



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

STAFF REPORT

Anderson Hay Non-Project Rezone (CP-14-00001 & RZ-14-00002)

TO: Kittitas County Planning Commission
FROM: Kittitas County Community Development Services Staff
RE: Anderson Hay Non-Project Rezone (CP-14-00001 & RZ-14-00002)
DATE: October 7, 2014 [hearing date]

I. GENERAL INFORMATION

Requested Action:

Cassandra Moore of Grette Associates, authorized agent for Anderson Hay and Grain Co., Inc. submitted a non-project rezone and comprehensive plan amendment to rezone six (6) parcels from Urban Residential to General Industrial. The request is to more accurately reflect the exiting use of the current properties and be more consistent with the surrounding uses to the east of the proposal. A comprehensive plan map amendment (CP-14-00001), a rezone application (RZ-14-00002), and a SEPA environmental checklist application (SE-14-00006) were submitted as part of the application packet prior to the June 30th deadline. This proposal is being processed through the 2014 Annual Comprehensive Plan Docket process.

Location: This proposal is located near the intersection of Anderson Road and Umptanum Road, within the Urban Growth Area of the City of Ellensburg. More specifically, it consists of six (6) parcels located west of Anderson Road and North of Umptanum Road in a portion of Section 11, T.17N., R.18E., W.M. in Kittitas County; Assessor's map numbers 17-18-11000-0006, -0006, -0010, -0017, -0024, -0025, and -0026.

II. SITE INFORMATION

Total Proposal Size: approximately 24.61 acres
Number of Lots: 6
Domestic Water: None requested/proposed at this time.
Sewage Disposal: None requested/proposed at this time.
Fire Protection: Kittitas Valley Fire & Rescue
Irrigation District: N/A

Site Characteristics: The site is a relatively flat land located within the Ellensburg Urban Growth Area (UGA). The area is comprised of commercial, industrial, agricultural, and residential uses.

Surrounding Property:

North: Ellensburg City Limits/Vacant Land/Agriculture/Residential

South: Ellensburg UGA/Vacant Land/Power Substation/Residential

East: Ellensburg City Limits/Industrial

West: Ellensburg UGA/ Vacant Land/Residential/Interstate 90

Access: The proposal will have access from Anderson Road.

Zoning and Development Standards: The subject properties are currently located within the Urban Residential zoning district and are within the Ellensburg UGA. General Industrial zoning is being requested, which is an appropriate zoning designation within the UGA and Urban land use designation. The purpose and intent of the General Industrial zone is to accommodate certain industrial structures and uses that could create serious

problems of compatibility with other kinds of land uses and to protect such zones from encroachment by conflicting land uses.

III. ADMINISTRATIVE REVIEW

Complete Annual Comprehensive Plan Docket Application: Application for a comprehensive plan map amendment, rezone from Urban Residential to Light Industrial, and SEPA environmental checklist was received on June 19, 2014. This submittal packet was received prior to the June 30th docketing deadline. Upon review of the submitted materials and the pre-application materials it was determined that a scrivener error was made in regards to the requested zoning designation. The authorized agent submitted revised application materials on July 29, 2014 to clarify that the requested zone is “General Industrial,” not “Light Industrial.” The application was deemed complete on August 5, 2014. A Notice of Application was issued on September 8, 2014. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.

Posting of Site: The signed Affidavit of Posting was returned to CDS on August 12, 2014 indicating that the site had been accurately posted with the “Land Use Action” signs as provided by CDS and required per KCC 15A.03.110.

