated people on both sides of this issue have tried to offer their opinions to him and he has advised them he cannot discuss the issue.

Mayor Lillquist stated people have wanted to talk to her about the issue, she has explained to a number of people the quasi-judicial nature of the issue and the requirements she not discuss it in advance. She has tried to avoid situations where people want to discuss it.

Councilmember Elliott stated he has tried to avoid people wanting to discuss the issue and has avoided reading information on-line.

Councilmember Bottcher stated he was a member of the Planning Commission in November, 2007 when this issue was beginning to be discussed; however, he was not part of the final resolution. He was party to some of the decision making during the first part of the rezone process.

Councilmember Bassett said he has seen letters from both sides but has not read them and has advised individuals he cannot speak about the issue.

Mayor Lillquist stated she received an e-mail from Maggie Potter and forwarded it to Community Development Director Smith as part of the official record.

Larry Nickel, 317 ½ North Pearl, #1, challenged Councilmember O’Brien’s participation in the public hearing based upon the appearance of fairness doctrine. Mr. Nickel stated Councilmember O’Brien has been a proponent of regional retail and is biased. Mr. Nickel submitted articles compiled from the Daily Record substantiating his claims and stated video records of council meetings show the councilmember’s bias on this issue.

City Attorney Pidduck stated he does not recall Councilmember O’Brien saying anything in those meetings that would disqualify him from participating in this process.

Councilmember O’Brien stated he has taken a great deal of effort not to speak out individually in support of this project. All along he has made it clear that he supports regional retail in general.

Council recessed at 7:21 p.m. for five minutes for the City Attorney to review Mr. Nickel’s documents.

Council reconvened at 7:25 p.m. City Attorney Pidduck stated he reviewed 45 pages of Daily Record articles for the last couple of years and saw nothing on which to base Councilmember O’Brien’s disqualification. The articles concern development regulations and related legislation.

Community Development Director Mike Smith presented the agenda report on pages 1-21 of the December 11, 2008 agenda packet, including the order of permit decisions to be made by the Council.

In addition, Director Smith entered the following exhibits into the record:

- December 11, 2008 City Council agenda report for the December 11, 2008 public hearing – pages 1-
133, including Attachments A-Z.

- Omitted page 20a from the City Council agenda report for the December 11, 2008 public hearing – “Staff Recommendations.”

- Omitted page 47a from the City Council agenda report for the December 11, 2008 public hearing relating to Exhibit 60a.


- Comment letters from Renfrow, Stephenson, J.H. Properties, White, Moon, and Johnson, all in favor of the applications. These comments were received after December 3, 2008 up to December 11, 2008 – Exhibits 148-153.


- Vicinity map showing surrounding road system in relation to the development - Exhibit 155.

- Block Ad in 12/10/08 Daily Record advertising December 11, 2008 public hearing – Exhibit 156.

- Comment letters from Harrington, McKee, and Walker, all in favor of approval of the applications. These comments were received on December 11, 2008 - Exhibit 157-159.

- Omitted page 1739a from Exhibit 102.

Jeff Slothower, applicant’s attorney, 201 W. 7th Avenue, stated the applicant has cut 65% of its presentation based upon the thoroughness of the City’s report and would endeavor to move as quickly as possible to allow for public testimony.

Council recessed for a five minute break at 9:16 p.m. and reconvened at 9:23 p.m.

Jeff Slothower, Lamb Family attorney, 201 W. 7th Avenue, gave a brief overview of the Triple L LLC project and stated while the City’s new Comprehensive Plan designation provides for regional commercial use on the entire Triple L property, 24 acres still had an old Light Industrial zone that needed to be changed to match the Comprehensive Plan. The state GMA requires consistency between the Comprehensive Plan and the zoning. The rezone is mandated by GMA in order to bring consistency between the comprehensive plan and the development regulations. The applicant will demonstrate why the project meets all of the City’s criteria and why the project is good for the City.

Randy Lamb, managing partner of Triple L Properties, 4815 Road 6.5 NE, Moses Lake, outlined the chronology of significant events leading up to and including his family’s project.

Jeff Slothower stated the rezone of a portion of Triple L property to Tourist-Commercial meets the
City’s rezone requirements and is summarized in Exhibit 7 of the Triple L LLC presentation book. Commercial-Tourist (C-T) is the proper implementing zone for land designated General Commercial and Industrial-Light (IL) is not a proper implementing zone. The Planning Commission recommendation of denial of the IL rezone was based on a misinterpretation of the comprehensive plan and the taking of a single policy out of context. The Commission’s conclusions are not borne out by what is happening with growth in the community. The project meets all standards under City Code and Washington law.

