



November 1, 2022

Via Email: [jeremiah.cromie@co.kittitas.wa.us](mailto:jeremiah.cromie@co.kittitas.wa.us)

Jeremiah Cromie, Planner II  
Kittitas County Community  
Development Services  
411 N. Ruby Street, Ste. 2  
Ellensburg WA 98926

Re: Flying A Land LLC Comprehensive Plan Amendment & Rezone, CP-22-00003 & RZ-22-00003

Dear Jeremiah:

The purpose of this letter is to respond to the comments Community Development received for the above-referenced land use applications. Your letter of September 20<sup>th</sup>, 2022 provides that if we have responses, we should deliver them to you by 5:00 p.m. on November 1, 2022. Please accept this response letter on behalf of Flying A Land LLC (CP-22-00003 & RZ-22-00003).

**Background History:**

Since the first appeal of the Kittitas County Comprehensive Plan, Kittitas County took many preliminary steps to come into compliance. As part of these steps early on in 2007 the formation of the Land Use Advisory Committee (LUAC) occurred, which I was a member of, to address the Rural Land Use Designations & Rural Character issues. From 2007 through 2009 the LUAC committee met consistently to review the land use designations and zoning code to develop new land use designations and zoning districts addressing the compliance issues. This committee and county staff spent many hours going parcel by parcel analyzing, discussing, arguing, and finally concluding what the new land use designations and zoning districts should be. Finally, a draft comprehensive plan with land use designations and zoning districts creating consistencies was reviewed by CTED (March 2008) and provided clarity with the creation of the new land use and zoning designations (Rural Residential, Rural Working Lands and zoning districts). This information was provided to the Board of County Commissioners at the time and without consideration of the LUAC product, Kittitas County continued to move forward with coming into compliance and adopting a different version to the land use designation and zoning maps without any consideration of the LUAC's work, of existing uses, non-conforming lot sizes, and only focused on density issues (3-acre zoning). Throughout this compliance process and as a representative of a landowner that owned numerous

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large tracts of lands, I continuously commented on mapping errors (two land use designations, two zoning designations on a single parcel, and regarding the lack of consideration of existing uses on lands within Kittitas County that warranted land use and zoning mapping reconsiderations. This issue has shown itself again with the inappropriate Rural Working land use and Ag-20 zoning on the property which is the subject of the Flying A Land LLCs proposal. As you can see in reviewing the material submitted by the applicant and from a review of the county's COMPASS mapping website the subject property is adjacent to numerous nonconforming lots and was inappropriately designated as Rural Working. More specifically an adjacent subdivision was approved by Kittitas County (Game Farm Subdivision). This specific subdivision was approved at the time under a land use designation of Rural with Rural Residential goals and policies, creating 27 residential lots (See Attachment A). The dual land use & zoning designations, non-conforming lot sizes within the surrounding area, existing uses, and a 27-lot development approved with Rural Residential land use policies further supports that the Rural Working Lands Designation was an incorrect designation to begin with and that these adjacent uses are the same if not similar to uses allowed within the Ag-5 zone. In fact, there are uses within the Ag-20 zone that would be detrimental to the existing uses occurring on site today.

**Snoqualmie Tribe, Dated August 18, 2022.**

The Snoqualmie Tribe had no comments and reserved the right to modify their position if the parameters change of this application changes.

Response: The Applicant has submitted this Comprehensive Plan Land Use Designation and Rezone change request; therefore, the parameters will not be changing within this request.

**Kittitas County Department of Public Health, Dated August 25<sup>th</sup>, 2022**

Kittitas County Department of Public Health had no comments at this time as this is a rezone project and will not be withdrawing ground water or discharging wastewater at this time.

Response: Please note that there is no need to withdraw groundwater as part of this request since it is a non-project action.

**Kittitas County Code Enforcement, Dated August 29, 2022**

Kittitas County Code enforcement has no comment on Flying A LLC's land use designation and rezone change request.



Response: This request is for a land use designation change and if approved a follow up rezone change. There are no code violations that the applicant is aware of.

**Kittitas County Public Works, Dated September 12, 2022.**

Kittitas County Public Works (KCDPW) had no comments pertaining to access, engineering, survey, water mitigation/metering.

KCDPW did comment that a small portion of parcel # 956825 contains 100-year floodplain and if possible, any future development should remain outside of the floodplain to reduce risk and avoid flood insurance requirements.

