



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

NOTICE OF DECISION

To: Interested Parties
From: Community Development Services
Date: December 27, 2022
Subject: 2022 Kittitas County Annual Docket Amendments

Pursuant to KCC 15B.03.040(7) notice is hereby given that on December 20, 2022 the Kittitas County Board of County Commissioners approved the 2022 Annual Docketed Comprehensive Plan and Zoning Amendments. These amendments included five (5) citizen-initiated requests for comprehensive plan land use and zoning changes.

Copies of the Kittitas County Board of Commissioners Ordinance 2022-017 and related file documents may be examined at Kittitas County Community Development Services, 411 N. Ruby Suite 2, Ellensburg, WA 98926. (509) 962-7506. The approved ordinance can also be found on the Kittitas County website: <https://www.co.kittitas.wa.us/uploads/bocc/ordinances/2022-017-ordinance.pdf>

The Annual Docket items may be appealed by parties with standing by filing an appeal with the Growth Management Hearings Board pursuant to RCW 36.70A within sixty (60) of the publication of this decision.

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE

NO. 2022 - 017

**REVISIONS OF KITTITAS COUNTY CODE AND COMPREHENSIVE PLAN
AS PART OF THE 2022 ANNUAL COMPREHENSIVE PLAN AMENDMENT CYCLE.**

Whereas, this ordinance, revising Kittitas County Code and Comprehensive Plan, contains four sections of findings, as follows:

- Section I - Procedural Findings
- Section II - Board of County Commissioners Findings
- Section III - Final Decision and Signatures
- Exhibits A-T - Changes to Kittitas County Code and Comprehensive Plan

**SECTION I
PROCEDURAL FINDINGS**

- Whereas,** Kittitas County opted into the Growth Management Act, RCW 36.70A, voluntarily on December 27, 1990, through Resolution 90-138; and
- Whereas,** The Kittitas County GMA Comprehensive Plan was originally adopted on July 26, 1996 by the Kittitas County Board of County Commissioners; and
- Whereas,** Kittitas County Code 15B.03.030 indicates that any interested person, including applicants, citizens, county commission and board members, and staff of other agencies may suggest plan or development regulation amendments for annual consideration by the Kittitas County Planning Commission and Board of County Commissioners; and
- Whereas,** Kittitas County Code 15B.03.030 requires amendments to the comprehensive plan or development regulations that are docketed by June 30th must be approved or denied by the Board of County Commissioners on or before December 31st of that same calendar year; and
- Whereas,** Kittitas County Community Development Services docketed a list of suggested changes to the Kittitas County Code and Comprehensive Plan and made these proposals readily available for review by the public in Community Development Services and within the County's official website; and
- Whereas,** Kittitas County submitted its proposed docketed items on October 19, 2022 to the Department of Commerce as required by statute and received a letter of receipt on October 19, 2022 that the docket proposal had been received and was sent to other agencies for comment; and
- Whereas,** Comments were received from state agencies and members of the public; and
- Whereas,** Kittitas County filed its overall docket SEPA checklist and SEPA checklist for five citizen-initiated comprehensive plan amendments and rezone applications on September 8, 2022 and issued a Determination of Non-significance (DNS) for the annual docket items on September 8, 2022 through authority of WAC 197-11-340; and
- Whereas,** One timely SEPA appeal was received for the Mardee Lake comprehensive plan amendment and rezone applications (CP-22-00005 & RZ-22-00005); and
- Whereas,** Due public notice was placed upon the County official website and in the Northern Kittitas County Tribune on October 27, 2022 and November 3, 2022, and in the Daily Record on October 27, 2022 and November 3, 2022 regarding the Planning Commission public hearing; and
- Whereas,** The Planning Commission conducted a public hearing on November 8, 2022 and November 9, 2022 to hear testimony and take public comment on the items considered for amendment and after deliberation made recommendations to the Board of County Commissioners, taking due consideration of the public benefit involved in the proposals; and

Whereas, After due notice and publication on official website and in the Northern Kittitas County Tribune on November 3, 2022 and November 10, 2022, and in the Daily Record on November 3, 2022 and November 10, 2022, the Kittitas County Board of County Commissioners held an open public hearing on November 29, 2022; and

Whereas, After deliberation, the Board of County Commissioners made decisions on each docket item presented; and

Whereas, Following the decisions on the docket items the Kittitas County Board of Commissioners instructed County staff to prepare an ordinance for their signature to adopt changes to the Kittitas County Code and Comprehensive Plan; and

Whereas, The Kittitas County Board of County Commissioners considered enabling documents before the public on December 20, 2022.

SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS

General Findings:

The Kittitas County Board of County Commissioners held a public hearing on November 29, 2022, to hear testimony and accept written comments regarding proposed amendments to the Kittitas County Code and Comprehensive Plan. All members of the public who wanted to testify were allowed to speak or submit written correspondence into the record.

The docketed items discussed during the Board of County Commissioners public hearing included:

2022 Proposed AMENDMENTS to Kittitas County Code and Comprehensive Plan				
<i>Number</i>	<i>Applicant Name</i>	<i>Project Description</i>	<i>Planning Commission Recommendation</i>	<i>Staff Recommendation</i>
22-01	Kittitas County	Amend KCC 17.11, 17.08, 17.15, 17.16, 17.22, 17.24, 17.32, 17.36, 17.40, 17.44, 17.48, and 17.52 to implement Interlocal Agreement (ILA) between Kittitas County and the City of Ellensburg regarding development in the Ellensburg Urban Growth Area (Resolution 2022-013).	The Planning Commission unanimously recommended approval of the amendments as proposed and recommended that comments from Steve Willard be forwarded to the Board of County Commissioners for consideration.	Staff recommended approval of the amendment as proposed.
22-02	Kittitas County CDS Staff	Amend KCC 17.08 to add definitions of “Construction Business and Trades” and “Contractor Yard” and amend KCC 17.15 to add “Contractor Yard” to land use tables.	The Planning Commission unanimously recommended denial of the amendment as proposed.	Staff recommended approval of the amendment as proposed.

22-03	Kittitas County CDS Staff	Housekeeping amendments to KCC Title 15, 16, and 17.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-04	Kittitas County CDS Staff	Amend KCC 17.08 to update definitions of “Accessory dwelling unit,” “Accessory living quarters,” and “Guesthouse.”	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-05	Kittitas County CDS Staff	Amend KCC 17.08.195 to redefine “Daycare facilities” and amend KCC 17.15.070.1 and KCC 17.15 to allow daycare facilities in Residential, Residential 2, and Urban Residential zoning districts.	The Planning Commission unanimously recommended approval with a minor amendment and recommended these provisions be extended to the Rural 5 and Rural 3 zoning districts.	Staff recommended approval of the amendment as proposed.
22-06	Commissioner Osiadacz	Amend KCC 17.44.060 to increase maximum building height in the Highway Commercial Zone to 40 feet and remove the reference to “stories.”	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommended approval of the amendment as proposed.
22-07	Commissioner Wright	Amend KCC 12.05 to allow for vesting of existing driveway accesses established prior to county road access permits.	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommended approval of the amendment as proposed.
22-08	Commissioner Wright	Amend KCC 16.12.040 to allow for lots smaller than the zoning minimum lot size in Commercial Ag, Ag 5, and Ag 20 zones where a residence has existed for at least five years and where the lot has not been divided for at least 15 years.	The Planning Commission recommended approval as originally proposed but with a minor amendment, by a vote of 4 to 0 with one abstention.	Staff recommended a revision of the proposed amendment that would perpetually limit the remainder lot’s use to agricultural purposes.
22-09	Kittitas County CDS Staff	Amend KCC 17.08 to exclude retaining walls of up to four feet in height from structural setbacks when necessary for access permits and to allow for a maximum 18-inch structural	The Planning Commission unanimously recommended approval of the amendment as proposed	Staff recommended approval of the amendment as proposed.

