

COMPREHENSIVE PLAN AMENDMENT DOCKETING

Updated May 1, 2019

To Whom It May Concern:

Please find attached the application for Comprehensive Plan Amendment Docketing. This application is to be used by the public, officials or staff to submit recommended amendments to the Kittitas County Comprehensive Plan. These applications will be listed on a “Docket” or list of times to be considered by the legislative bodies of Kittitas County during emergencies or during the annual comprehensive plan review. Comprehensive Plan or Land Use Map amendments requires SEPA Environmental Checklist and appropriate fees.

The deadline for submitting amendments to the Kittitas County Comprehensive Plan is 5:00 PM, June 30 of each year with a review of these docketed amendment subjects to begin on July 1 of the same year. If June 30 falls on a weekend, then docketed items must be submitted on the Friday before the deadline at 5:00 PM. Any action taken by the legislative bodies of Kittitas County on the docketed items will take place no later than December of this same year.

Many topics may be docketed for amendment including textual corrections, plan deficiencies, new subareas or elements (i.e. recreation plan) or the addition and deletion of text. The following is a summary of the amendment process to the Kittitas County Comprehensive Plan and includes deadlines, process and amendment procedures:

The Kittitas County Comprehensive Plan, elements thereof, and development regulations shall be subject to continuing evaluation and review by Kittitas County. Any change to development regulations shall be consistent with and implement the comprehensive plan as adopted pursuant to RCW 36.70A.

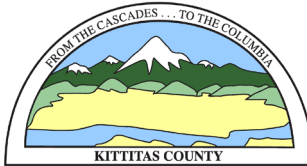
- A) *If, during project permit review, Kittitas County identifies deficiencies in county plans or regulations, the project permit review shall continue, and the identified deficiencies shall be docketed for possible future amendments. For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project’s probable specific adverse impacts that the permitting agency could mitigate in the normal project review process.*
- B) *Any interested person, including applicants, citizens, county commission and board members, and staff of other agencies may suggest plan or development regulation amendments. The suggested amendments shall be docketed with the Planning Department and considered by Kittitas County Planning Commission and Board of County Commissioners on at least an annual basis, consistent with the provision of RCW 36.70A.130 and the regulatory reform act ESHB 1724.*
- C) *Proposed amendments or revisions of the comprehensive plan are considered by the Board of County Commissioners no more frequently than once a year except that amendments may be considered more frequently under the following circumstances:*
 - 1. *The initial adoption of a subarea plan; and*
 - 2. *The adoption or amendment of a Shoreline Master Program under the procedures set for the in RCW 90.58.*
- D) *All proposals shall be considered by Kittitas County concurrently so that the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation Kittitas County may adopt amendments or revisions to its comprehensive plan whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.*

- E) *For map amendments and related rezones to be considered together in public hearings, the Request to Rezone application shall be received on or prior to June 30 in the same docket year as the map amendment application*
- F) *For the purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations in the Planning Department in a manner that will ensure such suggested changes will be considered by Kittitas County and will be readily available for review by the public. Docketing for the calendar year shall be from January 1 to June 30 of each calendar year. Amendments docketed after June 30 shall be considered in the following calendar year.*
- G) *Amendments to the comprehensive plan or development regulations docketed by June 30 shall be approved or denied by the Board of Kittitas County Commissioners on or before December 31 of that same calendar year.*
- H) *In order to facilitate public participation Kittitas County shall maintain and provide for the following procedures when considering amendments to the comprehensive plan and development regulations:*
1. *Broad dissemination of proposals and alternatives. The docket shall be available for public review in the Planning Department during regular business hours. Alternatives to a proposal may be submitted by any party prior to the closing of the written testimony portion of the public hearing before the Planning Commission.*
 2. *Opportunity for written comments. Written testimony shall be allowed from the date of docketing up to the date of closing of the written testimony portion of the public hearing.*
 3. *Public Meetings. Study sessions and hearings shall be held only after effective notice has been distributed.*
 4. *Provisions for open discussion. Hearings shall allow for sufficient time allotments in order that all parties that wish to give oral or written testimony may do so.*
 5. *Communication programs and information services. A newsletter that summarizes amendments docketed and projected meeting and hearing dates should be provided by the Planning Department for distribution to all parties that have requested to receive it by mail. Copies of proposed amendments shall be available at cost of reproduction.*
 6. *Consideration of and response to public comments. Planning Commission and the Board of Kittitas County Commissioners members should review the testimony submitted in their findings.*
 7. *Notice of decision. Publication in the paper of record shall be made, which gives notice that Kittitas County has adopted the comprehensive plan or development regulations or amendments thereto, and such publication shall state that all petitions in relation to whether or not such actions are in compliance with the goals and requirements of RCW 90.58 or RCW 43.21C must be filed within 60 days after the publication date.*

Please contact our office if you have any questions at (509)962-7506.