Response: It is correct that this proposal contains a parcel that is affected by floodplain, but as stated in KDPW comments that all activities that occur within the floodplain must abide by the regulations set forth in KCC 14.08. It must be noted that Kittitas County does not prohibit development within the floodplain, in fact Kittitas County code Title 14.08 allows for development to occur within floodplains established in Kittitas County, as long as those regulations are adhered to.

**Kittitas Valley Fire and Rescue, Dated September 12, 2022.**

Kittitas Valley Fire & Rescue comments spoke to numerous items pertaining to future development aspects of the subject properties, such as the following.

- Fire apparatus roads exceeding 150' shall be provided with a temporary or permanent turnaround meeting the requirement 2018 IFC Appendix D.
- Fire apparatus access roads shall not exceed 10% in grade. This is especially critical in our valley's climate.
- The IFC Appendix D requires the road be a minimum of 20' wide and capable of supporting an imposed road of at least 75,000 lbs.
- Subdivisions serving greater than 30 dwelling units shall have a minimum of two separate and approved fire dept. access roads per IFC D 107.1 unless all dwellings are sprinklered.
- Two separate fire dept. access roads shall be separated by a minimum of 50% of the maximum overall diagonal dimension of the property per IFC D107.2
- A standard turning radius is a minimum of 23' inside and 45' outside.
- Water supply meeting Kittitas County requirements.

Response: It is important to note that this request is a non-project action, meaning the Applicant is only requesting a land use designation change and if approved then a rezone to become consistent with the new land use designation.

There is no development or for that matter subdivision proposed that would trigger a review or requirements as listed out within the Kittitas Valley Fire and Rescue comment letter.

**In Summary**, the comments submitted in no way include supportive information to deny this request creating consistency with Kittitas County Comprehensive Plan and zoning regulations.

Regards,

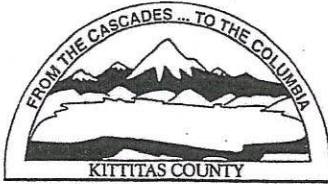


Chad Bala

Attachment A

Game Farm Development Staff Report  
Game Farm location & Non-conforming parcel maps





# Kittitas County Community Development Services

Darryl Piercy, Director

## STAFF REPORT

**TO:** Kittitas County Planning Commission  
**FROM:** Jan Sharar, Staff Planner  
Kittitas County Community Development Services  
**DATE:** June 27<sup>th</sup>, 2005  
**SUBJECT:** Game Farm Cluster Plat (P-05-07)

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### I. BACKGROUND INFORMATION

**Proposal:** Preliminary Plat Application

Division of parcel numbers # 18-19-32010-0008, 18-19-32010-0009, 18-19-32058-0001, 18-19-32058-0002 and 18-19-32058-0003, totaling approximately 74.53 acres into 27 building lots at approximately 1.00 acre each in size and one residual lot at approximately 46 acres in size.

**Location:** The subject property is located north of the Vantage Highway, south of Game Farm Road, west of Naneum Road and east of Wilson Creek Road, with two access points proposed off of Game Farm Road. Located within section 32 of T18N, R19E, W.M. in Kittitas County.

**Land Use & Site Characteristics:** The proposed development site is located within a rural farming and residential area meeting the characteristics of Agricultural land. As shown on the preliminary survey, the property does have a slight slope with an approximate elevation difference of approximately 42' between the north and south property lines. The applicant is proposing to maximize density available under the cluster subdivision portion of the Kittitas County Zoning Code (KCC 17.65).

### II. POLICY & REGULATORY REQUIREMENTS

**COMPREHENSIVE PLAN:** The Comprehensive Plan's Land Use Element designates the subject parcel as Rural.

**Rural Residential Land Use**

GPO 2.145 – Rural residential development must be in areas that can support adequate private water and sewer systems.



GPO 2.147 – Densities should be determined by water and sewage systems provided and by compatibility with existing and projected development in the vicinity. The proximity of fire protection facilities should be considered in addition.

GPO 2.149 – any policies with regard to development in agricultural areas should not be interpreted to preclude all further development in these areas. The possibilities and benefits of cluster residential developments located in agricultural land use areas should be retained.

GPO 2.150 – Agriculture has priority in matters dealing with conflicting land uses in agricultural areas. Farmlands in Kittitas County are the home sites for thousands of families and provide a very special quality of life for these families.