		encroachment into setbacks.		
22-10	WITHDRAWN			
22-11	Kittitas County CDS Staff	Amend KCC 17.80.010 to clarify that alterations or expansions of nonconforming residential structures shall not increase their nonconformity.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-12	Kittitas County CDS Staff	Amend 17.16.080, 17.18.080, 17.28.060, 17.28A.060, 17.29.070, 17.31.070, and 17.56.060 to remove "to the main building" language.	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-13	WITHDRAWN			
22-14	Kittitas County CDS Staff	Amend KCC Title 15A Table A to include Reasonable Use and Public Agency and Utility Exception that were adopted with new critical areas ordinance in 2021.	The Planning Commission unanimously recommended approval with the proposed staff revision.	Staff recommended approval of the amendment with one minor revision.
22-15	Kittitas County Solid Waste	New Chapter 8.21 that would expand recycling and yard waste services in Kittitas County.	The Planning Commission unanimously recommended approval of the amendment with revisions.	Staff recommended approval of the amendment with revisions as proposed by Waste Management.
22-16	WITHDRAWN			
22-17	Kittitas County CDS Staff	Amend KCC 17.08 to clarify which lot lines and yards are considered "front."	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-18	Kittitas County CDS Staff	Amend KCC 17.84.010(4) to add definition of "substantial construction."	The Planning Commission unanimously recommended approval of the amendment with revision to allow extensions when conditions are outside of applicant's control.	Staff recommended approval of the amendment as proposed.
22-19	Kittitas County CDS Staff	Amend KCC 17.08.290 to provide limitations for employees and customers for home occupations.	The Planning Commission unanimously recommended denial of the amendment.	Staff recommended approval of the amendment as proposed.

22-20	Kittitas County Prosecutor and CDS Staff	Amend KCC 17.15.060(1) to be consistent with WAC 365-196-550(3)(a).	The Planning Commission unanimously recommended approval of the amendment as proposed.	Staff recommended approval of the amendment as proposed.
22-21 CP-22-00001 RZ-22-00001	Citizen Request – Fiorito Brothers	Comprehensive Plan Amendment from Rural Working to Commercial Agriculture and Rezone from Agriculture 20 to Commercial Agriculture.	The Planning Commission unanimously recommended approval of the proposed comprehensive plan amendment and rezone.	Staff recommended approval of the proposed comprehensive plan amendment and rezone.
22-22 CP-22-00002 RZ-22-00002	Citizen Request – Thorp Landing	Comprehensive Plan Amendment from Rural Working to Rural Residential and Rezone from Agriculture 20 to Agriculture 5.	The Planning Commission unanimously recommended approval of the proposed comprehensive plan amendment and rezone.	Staff recommended approval of the proposed comprehensive plan amendment and rezone.
22-23 CP-22-00003 RZ-22-00003	Citizen Request – Flying A Land	Comprehensive Plan Amendment from Rural Working to Rural Residential and Rezone from Agriculture 20 to Agriculture 5.	The Planning Commission unanimously recommended approval of the proposed comprehensive plan amendment and rezone.	Staff recommended approval of the proposed comprehensive plan amendment and rezone.
22-24 CP-22-00004 RZ-22-00004	Citizen Request – Teanaway Ridge	Comprehensive Plan Amendment from Rural Working to Rural Residential and Rezone from Forest & Range and Rural 5 to Rural 5.	The Planning Commission unanimously recommended approval of the proposed comprehensive plan amendment and rezone.	Staff recommended approval of the proposed comprehensive plan amendment and rezone.
22-25 CP-22-00005 RZ-22-00005	Citizen Request – Mardee Lake	Comprehensive Plan Amendment from Rural Working to Rural Recreation and Rezone from Forest & Range to Recreation.	The Planning Commission recommended approval of the proposed comprehensive plan amendment and rezone by a vote of 4 to 1.	Staff recommended approval of the proposed comprehensive plan amendment and rezone.
22-26	WITHDRAWN			

22-01 Kittitas County Proposal:

Amend KCC 17.11, 17.08, 17.15, 17.16, 17.22, 17.24, 17.32, 17.36, 17.40, 17.44, 17.48, and 17.52 to implement Interlocal Agreement (ILA) between Kittitas County and the City of Ellensburg regarding development in the Ellensburg Urban Growth Area (Resolution 2022-013).

The proposed amendments would implement Resolution 2022-013.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request with AMENDMENTS** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval as presented by staff to the Board of County Commissioners with a vote of 5-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-02 Kittitas County Proposal:

Amend KCC 17.08 to add definitions of “Construction Business and Trades” and “Contractor Yard” and amend KCC 17.15 to add “Contractor Yard” to land use tables

The proposed amendment to KCC 17.08 and KCC 17.15 would allow contractor yards by conditional use permit in the Ag 5, Rural 5, Ag 20, and Forest & Range zones and by administrative conditional use permit in the General Commercial and Highway Commercial zones. Contractor yards would be a permitted use in General Industrial zones. Contractor yards would be permitted in Light Industrial zones but would require an administrative conditional use permit when abutting a residential zoning district. Standards for contractor yards would be added to each land use table to minimize impacts to adjacent uses.