Bruce McKean, Helix Design Group, Inc., 6021 – 12th St. E Suite 201, Tacoma, Washington and Lamb Family architect, stated the Triple L Master Site Plan has been designed to meet the City’s development regulations including the Landmarks Design Review Guidelines. The City’s Landmarks and Design Review Commission unanimously approved the Plan. Mr. McKean reviewed the design for the project and the three components of the Master Site Plan. Large areas of the project are dedicated to landscaping, pedestrian circulation and public plazas.

Jeff Slothower stated the transportation analysis provided by TranspoGroup, and marked Exhibit 15 to the Triple L, LLC Public Hearing Presentation binder, demonstrates Triple L is doing much more than its proportionate share of transportation impacts. Mr. Slothower urged Council to take as much public testimony as possible this evening.

Mayor Lillquist opened the floor to testimony from the public.

Written comments submitted by Larry Nickel as well as 45 pages of Daily Record articles were entered into the record as Exhibit #s 160 and 161.

Beverly Heckart, 906 E. 1st, speaking for herself and Citizens Against Sprawl, addressed her comments to SEPA 07-23 and spoke about the traffic problem that will arise from the project. The truck traffic at this intersection is ferocious. A roundabout is favored by the WSDOT. If the WSDOT chooses a roundabout the City needs to be sure it is safe and provides a crossing for pedestrian and bicycle traffic. There is no bicycle or pedestrian crossing at this intersection now.

Barbara Newman, 709 S. Alder, speaking on behalf of Citizens Against Sprawl and herself, urged Council to uphold the Planning Commission’s recommendation. Otherwise, the City would be out of compliance with the Comprehensive Plan. The location of the land is ideal for industrial land uses. Triple L, LLC is not vested in the rezone of this property. The development of regional retail is not conditioned on this rezone. With regard to the preliminary plat, she urged Council to accept staff’s recommendation and make it subject to the conditions on that combined application.

Keith James, 407 E. 4th, representing the CWU Board of Directors and 8,000 students, half the population of Ellensburg, read into the record a memo from the President of the CWU Board of Directors as well as a Resolution of Support for Regional Retail and Economic Growth from the ASCWU. The memo and resolution were entered into the record as Exhibit #162.
Marty Stewart, 915 E. 2nd Avenue, spoke in support of the project. Most people he has talked to are in favor of the project. Mr. Stewart asked audience members in favor of the project to stand. A large number of the audience stood.

Darin Clark, 1110 E. Mountain View, spoke in favor of the development. Having a local family doing this is a major plus. The result of Council elections in November, 2007 was a mandate for regional retail. Mr. Clark submitted an “In Our View” article from the Daily Record entitled “Note to council: let’s move forward on regional retail” which was entered into the record as Exhibit #163.

Roger Weaver, 1217 Radio Road, spoke about low crime, good schools and shopping opportunities attracting jobs.

Martin Kaatz, 309 N. Poplar, spoke in support of the Planning Commission’s recommendation against the rezone. He disagrees with Mr. Slothower’s interpretations. There would not have been a need for a rezone request if Council had set a 40 acre minimum for General Commercial zoning. The 40-acre requirement is excessive.

Greg Brown, 800 S. Maple and Planning Commission member, speaking as a land use planner, stated the SEPA analysis is not adequate because it did not call for an economic impact analysis. Transportation will be strained by this project. The City needs to consider impact fees first. Mr. Brown submitted a 2000 report entitled “The Cost of Growth in Washington State” which was entered in the record as Exhibit #164.

Chris Schmidt, owner of K-Valley Computers, 301 N. Main and Downtown Association Board member, stated he has a great deal to lose if the Lamb project is built. He cannot compete with someone who will drive to Yakima. The Lambs are not responsible for the empty storefronts downtown. It is the attitude of the business owners that affect the downtown—not the Lambs. He wants the same opportunities for the Lambs that he had.

Martin Kaatz, 309 N. Poplar, spoke about the East Wenatchee Mall only occupying 20 acres. He spoke in favor of a 60,000 square foot limit and talked about two story buildings. Mr. Kaatz submitted his comments in writing which were marked as Exhibit #165.

The public hearing will continue on Thursday, December 18, 2008 at 7:00 p.m.

**ADJOURN** Motion to adjourn at 10:58 p.m. Miller

Affirmed

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Mayor
ATTEST: 

City Clerk