Sincerely,

Kittitas County Community Development Services



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926
CDS@CO.KITTITAS.WA.US
Office (509) 962-7506

"Building Partnerships – Building Communities"

COMPREHENSIVE PLAN AMENDMENTS DOCKETING

(Proposing a text or map amendment as part of annual docketing, pursuant to KCC 15A.10 and KCC 17.98)

CHECK THE APPROPRIATE BOX(ES) SHOWING WHICH TYPE OF AMENDMENT IS REQUESTED:

COMP PLAN MAP

COMP PLAN TEXT

NOTE: If the amendment you are applying for is within an URBAN GROWTH AREA or you are proposing a UGA expansion of the Ellensburg, Cle Elum, or Roslyn UGA you are required to docket your item with that City as well. You must contact the appropriate City for filing deadlines, fees, application, and costs.

Please type or print clearly in ink. Attach additional sheets as necessary. Pursuant to KCC 15A.03.040, a complete application is determined within 28 days of receipt of the application submittal packet and fee. The following items must be attached to the application packet.

REQUIRED ATTACHMENTS

- ✓ Site plan of the property with the following features (as applicable): all buildings, points of access, roads, parking areas, septic tank, drainfield, drainfield replacement area, areas to be cut and/or filled, natural features such as contours, streams, gullies, cliffs, etc.
- ✓ SEPA Checklist (if not exempt per KCC 15.04 or WAC 197-11-800)
- ✓ Project Narrative responding to Questions 9-12 on the following pages.

APPLICATION FEES:

\$3,240.00 **TEXT AMENDMENT:** Kittitas County Community Development Services (KCCDS) –OR–
 \$3,530.00 **MAP AMENDMENT:** Kittitas County Community Development Services (KCCDS)
 \$600.00 **SEPA Checklist:** Kittitas County Community Development Services (KCCDS)

Based on amendment **Total fees due for this application** (One check made payable to KCCDS)

FOR STAFF USE ONLY

Application Received By (CDS Staff Signature): _____	DATE: _____	RECEIPT # _____	<div style="border: 1px solid black; height: 80px; margin: 0 auto;"></div> DATE STAMP IN BOX
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COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT

GENERAL APPLICATION INFORMATION

1. Name, mailing address and day phone of land owner(s) of record:

Landowner(s) signature(s) required on application form.

Name: Fiorito Brothers Inc.
Mailing Address: 1110 NW Ballard Way
City/State/ZIP: Seattle, WA 98107
Day Time Phone: 206-670-6110
Email Address: randy@fioritobrothers.com

2. Name, mailing address and day phone of authorized agent, if different from landowner of record:

If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.

Agent Name: Joshua Brower
Mailing Address: 1111 Third Ave, Suite 3000
City/State/ZIP: Seattle, WA 98101
Day Time Phone: 206-498-1804
Email Address: josh@browerlawps.com

3. Name, mailing address and day phone of other contact person

If different than land owner or authorized agent.

Name: _____
Mailing Address: _____
City/State/ZIP: _____
Day Time Phone: _____
Email Address: _____

4. Street address of property:

Address: No. 6 Road
City/State/ZIP: Ellensburg, WA 98296

5. Legal description of property (attach additional sheets as necessary):

PTN SE1/4 (PTN PARCEL E2, B21/P208-210); SEC 30, TWP 17, RGE 19
Comment: BLA WITH 17-19-29000-0027, 17-19-30010-0009, 17-19-30040-0005

6. Tax parcel number: 12311

7. Property size: 27.20 (acres)

8. Land Use Information:

Zoning: AG 20

Comp Plan Land Use Designation: Rural Working

PROJECT NARRATIVE

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

9. **Narrative project description (include as attachment):** Please include at minimum the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description.
10. **Describe how this proposal will provide for the transfer of any required transferrable development rights:** According to KCC 17.98.020.7.h, petitions for rezones must comply with KCC 17.13 Transfer of Development Rights. Development rights must be transferred to the rezone area at a rate proportionate to the size of the project area (see 17.13.080.6). These rights must be transferred prior to final approval. Please describe how this requirement will be met by the proposed rezone.
11. **Applicant for rezone must demonstrate that the following criteria are met (attach additional sheets as necessary):**
- A. The proposed amendment is compatible with the comprehensive plan.
 - B. The proposed amendment bears a substantial relation to the public health, safety or welfare.
 - C. The proposed amendment has merit and value for Kittitas County or a sub-area of the county.
 - D. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.
 - E. The subject property is suitable for development in general conformance with zoning standards for the proposed zone.
 - F. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.
 - G. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.
 - H. The proposed amendment is in full compliance with Chapter 17.13 KCC, Transfer of Development Rights.

AUTHORIZATION

12. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.

