

THORP LANDING

COMPREHENSIVE PLAN AMENDMENT (CP-22-00002)
AND REZONE (RZ-22-00002)

NOVEMBER 8, 2022

2022 Kittitas County Annual Docket Planning Commission
Public Hearing

Thorp Landing (CP-22-00002 and RZ-22-00002)

Project Description

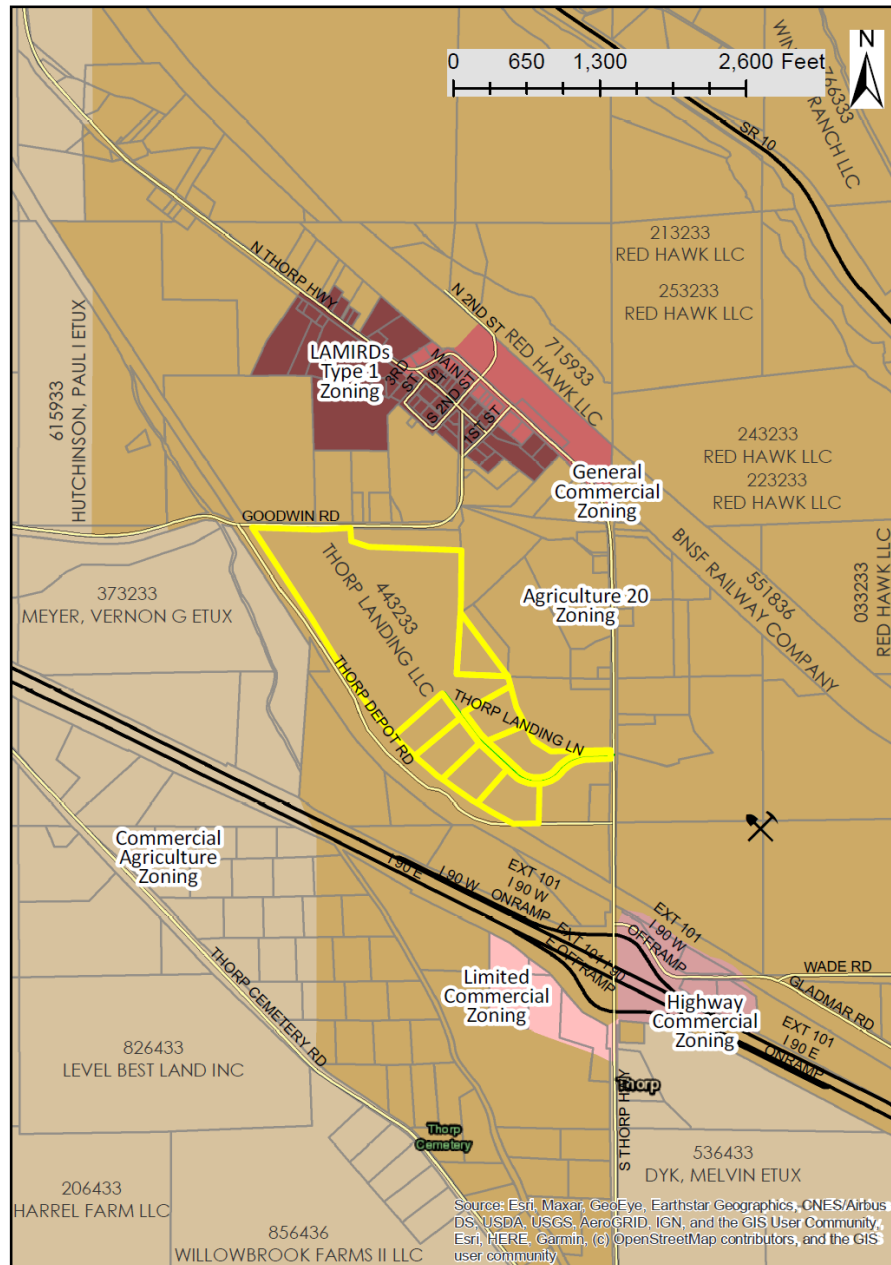
Thorp Landing LLC is proposing to rezone 72.78 acres of property currently zoned Agricultural 20 to Agricultural 5 and do a comprehensive land use plan map amendment from Rural Working to Rural Residential.