**Zoning Code:** The subject zoning is Agriculture 3, recently rezoned in 2004 from Agriculture 20. The purpose and intent of the Agriculture 3 Zone is: to provide for an area where various agricultural activities and low-density residential developments co-exist compatibly. Ag-3 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein.

**Some of the uses allowed in the Agriculture 3 zone are as follows:**

**Agriculture, livestock, poultry or swine or mink raising, and other customary agricultural uses, community clubhouses, parks and playgrounds, commercial greenhouses and nurseries, existing cemeteries, etc.**

The **Minimum Lot Size** in the Agriculture 3 Zone is 3 acres, which would allow for 1 residence per 3 acres. The exception is cluster subdivisions, which meet the requirements of KCC 17.65.040 (Development Regulations). An applicant may be eligible for a 1-acre minimum lot size as denoted in KCC17.65.040.

**Subdivision Code:** This application is allowable under the provisions of KCC 17.65 (Cluster Subdivision). The purpose and intent of this section is to concentrate residences in agricultural areas without undue removal of agricultural lands from production and enhance the retention of all types of open spaces by concentrating development and reducing the consumption of land devoted to housing.

**Critical Areas:** An administrative site analysis was completed by the Community Planning Division of Community Development Services in compliance with Title 17A. The subject property is not located within a regulated critical area. No restrictions will apply to this proposal pursuant to this Ordinance.

**Issues raised during comment period:** Citizen comments regarding relocation of the lots for reasons of quality of soils for farming, impacts on existing homes in area, traffic and safety issues, noise reduction, etc. were submitted. In addition issues of impact to the aquifer, requirement of a traffic study, influx of new resident complaints about farming practice (right to farm), and the ability to split the residual parcel in the future and impacts to wildlife were mentioned.

### III. ADMINISTRATIVE REVIEW

**Notice of Application:** A complete application was submitted to the Community Development Services Department on March 31, 2005. A Notice of Application was issued on March 31, 2005. This notice was published in the official county paper of record and was mailed to jurisdictional



government agencies, adjacent property owners, and other interested parties.

**Written Testimony:** Written testimony has been received and is contained within the staff report packet. Any comments received after the staff report is forwarded will be copied and delivered to the KCPC for the public hearing.

**State Environmental Policy Act:** Based on correspondence received during this 10 working day comment period and other information submitted with this project permit application, a SEPA Determination of Mitigated Non-Significance (MDNS) was issued by Community Development Services on May 20, 2005.

Subjects addressed in the SEPA threshold determination of Mitigated Determination of Non-Significance were: environmental health (dust and emissions control and reduction), lighting, irrigation water, potable water and transportation.

**Suggested conditions:** although required by Kittitas County Code, staff suggests a condition be added that as a **plat note** the owner/developer include the "Right to Farm" Kittitas County Code 17.74 060 (A) Ord. #96-5 notification and disclosure statement. In addition, the recorded Covenants, Conditions and Restrictions (C C and R's) include the same statement.

#### IV. SUGGESTED FINDINGS OF FACT

THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.

1. The Planning Commission finds that Jeff Slothower, authorized agent for the landowner Laurin Møllergaard, submitted a complete application to Community Development Services March 31, 2005.
2. The Planning Commission also finds that said development application included a preliminary plat depicting the division of five parcels into 27 building lots each at approximately 1.00 acres in size with a residual parcel at approximately 46.00 acres.
3. The Planning Commission finds that Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on March 31, 2005. The Planning Commission finds further that said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject properties as required by law.
4. The Planning Commission finds that Community Development Services issued a Notice of Action pursuant to KCC 15A.04 and Chapter 43.21C RCW on May 20, 2005. The Planning Commission finds further that said notice solicited comments from jurisdictional agencies, parties of record and landowners within 300 feet of the subject properties as required by law.
5. The Planning Commission finds that an open record hearing was held by the Planning