The Board of County Commissioners held a public hearing on November 29, 2022, and **denied the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended denial as presented by staff to the Board of County Commissioners with a vote of 5-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

The Board of County Commissioners remanded this item for community outreach and to bring recommendations as a part of the 2023 Annual Docket.

22-03 Kittitas County Proposal:

Housekeeping amendments to KCC Title 15, 16, and 17.

The proposed amendments to KCC Title 15, 16, and 17 would revise the definition of “Family” for compliance with SB 5235 and correct typos and incorrect references.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the County’s Comprehensive Plan.

22-04 Kittitas County Proposal:

Amend KCC 17.08 to update definitions of “Accessory dwelling unit,” “Accessory living quarters,” and “Guesthouse.”

This amendment would amend these definitions to clarify that these uses contain an installed cook source.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-05 Kittitas County Proposal

Amend KCC 17.08.195 to redefine “Daycare facilities” and amend KCC 17.15.070.1 and KCC 17.15 to allow daycare facilities in Residential, Residential 2, and Urban Residential zoning districts.

Daycare facilities serving less than 13 people in a 24-hour period would be permitted outright, and daycare facilities serving 13 or more people in a 24-hour period would require a conditional use permit.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the Planning Commission recommendation** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval with a minor revision and recommended that these provisions be extended to the Rural 5 and Rural 3 zoning districts by a vote of 5-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-06 Kittitas County Proposal:

Amend KCC 17.44.060 to increase maximum building height in the Highway Commercial Zone to 40 feet and remove the reference to “stories.”

Currently the maximum height is two and one-half stories, or 35 feet, whichever is less. The amendment would remove the references to stories, which are not a standard unit of measurement, and would increase the overall height limit from 35 feet to 40 feet.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-07 Kittitas County Proposal:

Amend KCC 12.05 to allow for vesting of exiting driveway accesses established prior to county road access permits.

The proposed amendment to KCC 12.05 would allow for vesting of existing driveway accesses established prior to county road access permits.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval of the proposal to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-08 Kittitas County Proposal:

Amend KCC 16.12.040 to allow for lots smaller than the zoning minimum lot size in Commercial Ag, Ag 5, and Ag 20 zones.

This amendment would allow for lots smaller than the zoning minimum lot size in Commercial Ag, Ag 5, and Ag 20 zones where a residence has existed for at least five years and where the lot has not been divided for at least 15 years.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request with AMENDMENTS** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0 with one abstention.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-09 Kittitas County Proposal:

Amend KCC 17.08 to exclude retaining walls of up to four feet in height from structural setbacks when necessary for access permits and to allow for a maximum 18-inch structural encroachment into setbacks.

The overhang encroachment amendment would codify current practice. The retaining wall amendment would remove setback requirements for retaining walls for access permits which logically need to be located within required setbacks.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-10 WITHDRAWN

22-11 Kittitas County Proposal:

Amend KCC 17.80.010 to clarify that alterations or expansions of nonconforming residential structures shall not increase their nonconformity.

Currently, this section of code does not allow nonconforming structures to be altered, expanded, etc., but this limitation does not apply to residential structures. The proposed amendment would still allow expansion of nonconforming residential structures but would not allow expansion that increased the nonconformity.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-12 Kittitas County Proposal:

Amend 17.16.080, 17.18.080, 17.28.060, 17.28A.060, 17.29.070, 17.31.070, and 17.56.060 to remove “to the main building” language.

The proposed amendments would establish a standard setback requirement.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

21-13 WITHDRAWN

22-14 Kittitas County Proposal:

Amend KCC Title 15A Table A to include Reasonable Use and Public Agency and Utility Exception that were adopted with new critical areas ordinance in 2021.

The proposed amendment to KCC Title 15A Table would include Reasonable Use and Public Agency and Utility Exceptions that were adopted with new critical areas ordinance in 2021.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request with an AMENDMENT** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval with a staff-recommended revision to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-15 Kittitas County Proposal:

New Chapter 8.21 that would expand recycling and yard waste services in Kittitas County.

The proposed amendment would create a new Chapter 8.21 that would expand recycling and yard waste services in Kittitas County.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request with revisions as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-16 WITHDRAWN

22-17 Kittitas County Proposal:

Amend KCC 17.08 to clarify which lot lines and yards are considered “front.”

The proposed amendment to KCC 17.08 would clarify which lot lines are considered front.