Signature of Authorized Agent:
(REQUIRED if indicated on application)

X Joshua Brower

Date:

06/22/2022

Signature of Land Owner of Record
(Required for application submittal):

X RT [Signature] President

Date:

6/22/2022

COMPREHENSIVE PLAN NARATIVE
FBI PROJECT—Questions 9 to 11
Proposed Rezone from AG-20 to Commercial Agriculture
APN 12311
No. 6 Road, Ellensburg, WA

9. The property owner/applicant, Fiorito Brothers, Inc. (FBI) is seeking a rezone of its 27.2-acre parcel of real property located at the intersection of No. 6 Road and Interstate 82 in Ellensburg, APN 12311. FBI's property is currently undeveloped, not served by water nor sewage disposal, is grass and pasture bisected by a dry, unused irrigation ditch.

FBI is seeking the Comprehensive Plan amendment and a Rezone to rezone its property from its current zoning, AG-20, to Commercial Agriculture and to reclassify the property from "Rural Working" to "Commercial Agriculture."

FBI is seeking this rezone because doing so will make the zoning consistent of its property with surrounding properties and because rezoning the FBI property would make its use and development more consistent with the nature and intensity of existing and potential future development. FBI's property is surrounded by Commercial Agriculturally zoned property; in other words, it is a spot zone of AG-20 in an area of Commercial Agricultural zoning. Since the parcel size requirements are the same in both zones-20-acre minimum-future development under the proposed zoning will be consistent with surrounding development.

10. The proposed rezone would not alter the County's TDR program because the permissible density—1 unit per 20 acres—would be the same under the current zoning as compared to the proposed rezone.

A: The property owner/applicant, Fiorito Brothers, Inc. (FBI) is seeking a rezone of its real property located at No. 6 Road, Ellensburg, APN 12311, from its current zoning, AG-20, to Commercial Agriculture because doing so will make the zoning consistent with surrounding properties and because rezoning the FBI property would make its use and development more consistent with the nature and intensity of existing and potential future development, which will make it consistent with the County's Comprehensive Plan. The amendment is needed because currently FBI's property is an "island" (i.e., "spot zoning") of AG-20 surrounded by properties zoned Commercial Agriculture. Washington State law disfavors "spot zoning." And, based on the history of this property, which includes being zoned commercial at one time, and then being rezoned as part of the County's efforts to come into compliance with a decision from the Growth Board and Courts, there is no clear reason why it was zoned AG-20 instead of Commercial Agriculture. The amendment will make the zoning consistent in this area.

The proposed amendment is consistent with the County's Comprehensive Plan because FBI's property is surrounded by Commercial Agriculturally zoned property and is not located in an area nor of the size to "support Ag, Timber and Mineral uses not in resource lands" as is the stated overall goal for "Rural Working" classified lands in Table 2-1 of the Comprehensive Plan.

Instead, due to its location and size, FBI's property is better suited to be zoned for "long-term commercial significance" as stated in Table 2-1. Lastly, rezoning FBI's property to Commercial Agriculture is consistent with the policies stated in Section 2.5.1 of the Comprehensive Plan to "encourage farming, ranching, and storage of agriculture products and some commercial and industrial uses compatible with rural environment and supporting agriculture...activities." Rezoning FBI's property also will make its eventual development consistent with the intensity and character of surrounding uses. The AG-20 zone is intended for ranching, farming and large-lot (i.e., 20-acre) rural life-style development. KCC 17.29.010. Despite this, the surrounding properties are not developed for those types of uses. Instead, the property to the north is largely small lot residential development. And FBI's property is surrounded on its other sides by Interstate 82 and No. 6 Road and the other side of both are properties zoned Commercial Agriculture. Again, rezoning FBI's parcel will make its zoning consistent with surrounding zoning.

B: The requested Comprehensive Plan Amendment bears a substantial relation to the public health, safety and welfare because it will make the zoning in this area consistent, will eliminate an impermissible spot zone, and will permit development of the subject property in a similar manner to the surrounding area.

C: The proposed amendment has merit and value for Kittitas County because it will make the zoning in this area consistent and eliminate an existing spot zone.

D: The history of the zoning of FBI's property and changed circumstances supports the proposed amendment. In 1978, FBI's property was rezoned from Agriculture to General Commercial. It was rezoned in 2013 from General Commercial to Agriculture 20 as part of the County's Growth Management compliance arising from a court case. By now rezoning it from AG-20 to Commercial Agriculture would make it fit into the surrounding zoning and keep minimum acreage size at 20 acres. Also, FBI owns an adjacent parcel that is zoned Commercial Agriculture. The proposed rezone would make the zoning in this area consistent and consistent with FBI's adjacent property.