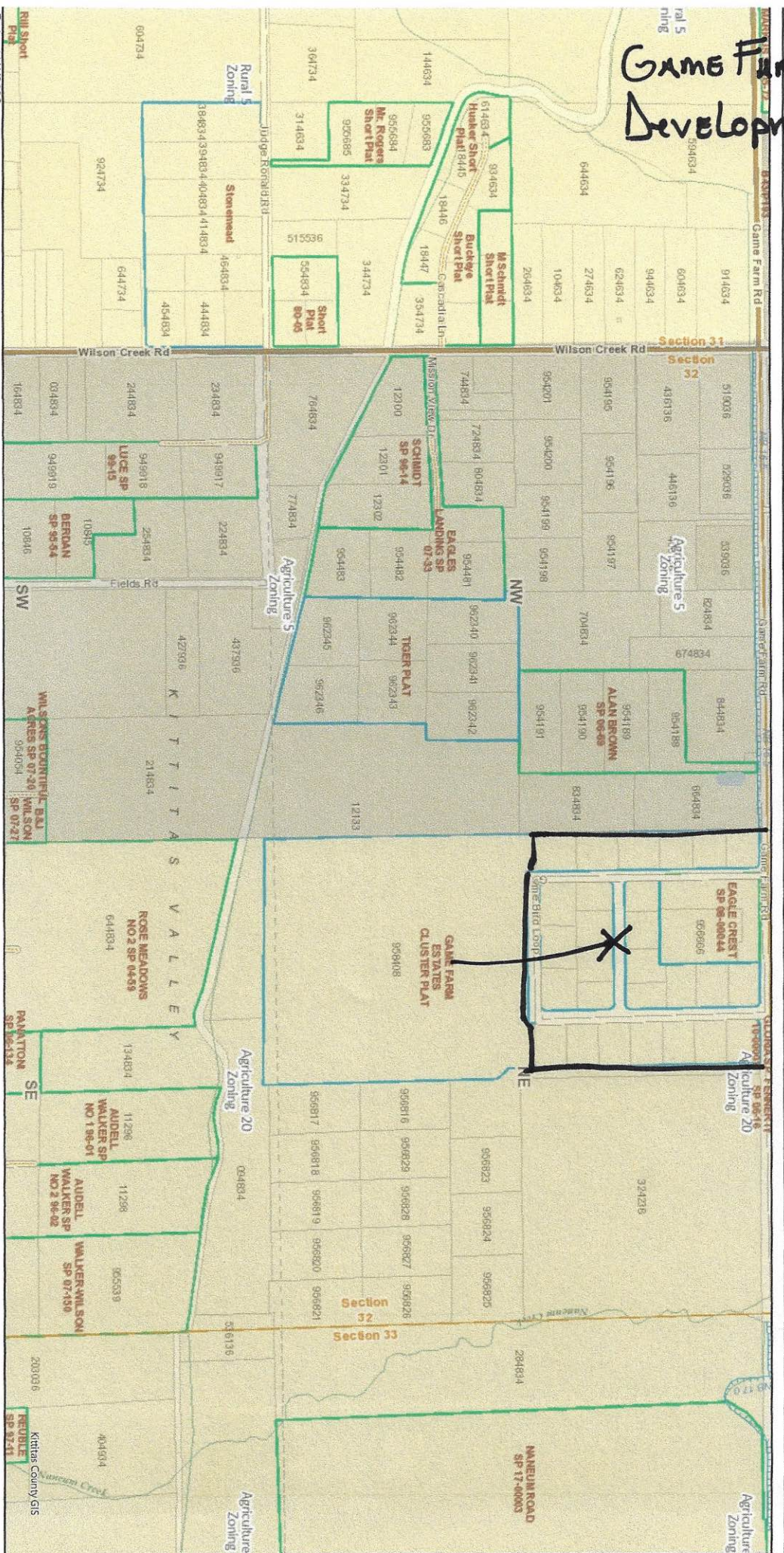
Commission on June 27<sup>th</sup>, 2005 to consider this matter and that testimony was taken from those persons present who wished to be heard. The Planning Commission also finds that due notice of this public hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by this proposed subdivision.