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-18 Kittitas County Proposal:

Amend KCC 17.84.010(4) to add definition of “substantial construction.”

The proposed amendment to KCC 17.84.010(4) would amend the variance criteria in KCC 17.84.010(4) to include a definition of “substantial construction.” Currently, an approved variance becomes void after one year if no substantial construction has taken place, but “substantial construction” is not defined. The new definition would require one or more building inspection approvals in order to be considered “substantial construction.”

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as recommended** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0 with a revision to allow extensions where conditions are outside of applicant’s control.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-19 Kittitas County Proposal:

Amend KCC 17.08.290 to provide limitations for employees and customers for home occupations.

The proposed amendment to KCC 17.08.290 would provide limitations for employees and customers for home occupations in order to limit impacts on surrounding residential uses.

The Board of County Commissioners held a public hearing on November 29, 2022, and **denied the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended denial to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-20 Kittitas County Proposal:

Amend KCC 17.15.060(1) to be consistent with WAC 365-196-550(3)(a).

The proposed amendment to KCC 17.15.060(1) would remove footnote 58 because it is in conflict with WAC 365-196-550(3)(a), which states, "Cities and counties may not use their comprehensive plan or development regulations to preclude the siting of essential public facilities. Comprehensive plan provisions or development regulations preclude the siting of an essential public facility if their combined effects would make the siting of an essential public facility impossible or impracticable."

The Board of County Commissioners held a public hearing on November 29, 2022, and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

22-21 Citizen-Initiated Proposal:

Comprehensive Plan Amendment and Rezone

This amendment was proposed by a private citizen and has been assigned file numbers CP-22-00001 and RZ-22-00001. Fiorito Brothers Inc. is proposing a comprehensive plan land use map amendment from Rural Working to Commercial Agriculture and a rezone of 27.20 acres from Agricultural 20 to Commercial Agriculture to match surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. The processing of this non-project specific rezone is consistent with Kittitas County Code 15B.03 Amendments to Comprehensive Plan.

The Board of County Commissioners held a public hearing on November 29, 2022 and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-22 Citizen-Initiated Proposal:
Comprehensive Plan Amendment and Rezone**

This amendment was proposed by a private citizen and has been assigned file numbers CP-22-00002 and RZ-22-00002. Thorp Landing LLC is proposing a comprehensive plan land use amendment from Rural Working to Rural Residential and a rezone of 72.78 acres from Agricultural 20 to Agricultural 5. A comprehensive plan amendment (CP-22-00002), rezone application (RZ-22-00002), and SEPA checklist were submitted as part of the application packet. The processing of this non-project specific rezone is consistent with Kittitas County Code 15B.03 Amendments to Comprehensive Plan.

The Board of County Commissioners held a public hearing on November 29, 2022 and **approved the request as presented** by a 2-1 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-23 Citizen-Initiated Proposal:
Comprehensive Plan Amendment and Rezone**

This amendment was proposed by a private citizen and has been assigned file numbers CP-22-00003 and RZ-22-00003. Flying A Land LLC is proposing a comprehensive plan land use map amendment from Rural Working to Rural Residential and a rezone of 18 parcels, equaling 127.52 acres from Agriculture 20 to Agriculture 5 to match adjacent properties. The rezone will allow the current use of the property to be consistent and compatible with the zoning code, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-22-00003), rezone application (RZ-22-00003), and SEPA checklist were submitted as part of the application packet. The processing of this non-project specific rezone is consistent with Kittitas County Code 15B.03 Amendments to Comprehensive Plan.

The Board of County Commissioners held a public hearing on November 29, 2022 and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 5-0.
- II. No public testimony for this proposal was received.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-24 Citizen-Initiated Proposal:
Comprehensive Plan Amendment and Rezone**

This amendment was proposed by a private citizen and has been assigned file numbers CP-22-00004 and RZ-22-00004. Teanaway Ridge LLC is proposing a comprehensive plan land use map amendment from Rural Working to Rural Residential and a rezone of 2 parcels, equaling 86.58 acres, from Forest & Range and Rural 5 to Rural 5 to match adjacent properties. The rezone will allow the current use of the property to be consistent and compatible with the zoning code, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-22-00004), rezone application (RZ-22-00004), and SEPA checklist were submitted as part of the application packet. The processing of this non-project specific rezone is consistent with Kittitas County Code 15B.03 Amendments to Comprehensive Plan.