This request includes parcel #'s: 443233, 493233, 19590, 19591, 19589, 19588, 19592 and 19593

A comprehensive plan amendment (CP-22-00002), rezone application (RZ-22-00002), and SEPA checklist were submitted as part of the application packet prior to the June 30th 5pm docketing deadline

Processing of this Map Amendment and Non-Project Rezone follow the Annual Docket process pursuant to KCC 15B.

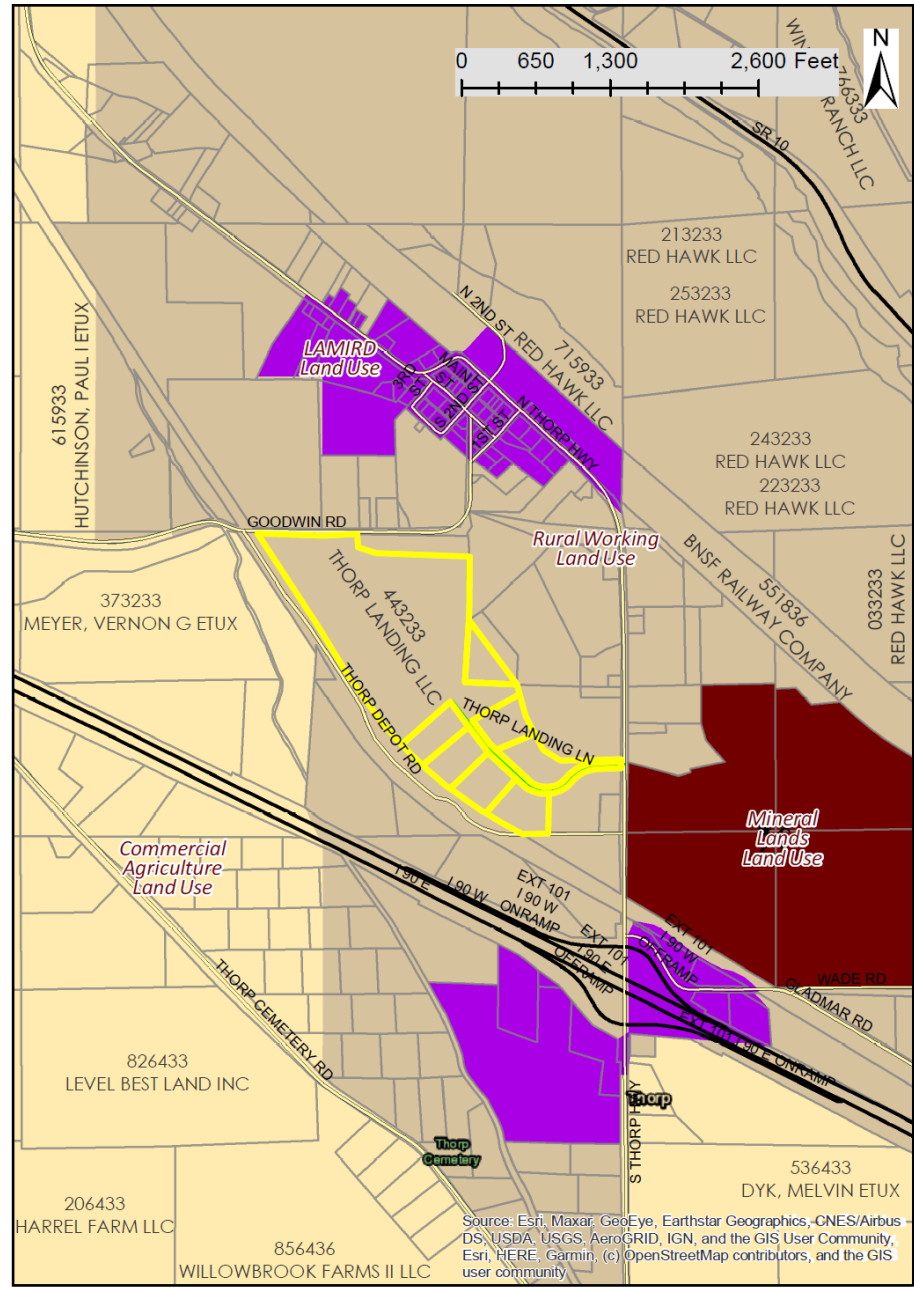
The property is currently zoned Agriculture 20. The request is to change the zoning to Agricultural 5



RZ-22-00002/CP-22-00002
Thorp Landing

Zoning

The property currently has a land use designation of Rural Working. The request is to change Land Use to Rural Residential.