The Planning Commission finds that additional conditions are necessary to protect the public's interest and therefore reinstates the MDNS requirement that prior to final plat approval the landowner/developer must have proof of a valid water right from the Department of Ecology to obtain approval for a Group A water system through the Washington State Department of Health



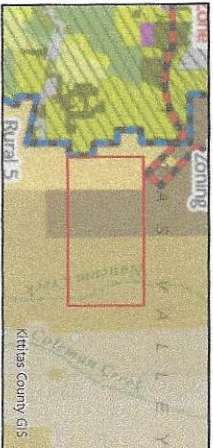
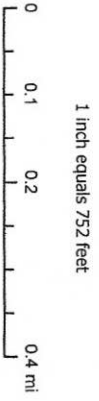
# Game Farm Development

## Kittitas County COMPAS Map



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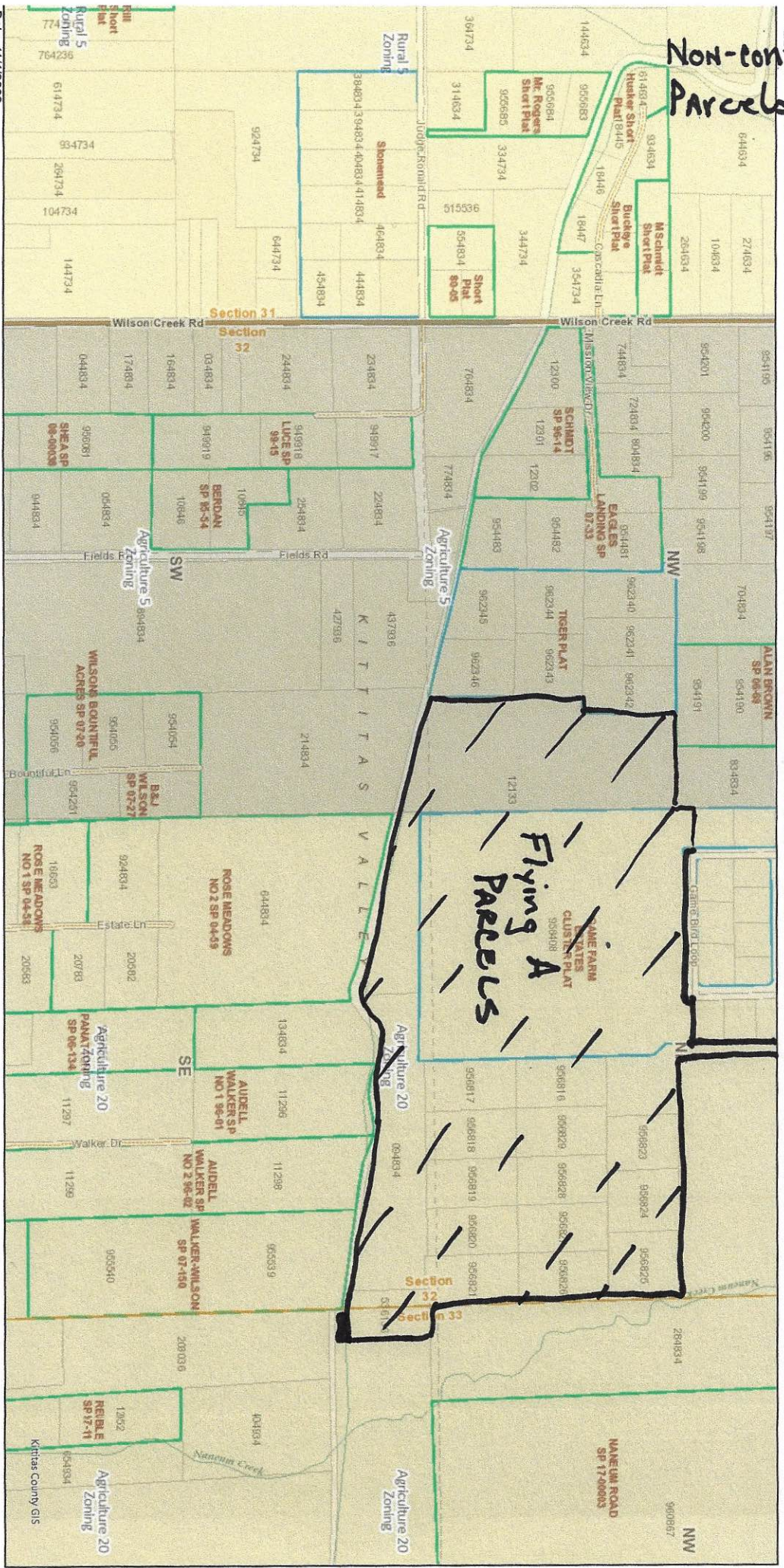
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Non-conforming  
Parcels map

Kititas County COMPAS Map



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Date: 11/1/2022

