

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS STATE OF WASHINGTON

ORDINANCE NO. 2008 - 06

GERARD REZONE (Z-07-05)

IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS FOR A  
PORTION OF SECTION 14 OF TOWNSHIP 18N, RANGE 18E, FROM AGRICULTURE-20 TO  
AGRICULTURE-5 FOR APPROXIMATELY 40.65 ACRES

WHEREAS, according to Kittitas County Code Titles 15A & 17, relating to general rezones, adopted pursuant to RCW 36.70B & 36.70 respectively, and according to Kittitas County Code Title 16, relating to Subdivision of Land, adopted pursuant to RCW 58.17, an open record hearing was held by the Kittitas County Planning Commission on July 10, 2007 for the purpose of considering a zone change consisting of approximately 40.65 acres from Agriculture-20 to Agriculture-5 described as being:

ALL OF PARCELS LYING APPROXIMATELY 2 MILES NORTH OF THE CITY OF ELLENSBURG, SITUATED NORTH OF HUNGRY JUNCTION ROAD ON TIPTON ROAD, WITHIN A PORTION OF SECTION 14, T18N, R18E, WM, IN KITTITAS COUNTY. MAP NUMBERS 18-18-14057-0001, 18-18-14057-0002, 18-18-14057-0003 AND 18-18-14057-0004.

WHEREAS, testimony was taken from those persons present who wished to be heard; and,

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such zone change; and,

WHEREAS, the Planning Commission voted to forward the Gerard Homes Rezone to the Board of County Commissioners with a recommendation of approval by a vote of 5-0 and directed staff to prepare Findings of Fact for the July 24, 2007 Planning Commission Meeting; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on October 16, 2007, to consider the Planning Commission's recommendation on this matter; and,

WHEREAS, the Board of County Commissioners approved said rezone with a vote of 2-0 at said closed record meeting. Chairman Alan Crankovich was not present. Vice-Chairman David Bowen and Commissioner Mark McClain voted to approve said rezone, and,

WHEREAS, the following FINDINGS OF FACT and CONCLUSIONS AT LAW have been made concerning said proposed rezone and are hereby adopted by the Kittitas County Board of Commissioners:

1. The Board of Commissioners finds that John P. Winbauer, authorized agent for Donald S. Gerard, landowner, submitted a complete application requesting a zone change of

approximately 40.65 acres from AG-20 to AG-5 to Kittitas County Community Development Services on March 13, 2007.

2. The Board of Commissioners finds that the subject area of the proposed rezone is located approximately 2 miles north of the City of Ellensburg, situated north of Hungry Junction Road on Tipton Road, within a portion of Section 14, T18N, R18E, WM, in Kittitas County. Map Numbers 18-18-14057-0001, 18-18-14057-0002, 18-18-14057-0003 and 18-18-14057-0004.
3. The Board of Commissioners finds that Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on April 26, 2007. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code. Said notice was published in the official county newspaper of record, the Daily Record, on April 27, 2007.
4. The Board of Commissioners finds that an open record hearing was held by the Planning Commission on July 10, 2007 to consider this general rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. Deliberation was postponed to the July 24, 2007 meeting of the Kittitas County Planning Commission in order that Planning Commission members might have more time to review documents submitted by the applicant at the July 10, 2007 hearing. Testimony was taken from those persons present at said hearings that wished to be heard and the necessary inquiry has been made into the public interest to be served by this non-project action.
5. The Board of Commissioners finds that the subject property is surrounded by AG-20 to the north, south, east and west.
6. The Board of Commissioners finds that the requested zone change is consistent with the Rural Land Use designation of the Kittitas County Comprehensive Plan.
7. The Board of Commissioners finds that the permitted uses in the Agriculture-5 zone are consistent with the permitted uses found in the surrounding Agriculture 20 zone and provide a substantial relation to the public health, safety and welfare.
8. The Board of Commissioners finds that Community Development Services issued a SEPA Mitigated Determination of Non-Significance on June 14, 2007. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the official county newspaper of record, the Daily Record, on June 18 and June 25, 2007 as required by State Statute and County Code. The deadline to appeal this determination was Tuesday, July 3, 2007 and no SEPA appeals were received. The issued MDNS contained the following mitigations:

#### **I. Transportation**

- A. Any future land use action or subdivision of the properties involved with this rezone will result in the enactment of road standards review. After

this review is enacted, certification that road improvements comply with all applicable Kittitas County Road Standards, 9/6/05 edition, is required from an engineer licensed in the State of Washington before any building permits are issued.

## II. Public Services

- A. Any future development must comply with International Fire Code (IFC) and Appendices.

## III. SEPA Review

- A. Any future subdivision or development of the properties involved within this rezone will be subject to additional SEPA review regardless of exemptions.

