

Kittitas County Code 17.98.020 (7) specifies seven criteria by which to determine approval or denial of a zoning change. As I was reading through the staff reports, applicant materials, and comments submitted by various parties as part of the record for this application, there were two questions that in my mind that needed to be satisfied: specifically criteria 1, which asks whether the proposed amendment is compatible with the Comprehensive Plan, and criteria 6, "the proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property".

Question 1: Is this project-specific Planned Unit Development rezone and associated 14-lot Preliminary plat consistent with the Kittitas County Comprehensive Plan? To answer that question, it needs to be determined if the proposed is rural or urban. And finally then, application shares a boundary on three sides with the existing Suncadia Resort, how to apply G.P.O. 2.190 of the county's comprehensive plan, which state: "Except in areas designated for urban growth, new urban or suburban land use shall be precluded by the county in the vicinity of a Master Planned Resort."

Answer: Kittitas County's Comprehensive Plan addresses Planned Unit Developments several ways. For instance,

GPO 2.49 states: Planned Unit Developments, which reserve substantial portions of land as open space or recreation area, are preferred over conventional subdivisions. With ten acres of open space reserved in perpetuity, this application adheres to this policy.

GPO 8.50 state: In the case of Planned Unit Developments (PUD's), only residential PUD's should be permitted outside of UGA's or UGN's. As the proposed preliminary plat is only residential and includes no commercial or industrial uses, it is compatible with this GPO as well.

Also, according to Kittitas County Zoning code and Hearings Examiner Recommended Finding of Fact #30, planned unit developments, cluster developments, and other similar uses are allowed within rural zoning districts, including land within the Rural-3 zoning district.

Referencing Hearings Examiner finding of fact #35, in determining "urban" or "rural" according to the comprehensive plan, 2.3 (A) recognizes that urban land uses are within a designated Urban Growth area and provide for orderly street systems and utilities. This proposal is not located within any UGA or UGN.

Finally, according to Hearings Examiner finding of fact #34, when the comprehensive plan policies are inconsistent with zoning regulations, zoning regulations control.

Therefore, when the county comprehensive plan and zoning code are used to define whether this application is rural or urban in nature, it must be defined as rural. Because it is rural, GPO 2.190 which again states: Except in area designated for urban growth, new urban or suburban land use shall be precluded by the county in the vicinity of a Master Planned Resort", does not have any bearing.

The proposed PUD rezone and associated 14 lot Preliminary plat is consistent with the County's Comprehensive plan.

Question 2: Is this application materially detrimental to the use of properties in the immediate vicinity of the subject property?" My main concern here is with the issue of water availability and the use of an exempt well to serve the water needs of the proposed development. According to the record, Lot 1 and lot 2 of short plat 06-84, are entitled to a single exemption of 5000 gallons per day. This application is for lot 1, and is essentially utilizing all of the available water. If approved there will be no water left as part of the exemption for additional residential development to occur on lot 2.

According the Hearing Examiner findings of fact #25 and #26, the applicant, specifically Ms. Watanabe acknowledges that this project will consume all of the water allowable to the previously referenced short plat. Ms. Watanabe also testified that the owners of lot 2 of this short plat were aware of this application and aware that this proposed use will consume and utilize all water usage authorized by the short plat and that they had no objection. Additionally, the owner's of lot 2 received notice of the application materials, the notice of opportunity to comment on the application, and notice of the open record public hearing. The owners provided no comment and not testimony in opposition to this project. Furthermore, there is evidence submitted in the record that illustrates a clear relationship between the owners of lot 1 and lot 2 of short plat 06-84.

Because the water exemption is referenced and acknowledged in the record by the applicant and the hearings examiner several times, because the owners of lot 2 were made aware of the application and provided no opposition, and because the record shows a clear relationship between the owners of lots 1 and 2 of short plat 06-84, this application poses nothing that can be defined as materially detrimental to the use of properties in the immediate vicinity of the subject property.