IV. COMPREHENSIVE PLAN

The current land use designation is **Urban**, specifically it is located within the Ellensburg Urban Growth Area (UGA). Under the 2013 Comprehensive Plan, Kittitas County has established the following goals and policies to guide future development through a 20 year planning window, assuming developed areas will be annexed into the adjacent cities. These goals and policies were developed in an effort to ensure consistency and coordination with the future annexing jurisdiction while still under County jurisdiction, and support the County Wide Planning Policies:

GPO 2.2 Protect, preserve, maintain, and enhance the County’s natural resource industry base, natural environment, and rural character, including but not limited to timber, agriculture, mineral, water and energy resources. The County shall avoid land use conflicts with its resource industry by applying low residential densities to lands adjacent to resource lands.

GPO 2.4 Encourage urban growth and development in those areas where public roads and services can support such growth, and where development will cause minimal environmental degradation, reduce the conversion of land for development, and concentrate future growth in established cities and urban growth areas.

GPO 2.7 Kittitas County will maintain a flexible balance of land uses which will protect, preserve, and enhance the rural character, historical forest lands, and agricultural industries, mineral lands, and high quality environment.

GPO 2.8 Kittitas County will cooperate with the private sector and local communities in actively improving conditions for economic growth and development.

GPO 2.30A Consideration for all future development should be the adaptability of a proposal to both public and private utilities such as municipal water and sewer systems.

GPO 2.32A Encourage and accommodate future expansion of utilities and roadways in a logical manner for new development in urban growth areas. Expansion of utilities and roadways shall not be made exclusively to accommodate new development outside of urban growth areas.

GPO 2.32B Adopt urban growth area (UGA) boundaries to accommodate residential and employment increases projected within the boundaries over the next 20 years.

GPO 2.34 The UGAs shall be consistent with the following criteria: *[emphasis on provided excerpts]*

- b. Lands included within UGAs shall either be already characterized by urban growth or directly adjacent to such lands;
- d. UGAs shall provide a balance of industrial, commercial, and residential lands.
- f. Protect natural resource and critical areas.
- g. Encourage the conversion of undeveloped lands into urban densities (infill).

GPO 2.44 Location of Industrial Land. The County should designate sufficient industrial land located in areas convenient to utilizes, fire protection, and to major transportation facilities (air, rail, freeway). Industrial developments may be permitted beyond urban growth areas, when zoning allows.

GPO 2.45 Compatibility. Industry located adjacent to residential areas or along scenic routes should be situated so as to minimize impacts on those areas and should provide screening and other measures to achieve compatibility.

V. REZONE CRITERIA

The following criteria must be met per KCC 17.98.020.6 (a-h).

- a) The proposed amendment is compatible with the comprehensive plan; and
- b) The proposed amendment bears a substantial relation to the public health, safety or welfare; and
- c) The proposed amendment has merit and value for Kittitas County or a sub-area of the county; and
- 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; and
- e) The subject property is suitable for development in general conformance with zoning standards for the proposed zone; and
- f) The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property; and
- g) The proposed change in use of the subject property shall not adversely impact irrigation water deliveries to other properties; and
- h) The proposed amendment is in full compliance with KCC 17.13 Transfer of Development Rights.

Staff responds to the above criteria with the following:

- a) The proposed amendment is compatible with the comprehensive plan.

Staff Response: This project proposes to bring its property into conformance with the current use of the site which is for agriculture processing, warehousing and exporting of hay, all of which is allowed in the proposed General Industrial zone. Additionally, this proposal is currently located in the Ellensburg Urban Growth Area with a comprehensive plan designation of Urban and is adjacent to the east of property currently zoned General Industrial. The requested zone change from Urban Residential to General Industrial is compatible with the 2013 Comprehensive Plan.

- b) The proposed amendment bears a substantial relation to the public health, safety or welfare.

Staff Response: This amendment will not be detrimental to the health, safety, or welfare of the public.

The proposed rezone will bring the existing use of the property into conformance with County zoning regulations. Operation of this industrial business benefits the general welfare of the public.

- c) The proposed amendment has merit and value for Kittitas County or a sub-area of the county.