The Board of County Commissioners held a public hearing on November 29, 2022 and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-0.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

**22-25 Citizen-Initiated Proposal:
Comprehensive Plan Amendment and Rezone**

This amendment was proposed by a private citizen and has been assigned file numbers CP-22-00005 and RZ-22-00005. Terra Design Group Inc. (Chad Bala), agent for Mardee Lake Inc., is proposing a rezone and map amendment to four parcels (808335, 818335, 828335 and 838335) currently zoned Forest and Range with a Rural Working Land Use, rezoned to Rural Recreation zoning and land use designation. The rezone will allow the current use of the property to be consistent and compatible with the zoning code of rural recreation, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-22-00005), rezone application (RZ-22-00005), and SEPA checklist were submitted as part of the application packet. Kittitas County issued a Determination of Non-Significance (DNS) on September 8, 2022. A timely SEPA appeal was filed on October 27, 2022. The SEPA appeal was considered by the Board of County Commissioners prior to considering comprehensive plan amendment and rezone applications. The processing of this non-project specific rezone is consistent with Kittitas County Code 15B.03 Amendments to Comprehensive Plan.

Prior to considering the comprehensive plan amendment and rezone applications, the Board of County Commissioners conducted an appeal hearing and **denied the SEPA appeal**, finding that:

- I. No public testimony was taken for this proposal
- II. The comprehensive plan amendment and rezone do not have environmental impacts.
- III. The County's Critical Areas Ordinance and other environmental regulations would still apply to future development of the property.
- IV. The County's authority to conduct SEPA reviews would still apply to future development of the property.
- V. Upholding the appeal would have negative effects on future non-project comprehensive plan and rezone applications.

The Board of County Commissioners then held a public hearing on November 29, 2022 and **approved the request as presented** by a 3-0 vote, finding that:

- I. The Planning Commission recommended approval to the Board of County Commissioners with a vote of 4-1.
- II. Public testimony was received for this proposal.
- III. The change meets the Growth Management Act and the objectives of the Comprehensive Plan.

SECTION III - FINAL DECISION AND SIGNATURES

BE IT ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.11, 17.08, 17.15, 17.16, 17.22, 17.24, 17.32, 17.36, 17.40, 17.44, 17.48, and 17.52, as shown in **Exhibit A**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves housekeeping amendments to KCC Title 15, 16, and 17, as shown in **Exhibit B**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to the KCC 17.08, as shown in **Exhibit C**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.08 and 17.15, as shown in **Exhibit D**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendment to 17.44.060, as shown in **Exhibit E**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendment to KCC 12.05, as shown in **Exhibit F**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 16.12.040, as shown in **Exhibit G**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.08, as shown in **Exhibit H**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.80.010, as shown in **Exhibit I**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.16.080, 17.18.080, 17.28.060, 17.28A.060, 17.29.070, 17.31.070, and 17.56.060, as shown in **Exhibit J**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to Title 15A Table A, as shown in **Exhibit K**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves an amendment to KCC Title 8, creating a new KCC Chapter 8.21, as shown in **Exhibit L**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.08, as shown in **Exhibit M**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.84.010(4), as shown in **Exhibit N**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves amendments to KCC 17.15.060(1), as shown in **Exhibit O**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a comprehensive map and rezone, as shown in **Exhibit P**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a comprehensive map and rezone, as shown in **Exhibit Q**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a comprehensive map and rezone, as shown in **Exhibit R**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a comprehensive map and rezone, as shown in **Exhibit S**.

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a comprehensive map and rezone, as shown in **Exhibit T**.

NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the 2022 Amendments to the Kittitas County Code as shown in Exhibits A through Q attached hereto and incorporated by reference. Information Services is hereby directed to make these changes to the regulations on the County website. The Community Development Services Director and Prosecuting Attorney are authorized to correct any scrivener's errors without Board approval.

Adopted this 20th day of December 2022, at Ellensburg, Washington.

**BOARD OF COUNTY COMMISSIONERS
KITTTAS COUNTY, WASHINGTON**



Laura Osindacz, Chairman





Cory Wright, Vice-Chairman



Brett Wachsmith, Commissioner

APPROVED AS TO FORM:

- 
 Clerk of the Board- Julie Kjorsvik
 Deputy Clerk of the Board- Mandy Buchholz



Neil Caulkins, Deputy Prosecuting Attorney
signing for Gregory L. Zempel Prosecuting Attorney