

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE

NO. 2007- 22

KITTITAS COUNTY DEVELOPMENT CODE UPDATE

Whereas, this ordinance, adopting the Kittitas County Development Code Update, contains three different sections of findings, as follows:

- Section I - Procedural Findings
- Section II - Board of County Commissioners Findings
- Section III - Final Decision and Signatures

SECTION I- PROCEDURAL FINDINGS

- Whereas,** Kittitas County opted into the Growth Management Act, RCW 36.70A, voluntarily on December 27, 1990, through Resolution 90-138; and
- Whereas,** Kittitas County was required to update its Comprehensive Plan under the requirements of RCW 36.70A, by December 1, 2006; and
- Whereas,** The Kittitas County GMA Comprehensive Plan was originally adopted on July 26, 1996 by the Kittitas County Board of County Commissioners; and
- Whereas,** The Kittitas County Comprehensive Plan Policies are consistent with the policies contained within the Countywide Planning Policies adopted per Resolution 96-10 and amended as required by RCW 36.70A.210; and
- Whereas,** On December 11, 2006, the Kittitas County Board of County Commissioners signed Ordinance 2006-63 adopting the 2006 Amendments to the Kittitas County Comprehensive Plan and 2006 Update to the Kittitas County Comprehensive Plan. As part of the process, Kittitas County is required to review the Development Regulations in order to implement and ensure consistency with the goals, polices and objectives identified in the Kittitas County Comprehensive Plan; and
- Whereas,** The Development Code Update contained the review of the following four elements of the current Kittitas County Code: Chapter 14.08, Flood Damage Prevention, Title 15A, Project Permit Application Process, Title 17, Zoning Code, and Chapter 16.08, Performance Based Cluster Platting. The Development Code Update also consisted of the proposal of two new sections of code, which included a proposed Title 17B, Forest Practices and a proposed Chapter 17.99, Design Standards; and
- Whereas,** Kittitas County has complied with the requirements of RCW 36.70A.130 and RCW 36.70A.140, by including public participation early in the update process and continuously through discussion and consideration of public input; and
- Whereas,** Legal notice was issued on April 11, 2007 and published on April 13 and 20, 2007 in the Daily Record and April 19 and 26, 2007 in the Northern Kittitas County Tribune, and display ads were published on April 16, 18, 19, 21, and 26, 2007 advertising the May 1, 2, and 3rd Planning Commission Hearings. These notices were published in the official county paper of record and the Northern Kittitas County Tribune Legal notice was issued on May 15, 2007 for Hearings before the Board of County Commissioners and published on May 17 and May 24, 2007 in the Kittitas County Daily Record and May 24 and 31, 2007 in the Northern Kittitas County Tribune; and
- Whereas,** Community Open Houses for the Development Code were held in various locations in the county. Lower county open houses were held on April 16th and 17th, 2007 in

Ellensburg, and an Upper County Open House was held on April 26, 2007 in Cle Elum; and

Whereas, Kittitas County on June 5, 2007 issued a notice for a Determination of Nonsignificance and Adoption of Existing Environmental Document for the Development Code Update under SEPA. Legal notice was published on June 6 and June 13, 2007 in the Daily Record and June 7 and 14, 2007 in the Northern Kittitas County Tribune; and

Whereas, Kittitas County Community Development Services Department sent the Department of Community, Trade and Economic Development and CTED Review Team notice of the Development Code Update on March 16, 2007; and

Whereas, The Kittitas County Planning Commission held public hearings on May 1, 2, and 3, 2007 for the Development Code Update. Notice of said public hearing was published in the Daily Record and Northern Kittitas County Tribune as required by State Statute and County Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest; and

Whereas, The Planning Commission held continued hearings where the record was closed on May 21 and May 22, 2007 for Planning Commission deliberation and decision; and

Whereas, The Planning Commission held continued hearing where the record was closed on May 31, 2007 to consider Planning Commission Findings and voted to approve said findings and forward to the Board of County Commissioners their recommendations on the Kittitas County Development Code Update; and

Whereas, The Kittitas County Board of County Commissioners held public hearings on June 4, 11, 13, 14, and 27, 2007 to consider the Development Code Update and Planning Commission Recommendations; and

Whereas, Testimony was taken and documentary evidence received by the Board of County Commissioners from those persons wishing to be heard; and

Whereas, The Kittitas County Board of County Commissioners held continued hearings on July 9, 10, and 11, 2007 for discussion and deliberation, and on July 11, 2007 directed staff to prepare enabling documents for Board consideration on July 19, 2007; and

Whereas, The Kittitas County Board of County Commissioners held a continued public hearing to consider enabling documents for the Development Code Update on July 19, 2007; and

Whereas, On July 19, 2007 the Kittitas County Board of Commissioners reviewed and signed the prepared ordinance; and

Whereas, Due notice of the hearings has been given as required by law.

SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS

General Findings:

The Kittitas County Board of County Commissioners held public hearings on June 4, 11, 13, 14, and 27, 2007, and July 9, 10, and 11, 2007 to consider the Kittitas County Development Code Update. On July 19, 2007 the Kittitas County Board of County Commissioners held a continued public hearing to consider enabling documents for the Development Code Update. All members of the public who wanted to were allowed to speak or submit written correspondence.

Whereas, The Kittitas County Board of County Commissioners held public hearings on June 4, 11, 13, 14, and 27, 2007, and July 9, 10, and 11, 2007 to consider the Kittitas County Development Code Update. The Kittitas County Board of County Commissioners held a continued public hearing to consider enabling documents July 19, 2007; and

Whereas, The Board of County Commissioners entered the following findings for the Development Code Update. The findings are as follows:

- I. Ordinance 2006-63 adopted the 2006 Amendments to the Kittitas County Comprehensive Plan and 2006 Update to the Kittitas County Comprehensive Plan. As part of the process, Kittitas County is required to review the Development Regulations in order to implement and ensure consistency with the goals, policies and objectives identified in the Kittitas County Comprehensive Plan; and
- II. The County's plan contains all of the required statutory elements, as described in WAC 365-195; and
- III. The policies contained within each element meet the requirements of RCW 36.70A and WAC 365-195; and
- IV. The Board of County Commissioners make the following findings for each of the elements being considered as part of this Development Code Update as listed below:
 1. ***Kittitas County Code Chapter 14.08, Flood Damage Prevention***
 - i. The proposed changes reflect comments received as part of a 2006 Federal Emergency Management Agency (FEMA) and Department of Ecology (DOE) Community Assistance Visit (CAV).
 - ii. Update to Section 14.08.300 complies with WAC 173-158-070.
 - iii. The Board of County Commissioners adopts the July 10, 2007 draft of Chapter 14.08 as attached hereto as Attachment 1.
 2. ***Kittitas County Code Title 15A, Project Permit Application Process***
 - i. The updates allow for more public participation and identify other methods of public outreach for projects.

- ii. Existing language in 15A.03.030 is sufficient and attainable for identifying ownership of projects.
- iii. For publishing of notification in newspapers other than the official newspaper of record, a 12 month review from the date of adoption of the Development Code shall be conducted to assess costs in relation to current fee schedules recognizing that costs should be borne by the applicant.
- iv. The Board of County Commissioners adopts the July 10, 2007 draft of Title 15A as attached hereto as Attachment 1.

3. *Kittitas County Code Title 17B, Forest Practices*

- i. Substitute House Bill 1409 (Chapter 235, Laws of 2007) of the recent Legislature Session establishes a December 31, 2008 deadline for adoption of a Forest Practice Ordinance. The Board of County Commissioners in recognition of the Bill and the recent formation of the Kittitas County Forest Lands Advisory Committee defers review to the committee composed of Forestry professionals with a recommendation to come forward prior to the 2008 deadline.
- ii. The Board of County Commissioners hereby withdraws for consideration the inclusion of the proposed Kittitas County Code Title 17B, Forest Practices in the Development Code Update.

4. *Kittitas County Code Title 17, Zoning*

- i. Per 17.04.060: Maximum Acreages, percentages as reflected shall apply to the Agriculture-3, Rural-3, Agriculture-5 and Rural-5 zones. This section of the Code may be revisited as recommendations from the recently formed Agricultural Lands Advisory Committee and Land Use Advisory Committee are brought forward. The committees are composed of members of the agriculture community, government agencies and citizens of Kittitas County. Recommendations from the committees shall be presented to the Board by March 31, 2008. At the end of 2007, a checkpoint shall occur to review work being conducted by the committees.
- ii. 17.11.030 reserves a place for Interlocal Agreements, and the Board of County Commissioners recognizes that work in establishing agreements with cities has been initiated as identified in the Community Development Services Work Plan.
- iii. 17.29.040 and 17.31.040 identify the provision known as the one-time split for the Agriculture-20 and Commercial Agriculture zones. Testimony from the Agriculture community of Kittitas County was received regarding the significance of such provision. In recognition of testimony received and contained in the record, the Board of County Commissioners authorizes the formation of the Agricultural Lands Advisory Committee a body made up of members and professionals in the Agriculture Community. The Board forwards these sections of the code containing the one time split provision for review by the committee, and recommendations

regarding such provisions shall be returned to the Board of County Commissioners for consideration.