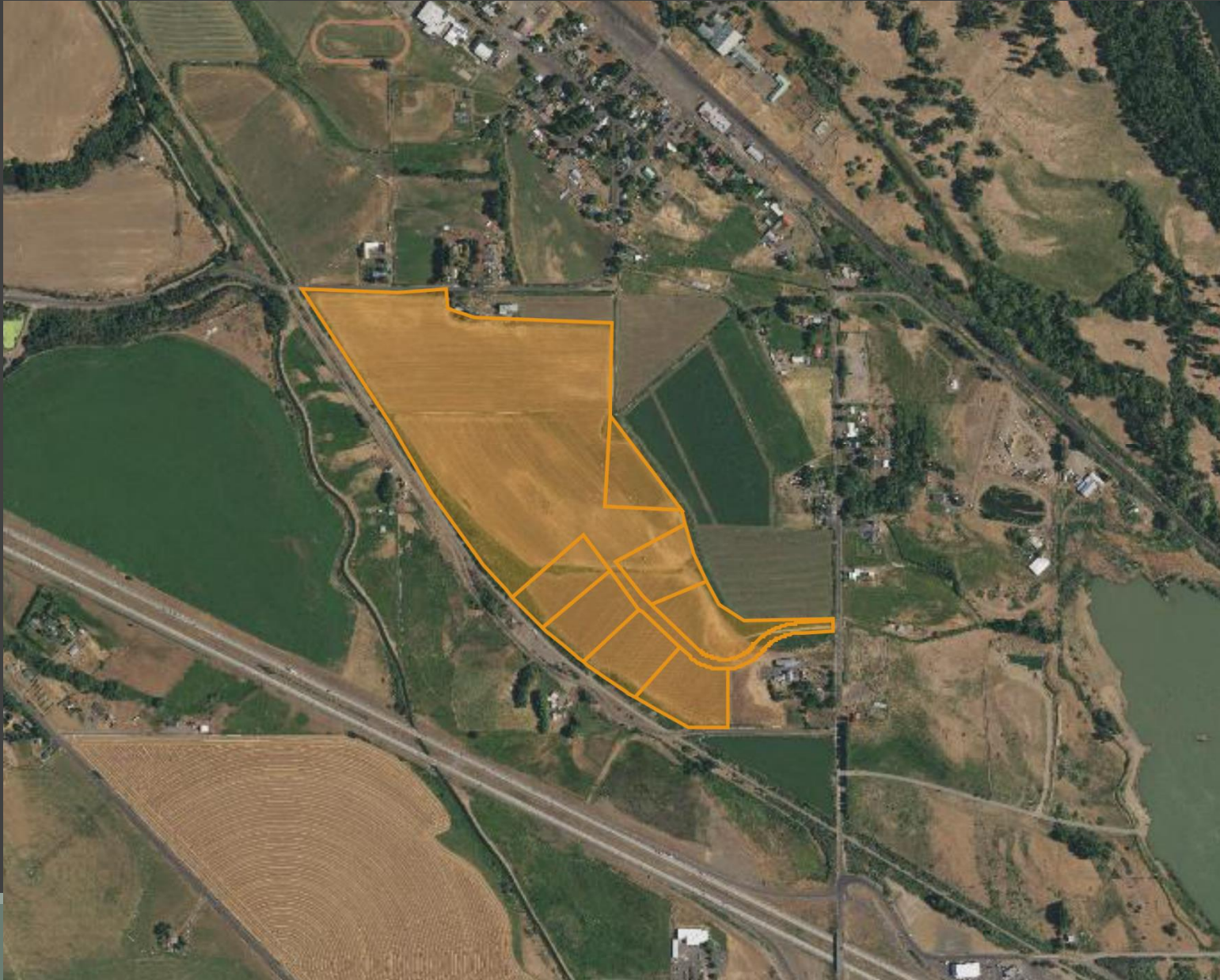


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

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Thorp Landing

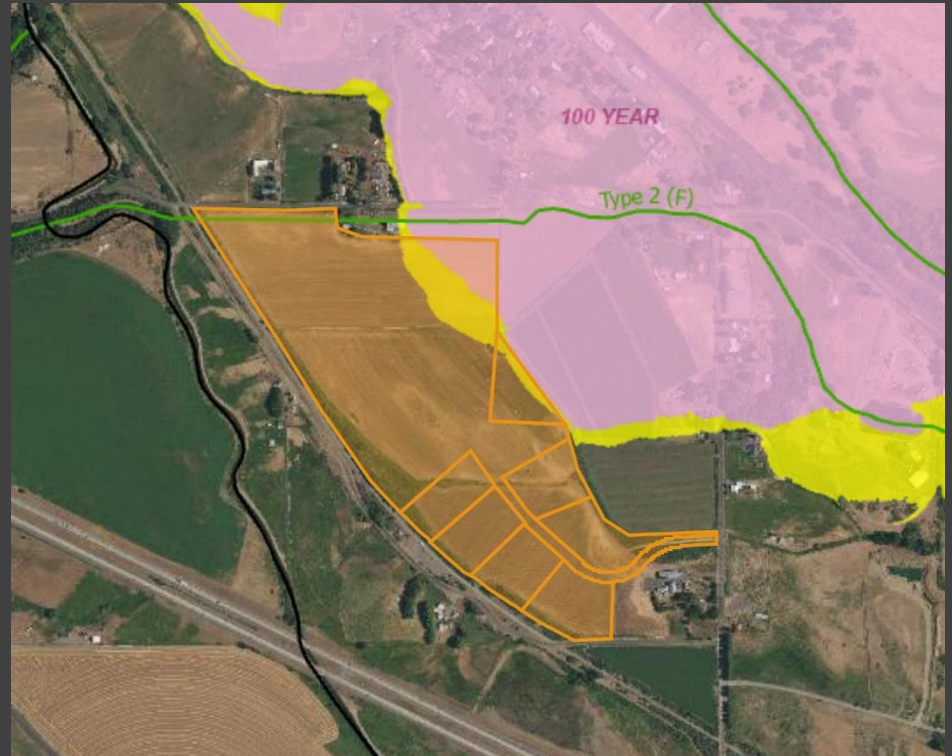
Land Use

2021 Aerial View



Thorp Landing (RZ-22-0002 & CP-22-00002)

- A critical areas review identified a Type F stream and floodplain on the property
- Staff found that as this Comprehensive Plan Map Amendment and Rezone application are non-project application, only future proposed land use activity would require additional Critical Areas Review.
- Kittitas County issued a SEPA Determination of Non-Significance (DNS) on September 8, 2022
- A Notice of SEPA DNS Retention was issued on October 13, 2022 with an appeal period ending on October 27, 2022.
- No Appeals Were Filed.



Thorp Landing (RZ-22-0002 & CP-22-00002)

Comprehensive Plan



According to the Comprehensive Plan, Rural Residential Land Uses are those adjacent or near LAMIRD's, limited services exist and are often inside a fire district. They are generally considered to be associated with small-scale farms, dispersed single-family homes.

Staff finds that land in this proposal is near the I-90 and Thorp LAMIRD, has generally small scale farms and dispersed homes and is inside Fire District 1.

Thorp Landing (RZ-22-0002 & CP-22-00002)

Comprehensive Plan

Some of the goals and policies for Rural Residential Land Uses in the Kittitas County Comprehensive Plan include things like:

1. Allowing for residential development with rural character outside of UGA's without expecting urban services (RR-G16)
2. Generally provide services supporting rural development and lower population densities. (RR-G17)
3. Designate Areas where lots are generally less than 10 acres in size and have a common land use pattern (RR-G18)

The general area in the vicinity of this request already has parcels less than 10-acres in size (most between 3 and 12 acres) and has common land use pattern of mostly small-scale farms. No urban services would be provided and the area is within Westside Irrigation Company District and Fire District 1 providing services for rural development. A full review can be found In the staff report.