9. The Board of Commissioners finds that the proposed rezone **does** meet all seven criteria of Kittitas County Code 17.98.020(E), and formally adopts the findings of fact as outlined below:

### A. **The proposed amendment is compatible with the Comprehensive Plan**

- *The Board of Commissioners finds that the Comprehensive Plan's Land Use Element designates the subject parcels as "Rural", and that the proposed Zone Change is compatible with this Land Use designation.*
- *The Rural Land Use designation provides for a wide range of densities of Agricultural lands, as set forth in Section 8.3 of the Kittitas County Comprehensive Plan. Furthermore, Section 8.5(A) recognizes the need for diversity of densities and uses in the lands designated for Rural Land Use.*
- *GPO 8.11 of the Comprehensive Plan allows for the protection of existing and traditional uses within the Rural Land Use designation while simultaneously allowing diversity, progress, experimentation and diversity of uses. An amendment to the zoning of the referenced subject parcels maintains the general uses permitted in the parent zone (Agriculture 20) but provides for a variation from the density of the parent zone and makes development feasible while maintaining Rural Character by establishing a minimum 5 acre lot size.*

### B. **The proposed amendment bears a substantial relation to the public health, safety and welfare**

- *The Board of Commissioners finds that the proposed amendment is in accord with the densities and uses established by the Kittitas County Comprehensive Plan's Rural Lands Goals, Policies and Objectives. The proposal does bear a substantial relation to the public health, safety and welfare as the Comprehensive Plan and Zoning Standards were developed with the intent of preserving public health, safety and welfare .*

### C. **The proposed amendment has merit and value for Kittitas County or a sub-area of the county**

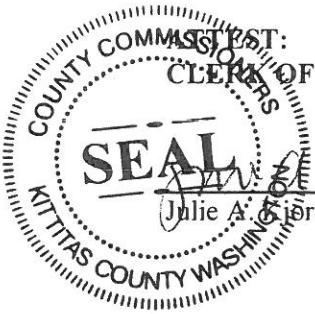
- *The Board of Commissioners finds that the proposed amendment provides for potential higher densities on non-productive lands which are currently designated as agricultural lands. Rezoning of non-productive lands for higher potential density and development allows for a greater range of densities and deters the conversion of productive farmlands for use in residential development.*
  - 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**
    - *The Board of Commissioners that the proposed amendment is appropriate due to the fact that the subject parcels do not contain productive farm land, and as such do not constitute lands which might otherwise be used for agricultural practice or cultivation.*
    - *Furthermore, there are currently several parcels in the immediate vicinity of the area of the proposed rezone which are less than 20 acres in size. As such, the requested zone change more accurately reflects the existing pattern of parcel sizes in the area.*
  - E. The subject property is suitable for development in general conformance with zoning standards for the proposed zone**
    - *The Board of Commissioners finds that the requested zone change is in accordance with the Purpose and Intent of the Agriculture 5 Zone as outlined in Kittitas County Code Chapter 17.28A.010. Specifically, the requested zone change provides for an area where various agricultural activities in the surrounding AG-20 zone can co-exist compatibly with potential agricultural activities or residential development in the subject parcels while maintaining rural character and a 5 acre lot size which is in keeping with traditional Rural densities.*
  - F. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property**
    - *The Board of Commissioners finds that the proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property. Due to the fact that the proposal has been reviewed as a non-project action, future development of the subject parcels shall be subject to review under the State Environmental Policy Act (SEPA) in order to assess potential environmental impacts.*
  - G. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties**
    - *The Board of Commissioners determined that, while the proposed non-project rezone would in itself not be detrimental to the delivery of irrigation water to surrounding properties, future development of the subject parcels shall be subject to review under State Environmental Protection Act (SEPA), Chapter 43.21C RCW.*
10. No SEPA Appeals were received for the rezone.
11. Additional measures are not necessary to protect the public's interest.

12. Public testimony was heard.

NOW THEREFORE,

**BE IT HEREBY ORDAINED** by the Board of County Commissioners of Kittitas County, Washington, after due deliberation and in the best interest of the public, does hereby approve said zone change consisting of approximately 40.65 acres from Agriculture-20 to Agriculture-5 known as the Gerard Rezone (Z-07-05) and does hereby authorize the amendment of the Kittitas County Zoning Map as set forth in attached Exhibit A.

DATED this 5<sup>th</sup> day of February, 2008 at Ellensburg, Washington.



CLERK OF THE BOARD  
Julie A. Sjørsvik

**BOARD OF COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

Mark McClain  
Mark McClain, Chairman

**ABSTAINED**

Alan A. Crankovich, Vice-Chairman

David B. Bowen  
David B. Bowen, Commissioner

**APPROVED AS TO FORM:**

Greg Zempel WSBA #19125

**Exhibit A:** Gerard Rezone (Z-07-05)  
Property locator maps