Staff Response: The proposed amendment will provide for the ability for Anderson Hay to continue to operate, in conformance with current County regulations and also allow for future expansion of the operation if the owner chooses to pursue that in the future. This also meets the goals, policies, and objectives of the Comprehensive Plan by adding to the mix of uses in the UGA.

- 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.

Staff Response: The proposed rezone is appropriate for reasonable development of the subject property. This rezone to General Industrial will make the property more conforming to the existing use and to the adjacent property to the east, which is already zoned General Industrial.

- e) The subject property is suitable for development in general conformance with zoning standards for the proposed zone.

Staff Response: The existing zoning designation is Urban Residential and the proposed zoning designation is General Industrial; both zoning designations are compatible within the UGA. This proposed zone change will bring the current use of the property into conformance with Kittitas County zoning standards and allow for continued operation of an existing business.

- f) The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.

Staff Response: The proposed amendment will not be materially detrimental to the properties in the immediate vicinity of the subject property. Adjacent to the east is property owned by the applicant that is currently zoned General Industrial and houses the Anderson Hay & Grain operation. There are also a few residences remaining adjacent to the subject properties. Beyond that use is the Kittitas County Solid Waste property and transfer station; additionally there are commercial uses west of this proposal all located within Ellensburg City Limits. To the north of the proposal is a residence and vacant land that is part of the Ellensburg City Limits. West of the proposal is property that is used for residential/agricultural purposes and Interstate 90, this area is located within the UGA. Additionally there is vacant land adjacent to the west located within Ellensburg City Limits. Adjacent to the south is Umptanum Road, Interstate 90, and property that is either vacant land or low density residential. This proposal is compatible with the existing uses in the area.

- g) The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.

Staff Response: The proposal is located within the Ellensburg Irrigation district. Irrigation will not be impacted.

- h) The proposed amendment is in full compliance with KCC 17.13 Transfer of Development Rights.

Staff Response: Upon review of KCC 17.13 Transfer of Development Rights, staff has determined that the request to rezone from Urban Residential to General Industrial is outside of the scope of consideration and the legislative intent of KCC 17.13 when it was adopted in 2009 and further amended in 2010 and

2011. Therefore, TDRs are not required for this rezone proposal.

V. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this comment period and other information on file with Community Development Services, Kittitas County expects to issue a Determination of Non-Significance (DNS) on October 7, 2014. The appeal period will end on October 21, 2014 at 5:00 p.m.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments received to date have been included as Exhibits in the Planning Commission file index.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.2, 2.4, 2.7, 2.8, 2.15, 2.30A; 2.32A; 2.32B; 2.34 (b, d, f, & g); 2.44; and 2.45. This proposal is consistent with the intent of the Urban Growth Areas of Kittitas County.

Consistency with the provisions of KCC Title 12 Roads and Bridges:

This proposal is for a non-project rezone, therefore the Public Works Department has determined that the rezone will not have an impact on the transportation system because no expansion of the business is proposed. This is further explained in the Public Works Memo dated September 19, 2014. as outlined in the May 2, 2104 memorandum issued by the Department of Public Works. The proposal is consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC 13 Water and Sewers Code:

This proposal is consistent with the Kittitas County Code for Water and Sewers.

Consistency with the provisions of KCC Title 14 Buildings and Construction:

As this is a non-project rezone and comprehensive plan request, no building or construction is being requested by this action. This proposal is consistent with Kittitas County Code Title 14 for Building and Construction.

Consistency with the provisions of KCC 17.40, General Industrial zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.40. The proposal is compatible with KCC 17.40.020 referring to the uses table in KCC 17.15. Specifically, the existing use of the property is allowed in the General Industrial zone: KCC 17.15.080 (A) – Agriculture Processing and KCC 17.15.080 (D) Warehousing and Distribution.

