

Re: Applicant comment for the record public hearing LP-22-00003 Haybrook Farm Phase 3

September 15, 2022

Dear Hearing Examiner

As applicant, I submit the following comments.

1. Application LP-22-00003 Haybrook Farm Phase 3 was deemed complete on June 24, 2022. Any vested rights under Washington law attach on the date of complete application.
2. The application site exists within the urban growth area of the City of Ellensburg and within the airport overlay Zone 3. Kittitas County grants relief to the properties within the airport overlay where density is restricted as evidenced by:
 - a. KCC 13.08.090 recording plat – conditions precedent
 - i. Where public water is available within ½ mile or less of any proposed plat, water shall be provided by this means. A letter from the water district, city, or other stating that agreements have been made to supply the plat must be attached. This provision shall not apply to the airport overlay.
 - b. KCC17.22.030 Lot – size required
 - i. This provision shall not apply to the airport overlay.
3. The applicant submitted a text amendment to Kittitas County noting in rationale 3 and 4. In general relief must be granted for the airport overlay for infrastructure requirements due to density restrictions, especially in zones of the airport overlay which is within the City of Ellensburg unincorporated portion of the UGA, ie Zone 3.
4. The applicant has been working with city and county staff, city council, and county commissioners on textual code changes to existing codes and future code that may be adopted pursuant to an interlocal agreement between the city and county regarding

applicable process and standards for review, approval, and infrastructure & design standards for subdivision applications within the UGA. As of the date of complete application the City of Ellensburg has not adopted implementing codes pursuant to the ILA for unincorporated portions of the UGA.

5. The applicant has submitted a development code amendment to the City of Ellensburg (attached) requesting an amendment to the city's airport overlay for that part of the City of Ellensburg UGA Zone 3 to process, review, and apply county infrastructure codes to residential development within Zone 3 of the airport overlay.

The applicant respectfully requests that condition 2 in staff recommendations for approval. "Roads and Transportations ii," be modified to read:

ii. Urban Growth Area (UGA)

"KCC 2.04.040 Design criterion within an Urban Growth Area" shall apply unless the City of Ellensburg waives joint review, process, and applications of City of Ellensburg Development Standards in writing, in which case processing would be done by Kittitas County according to Kittitas County applicable codes and ordinances.

The reasoning is that the city manager and city staff agree that application of city standards are not achievable in Zone 3 of the airport overlay due to density restrictions and the City is working on textual code language (ie the code amendment to Zone 3) of the airport overlay. The above suggested modified language affirms KCC 2.04.040 but provides flexibility for waiver by the city due to the emergence of contemporaneous policy at this time.

Respectfully Submitted



Matt Willard
Manager
Haybrook Land Holding LLC



Land Use Application Cover Sheet

PA-01
APPLICATION

Community Development Department
501 N. Anderson, Ellensburg, WA 98926
(509) 962-7239 (Building) permits@ci.ellensburg.wa.us (509) 962-7231 (Planning) comdev@ci.ellensburg.wa.us

INSTRUCTIONS – PLEASE READ FIRST AND ANSWER ALL QUESTIONS COMPLETELY.
If you have any questions about this form or the application process, please ask to speak with a planner. All necessary attachments and the filing fee are required upon submittal. Filing fees are not refundable. This application consists of two parts. PART I - GENERAL INFORMATION and PART II, project descriptions and site plan contain additional information specific to your proposal and all required information MUST be attached to this page to complete the application process.

PART I – GENERAL INFORMATION

1. Applicant's Information:	Name:	STEVE WILLARD						
	Mailing Address:	1312 SANDERS ROAD						
	City:	ELLENSBURG	St:	WA	Zip:	98926	Phone :	(206) 660-2738
	E-Mail:							

2. Applicant's Interest in Property:	Check One:	<input type="checkbox"/> Owner	<input type="checkbox"/> Agent	<input type="checkbox"/> Purchaser	<input type="checkbox"/> Other _____
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3. Property Owner's Information (If other than Applicant):	Name:	MATT WILLARD NON PROJECT						
	Mailing Address:	HAYBROOK LAND HOLDINGS, LLC						
	City:	PO BOX 1359	St:	WA	Zip:	98926	Phone :	(509) 962-6666
	E-Mail:	MATT@TANOC.HOME.NET						