Thorp Landing (RZ-22-0002 & CP-22-00002)

Rezone

For a rezone to be met, it has to meet the following 8 criteria (KCC 17.98.020.6):

1. Compatibility with the comprehensive plan,
2. Substantial relation to public health, safety and welfare,
3. Provide merit and value for the county
4. Needed because of changed circumstances or additional property in zone
5. In general conformance with zoning standards for proposed zones
6. Not detrimental to use of properties in the immediate vicinity
7. Won't negatively impact irrigation water deliveries
8. Amendment in compliance with Transfer of Development Rights (TDR).

Staff finds that the rezone is consistent with the 8 eight rezone criteria. It is compatible with the comprehensive plan as shown above, provides for an area that is more consistent with uses and parcel sizes in the area and would benefit public safety with being in a fire district. It won't negatively affect irrigation deliveries and does not involve TDR's. A full review of the rezone criteria can be found in the staff report.

Thorp Landing (RZ-22-0002 & CP-22-00002)

Comments Received From Agencies

Agency Comments were received from Kittitas County Fire District 1, Kittitas County Public Health (KCPH), Kittitas County Public Works (KCPW) and Westside Irrigating Company (WSIC). A review of substantive comments are below:

Kittitas County Fire District commented on new development and fire concerns and that they would like all new developments to have a fire hydrant system.

- ❖ **Staff Response** – Future development would require to have a fire hydrant system or other system approved by the Fire Marshal. Future development such as plats, the fire district would be noticed about for comments

Westside Irrigating Company commented on irrigation deliveries and what happens when land is subdivided. They said they had no formal objection to the project but wanted to make the applicant aware of requirements to ensure water delivery to all parcels.

Most agency comments received would be dealt with at a future time on the property if it were to be developed. A review of the comments can be found in the staff report and all comments can be found in the master file.

Thorp Landing (RZ-22-0002 & CP-22-00002)

Comments Received From Public

Public comments were submitted from Jarred Fudacz, Johnny & Erinn Boitano and Paula Thompson. A summary review of their comments is below.

Jarred Fudacz commented that there is not any Agriculture 5 zoning within any proximity of the Thorp Landing properties and believes this is a spot rezone that could precedent for future spot zones. He also mentioned that this rezone only benefits one party and could disrupt delivery of water to other sites.

- ❖ **Staff Response** - Illegal spot zoning is defined as “A zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the comprehensive plan.” The proposed rezone is consistent with surrounding residential uses and lot sizes. The proposed comprehensive plan land use map amendment is consistent with the comprehensive plan because the property is located between two LAMIRDs, is in a fire district, and is generally located outside of flood and other hazard areas. If the comprehensive plan amendment is approved, then the rezone would be consistent with the comprehensive plan.

Thorp Landing (RZ-22-0002 & CP-22-00002)

Comments Received From Public

Johnny & Erinn Boitano commented that sometime in the not far past that the acreage was already evaluated for a rezone and left the large 50-acre tract of farmland intact through many extensive public hearings to keep it in the AG-20 zone. They mentioned that this does not enhance rural character and once its developed, there is no going back and that there are better places for urban growth.

- ❖ **Staff Response** – Every landowner has the right to petition for a rezone even if the zoning was changed a while back through numerous hearings. Agriculture 5 is in appropriate designation based on the current comprehensive plan goals and policies. Any subdivision would still have to get approval from the County. Ag-5 does not promote urban growth as the minimum acreage is 5 acres for any new lot.

Thorp Landing (RZ-22-0002 & CP-22-00002)

Comments Received From Public

Paula Thompson commented on the past of some of these parcels and the 3-acre parcels that were created through the segregation process that never should have happened. She talked about the past hearings on the compliance effort for preserving Rural Character from the 2011 court case and that it was decided then that this land should be zoned Ag-20 and have a Rural Working Land Use. She also mentioned that more analysis needs to be done in the Thorp area.

Staff Response – Every landowner has the right to petition for a rezone if they wish even if zoning was changed a while back through numerous hearing and debate. They still go through the process of having to get approval. Staff believes that Rural Residential and Agriculture 5 is an appropriate land use and zoning based off the current comprehensive plan goals and policies.

A full review of comments can be found in the staff report and full comments can be seen in the master file.

Thorp Landing (RZ-22-0002 & CP-22-00002)

- CDS staff recommends that the Planning Commission recommend approval of the Thorp Landing Rezone to Agriculture 5 and comprehensive plan map amendment to Rural Residential (RZ-22-0002 & CP-22-00002)