Consistency with the provisions of KCC 17A Critical Areas Code:

Staff has conducted an administrative critical area review in accordance with KCC 17A and found critical areas present on-site. There is a DNR stream type 2 – Fish in the southwestern area of the subject property known as Spring Creek. There also appears to be an irrigation canal in the same area. Additionally, there is a 100 year floodplain associated with Spring Creek. Currently, the proposal is located within the Rural Shoreline

Jurisdiction of the Yakima River. Kittitas County is currently in the process of updating our Shoreline Master Program (SMP) and anticipates that this area will no longer be within Shoreline Jurisdiction when the new SMP is adopted. No development is proposed with this non-project rezone therefore the critical areas will not be negatively impacted by this proposed zone change and is consistent with Kittitas County Code 17A. Future activities and/or development will be required to comply with all regulations at the time of the new proposal and the critical areas will be assessed at that time.

Consistency with the provisions of KCC 20 Fire and Life Safety Code:

This proposal is consistent with the Kittitas County Code for Fire Life Safety.

Agency Comments:

The following agencies provided comments during the comment period: City of Ellensburg, Washington State Department of Fish and Wildlife, Kittitas County Public Works, Kittitas Valley Fire & Rescue, and Washington State Department of Health. These comments were considered and have been integrated into the recommended findings and conditions of approval where appropriate.

Public Comments:

No comments have been received from the public.

VIII. RECOMMENDATION

During staff's review of this proposal, it was determined that additional properties should be included in this rezone request. Therefore, staff recommends that the following parcels also be rezoned to General Industrial: 17-18-11055-0001, 17-18-11055-0002, 17-18-11055-0003, and 17-18-11020-0020. These are all located along Anderson Road at the southeastern corner of the proposal. Parcels 17-18-11055-0001, -0002, and -0003 have existing residences on them. Parcels 17-18-11020-0003 and -0020 are owned by the applicant of this proposal. The existing single family residences are allowed to remain. Additionally, there is one more parcel that staff recommends to be rezoned to General Industrial. During review and correspondence with the City of Ellensburg, it was determined that there has been a long-standing scrivener error. The parcel adjacent and directly north of 17-18-11020-0025 has been incorrectly designated as being within the City Limits of Ellensburg on the County zoning maps. According to a letter received by CDS on August 19, 2014 from Mr. Robert Witkowski, Interim Community Development Director for the City of Ellensburg, this particular parcel was not part of the Pautzke Bait Annexation (File # A-95-04) and that the legal descriptions were correct, this is simply a mapping error that needs to be corrected. Changing the zone of these properties would make this entire area more compatible with the primary existing uses in the immediate vicinity and allow for orderly development into the future.

As conditioned below, the application is not detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Titles 12, 13, 14, 17, 17A, and 20 of the Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends approval of the Anderson Hay Non-project Rezone (CP-14-00001 & RZ-14-00002) and the staff recommended five additional parcels to General Industrial, subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Cassandra Moore of Grette Associates, authorized agent for Anderson Hay and Grain Co., Inc. submitted a non-project rezone and comprehensive plan amendment to rezone six (6) parcels from Urban Residential to General Industrial. The request is to more accurately reflect the exiting use of the current properties and be more consistent with the surrounding uses to the east of the proposal. A comprehensive plan map amendment (CP-14-00001), a rezone application (RZ-14-00002), and a SEPA environmental checklist application (SE-14-00006) were submitted as part of the application packet prior to the June 30th deadline. This proposal is being processed through the 2014 Annual Comprehensive Plan Docket process.