4. Subject Property's Assessor's Parcel Number(s): NON PROJECT

5. Legal Description of Property. (if lengthy, please attach it on a separate document) NON PROJECT

6. Property Address: SEE ATTACHED CODE AMENDMENT TEXT

7. Property's Existing Zoning:
 RS RL RM RH RO CN CH CT CC CCH MHP IL IH PR PUD

8. Type Of Application: (Check All That Apply)

<input type="checkbox"/> Final Plat Application	<input type="checkbox"/> Environmental Checklist (SEPA Review)	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Type (II) Review	<input type="checkbox"/> Landmarks COA	<input type="checkbox"/> Rezone
<input type="checkbox"/> Boundary Line Adjustment	<input type="checkbox"/> Landmarks Demolition	<input type="checkbox"/> Shoreline
<input type="checkbox"/> Short Plat Alteration	<input type="checkbox"/> Commercial Wireless Communication	<input type="checkbox"/> Critical Areas Review
<input type="checkbox"/> Preliminary Short Subdivision	<input type="checkbox"/> Appeal to HE / City Council	<input type="checkbox"/> Variance/Admin. Variance
<input type="checkbox"/> Preliminary Long Subdivision	<input type="checkbox"/> Code Interpretation	<input type="checkbox"/> Temporary Use Permit
<input type="checkbox"/> Plat Vacation	<input type="checkbox"/> Regional Retail Master Plan	<input type="checkbox"/> Design Review Major/Minor
<input type="checkbox"/> Plat Alteration	<input type="checkbox"/> Design Review Departure	<input type="checkbox"/> Binding Site Plan
<input type="checkbox"/> Master Plan P-R Use	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Essential Public Facility
<input type="checkbox"/> Annexation	<input checked="" type="checkbox"/> Development Code Amendment	<input type="checkbox"/> Site Development Permit

9. PART II – PROJECT DESCRIPTION AND SITE PLAN (See attached page) NON PROJECT

10. I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

	Date	9-15-22
Property Owner's Signature	Date	9/15/2022
	Date	
Applicant's Signature	Date	

FILE/APPLICATION(S)#

DATE FEE PAID:	RECEIVED BY:	AMOUNT PAID:	RECEIPT NO:
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Table 15.350.040. Additional safety zone uses, development requirements and restrictions.

Airport Safety Zones	Additional Safety Zone Uses, Development Requirements and Restrictions
Zone 1 (Runway Protection Zone)	1. Land uses, which by their nature will be relatively unoccupied by people, should be encouraged (mini-storage, small parking <u>lots</u> , etc.)
	2. <u>Schools</u> , play fields, <u>hospitals</u> , nursing homes, and churches are prohibited.
Zone 2 (Inner Safety Zone)	1. <u>Schools</u> , play fields, <u>hospitals</u> , nursing homes, and churches are prohibited.
	2. Zoning changes on property within zone 2 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the <u>city</u> limits shall maintain an average residential density after annexation that is consistent with the underlying Kittitas County zoning on the property in effect at the date of annexation.
Zone 3 (Inner Turning Zone)	1. <u>Schools</u> , play fields, <u>hospitals</u> , nursing homes, and churches are prohibited.
	2. Zoning changes on property within zone 3 that has annexed into the <u>city</u> limits prior to October 15, 2001, adoption of Ordinance 4296, shall maintain a maximum residential density of 6 <u>dwelling units</u> per gross acre with a planned unit <u>development</u> (PUD) option available but limited to that average maximum of 6 <u>dwelling units</u> per gross acre with no density bonuses available.
	3. Zoning changes on property within zone 3 that is within the unincorporated Ellensburg urban growth area (UGA) and which later annexes into the <u>city</u> limits shall maintain an average maximum residential density after annexation that is consistent with the underlying Kittitas County zoning on the property in effect at the date of annexation, except that those properties which, as of the October 15, 2001, adoption of Ordinance 4296, have <u>frontage</u> on Sanders Road within zone 3 will be allowed to maintain a maximum density of one <u>dwelling unit</u> per acre after annexation to the <u>city</u> of Ellensburg.

ADD 4. 4. LAND USE RESIDENTIAL APPLICATIONS WITHIN UNINCORPORATED ELLENSBURG URBAN GROWTH AREA (UGA) SHALL BE ADMINISTERED BY KITTITAS COUNTY UNDER KCC FOR INFRASTRUCTURE DEVELOPMENT STANDARDS NOT THE CITY OF ELLENSBURG. DENSITY RESTRICTIONS IN THIS ZONE DO NOT SUPPORT CITY URBAN STANDARDS.

4/20/22, 8:47 AM