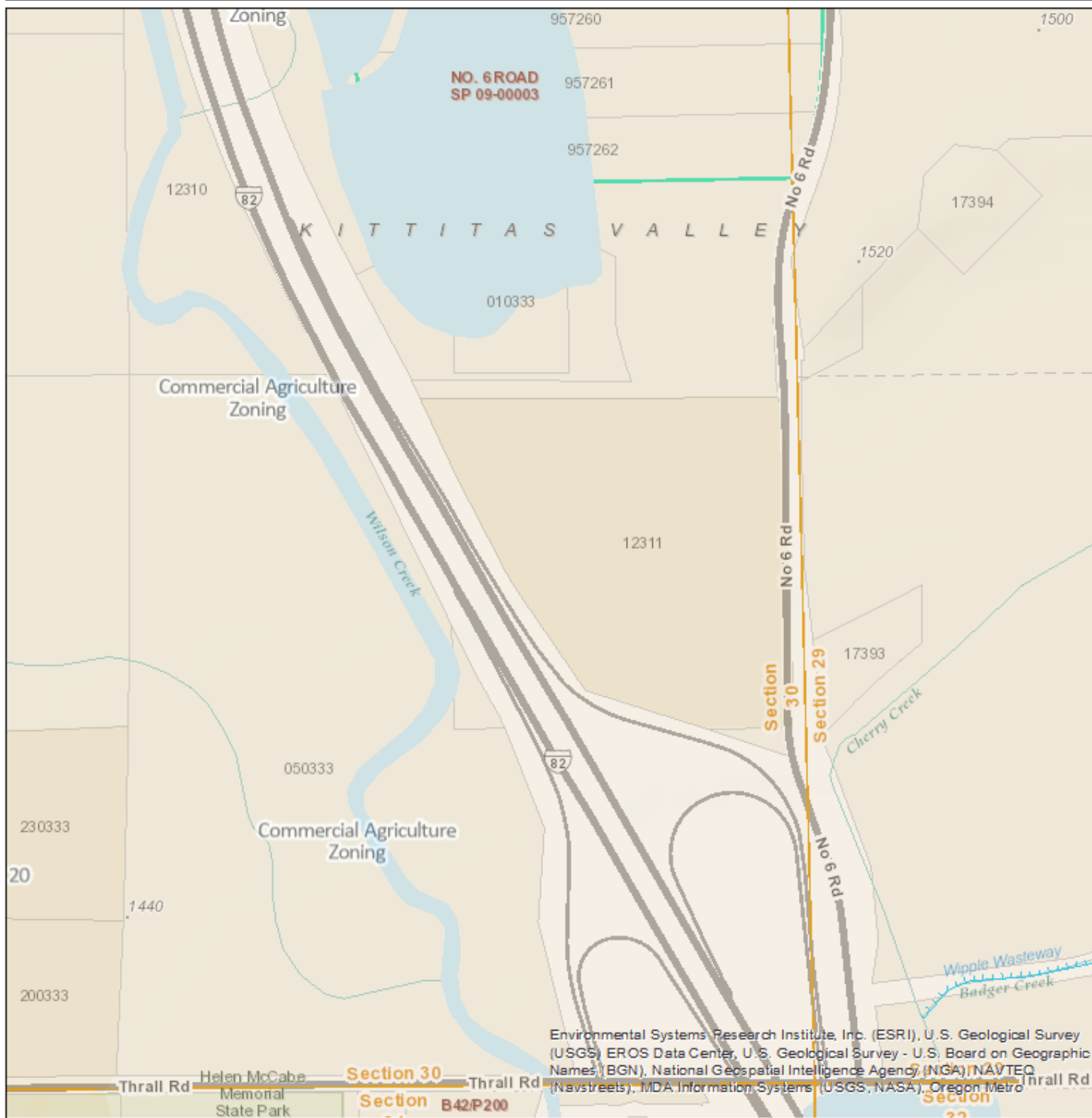
E: The subject property is suitable for development because it meets and exceeds the minimum development lot size of 20 acres.

F: The proposed amendment will not be materially detrimental to uses of adjacent property because they are already zoned Commercial Agriculture and most are developed with rural-style residential development or rural working uses.

G: FBI's property is not currently served by irrigation so the rezone will not impact irrigation or water deliveries in the area.

H: The proposed rezone is consistent with KCC 17.13 because proposed it would not alter the County's TDR program since the permissible density—1 unit per 20 acres—would be the same under the current zoning as compared to the proposed new zoning, Commercial Agriculture.

Kittitas County COMPAS Map



Environmental Systems Research Institute, Inc. (ESRI), U.S. Geological Survey (USGS) EROS Data Center, U.S. Geological Survey - U.S. Board on Geographic Names (BGN), National Geospatial Intelligence Agency (NGA) NAVTEQ (Navstreets), MDA Information Systems (USGS, NASA), Oregon Metro

Date: 6/1/2022

1 inch = 752 feet
Relative Scale 1:9,028

Disclaimer:
 Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.