2. This proposal is located near the intersection of Anderson Road and Umptanum Road, within the Urban Growth Area of the City of Ellensburg. More specifically, it consists of six (6) parcels located west of Anderson Road and North of Umptanum Road in a portion of Section 11, T.17N., R.18E., W.M. in Kittitas County; Assessor's map numbers 17-18-11000-0006, -0006, -0010, -0017, -0024, -0025, and -0026.
3. Total Proposal Size: approximately 24.61 acres
 Number of Lots: 6
 Domestic Water: None requested/proposed at this time.
 Sewage Disposal: None requested/proposed at this time.
 Fire Protection: Kittitas Valley Fire & Rescue
 Irrigation District: N/A
4. Surrounding Property:

North:	Ellensburg City Limits/Vacant Land/Agriculture/Residential
South:	Ellensburg UGA/Vacant Land/Power Substation/Residential
East:	Ellensburg City Limits/Industrial
West:	Ellensburg UGA/ Vacant Land/Residential/Interstate 90
5. Site Characteristics: The site is a relatively flat land located within the Ellensburg Urban Growth Area (UGA). The area is comprised of commercial, industrial, agricultural, and residential uses.
6. The Comprehensive Plan designation is Urban.
7. The subject properties are currently located within the Urban Residential zoning district and are within the Ellensburg UGA. General Industrial zoning is being requested, which is an appropriate zoning designation within the UGA and Urban land use designation. The purpose and intent of the General Industrial zone is to accommodate certain industrial structures and uses that could create serious problems of compatibility with other kinds of land uses and to protect such zones from encroachment by conflicting land uses.
8. Application for a comprehensive plan map amendment, rezone from Urban Residential to Light Industrial, and SEPA environmental checklist was received on June 19, 2014. This submittal packet was received prior to the June 30th docketing deadline. Upon review of the submitted materials and the pre-application materials it was determined that a scrivener error was made in regards to the requested zoning designation. The authorized agent submitted revised application materials on July 29, 2014 to clarify that the requested zone is "General Industrial," not "Light Industrial." The application was deemed complete on August 5, 2014. A Notice of Application was issued on September 8, 2014. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.
9. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this comment period and other information on file with Community Development Services, Kittitas County expects to issue a Determination of Non-Significance (DNS) on October 7, 2014. The appeal period will end on October 21, 2014 at 5:00 p.m.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan GPOs apply to this proposal: GPO 2.2, 2.4, 2.7, 2.8, 2.15, 2.30A; 2.32A; 2.32B; 2.34 (b, d, f, & g); 2.44; and 2.45. This proposal is consistent with the intent of the Urban Growth Areas of Kittitas County.

11. This proposal is consistent with the provisions of Kittitas County Roads and Bridges Title 12.
12. This proposal is consistent with the provisions of KCC 13 Water and Sewers Code.
13. This proposal is consistent with Kittitas County Code Title 14 for Building and Construction.
14. This proposal is consistent with the Kittitas County Zoning Code Title 17, more specifically KCC 17.40.
15. This proposal is consistent with Kittitas County Code Title 17A Critical Areas.
16. This proposal is consistent with Kittitas County Code Title 20 Fire Life Safety.
17. Upon review of KCC 17.13 Transfer of Development Rights, staff has determined that the request to rezone from Urban Residential to General Industrial is outside of the scope of consideration and the legislative intent of KCC 17.13 when it was adopted in 2009 and further amended in 2010 and 2011. Therefore, TDRs are not required for this rezone proposal.
18. The following agencies provided comments during the comment period: City of Ellensburg, Washington State Department of Fish and Wildlife, Kittitas County Public Works, Kittitas Valley Fire & Rescue, and Washington State Department of Health. These comments were considered and have been integrated into the recommended findings and conditions of approval where appropriate.
19. Based upon staff review and recommendation, the following five parcels shall also be rezoned to General Industrial: 17-18-11055-0001, 17-18-11055-0002, 17-18-11055-0003, 17-18-11020-0020, and the parcel directly adjacent to the north of 17-18-11020-0025 that has been determined by the City of Ellensburg that it is part of the County jurisdiction and not within City Limits of Ellensburg.

Suggested Conclusions:

1. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 12 Roads and Bridges, Title 13 Water and Sewer, Title 14 Building and Construction, Title 15 Environmental Policy, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire Life Safety.

Suggested Conditions of Approval:

1. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.