- iv. Section 17.38: Fully Contained Communities shall be struck from consideration for the current Development Code Update, and instead identified as a reserved section for future consideration. The Board recognizes that the recently formed Land Use Advisory Committee may review and make recommendations on Fully Contained Communities to the Board.
- v. For 17.58.040B: Airport overlay zoning district: Easton State, Cle Elum Municipal, and DeVere Field, the Board of County Commissioners recognizes the current planning effort being undertaken by the City of Cle Elum for the Cle Elum Municipal Airport, and anticipates that at the time of completion of such efforts, such plans shall be incorporated and identified in this code.
- vi. The Board of County Commissioners finds that section 17.61A.035: Pre-identified areas for siting, identifies areas where environmental review and public process has already occurred, and therefore allowing for an expedited review for siting of proposed wind farm facilities. This code allows for a separate process from the requirement for wind farm resource overlay zone as identified in section 17.61A.40. The Board also finds that lands contained in the pre-identified areas may be under federal, state and local ownership and may be subject to additional requirements per jurisdiction. The Board also recognizes and finds, per testimony received that other areas of the County may be further studied and analyzed as identified in the Community Development Services work plan for possible consideration for inclusion in the pre-identified area.
- vii. The Board of County Commissioners finds that numerous amounts of testimony were received both during the 2006 Comprehensive Plan Update and Development Code Update in support of the updates proposed in Chapter 17.98: Amendments, and addresses community concern with non-project rezones. The proposed language allows for a cumulative review of non-project rezones yearly as part of the annual Comprehensive Plan Docketing Process.
- viii. The adoption of the Rural-3 and Agriculture-3 zone through this formal process directly addresses and complies with the Eastern Washington Growth Hearings Board Order Case No. 06-1-001 specific to issue number 6, "failure to act."
- ix. The Board of County Commissioners adopts the July 10, 2007 draft of Title 17 as attached hereto as Attachment 1.

5. *Kittitas County Code Chapter 16.09, Performance Based Cluster Platting*

- i. The Board of County Commissioners recognizes the upcoming review period for Chapter 16.09, per Kittitas County Code 16.09.010 allowing for a yearly review of the Performance Based Cluster Platting chapter. The Board further recognizes the formation of the Land Use Advisory Committee, in combination

with the future review of this Chapter allows for further review of the code to determine appropriateness of inclusion of the Agriculture-3 and Rural-3 zones. Until such time that review is completed the Agriculture-3 and Rural-3 zones shall remain eligible for Performance Based Cluster Platting.

- ii. For 16.09.100(C), the Board of County Commissioners finds this language to clarify the Code as currently interpreted and enforced by Community Development Services. Such areas are not found to be conducive to public benefit and for application of bonus density
- iii. Language proposed in the Public Benefit Ratings System Chart clarifies requirements for submittal and applicability of developments proposing access to public lands and connectivity of wildlife corridors.
- iv. The Board of County Commissioners adopts the July 10, 2007 draft of Title 15A as attached hereto as Attachment 1.

6. *Kittitas County Chapter 17.99, Design Standards*

- i. The Board of County Commissioners recognizes the unique character and environment of each of the cities in Kittitas County, and finds that Design Standards are better addressed through the development of Interlocal Agreements with the cities allowing for recognition of each city's individuality.
- ii. The Board of County Commissioners finds that the Land Use Advisory Committee provides for an avenue to explore standards for developments occurring in unincorporated Kittitas County, and as such defers Design Standards for their review with recommendations to be forwarded to the Board for consideration.
- iii. The Board of County Commissioners hereby withdraws from consideration the inclusion of the proposed Kittitas County Chapter 17.99, Design Standards; and

V. Adoption of the July 10, 2007 Drafts of Chapter 14.08, Flood Damage Prevention, Title 15A, Project Permit Application Process, Title 17, Zoning Code, and Chapter 16.08, Performance Based Cluster Platting as attached hereto as Attachment 1 shall serve as Kittitas County's Development Code Update, as required by RCW 36.70A.130; and

VI. The findings and discussion to support these changes and updates are set forth in more detail in the record developed in this matter and the minutes of proceedings of the Board of County Commissioners deliberations and discussions.

SECTION III - FINAL DECISION AND SIGNATURES

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the July 10, 2007 Draft of the Kittitas County Development Code Update elements as presented; and

BE IT FURTHER ORDAINED

Whereas, on July 19, 2007, the Kittitas County Board of Commissioners reviewed and signed the prepared ordinance; and

NOW, BE IT FURTHER ORDAINED that the Board of County Commissioners, after due deliberation, hereby approves the adoption of the Kittitas County Development Code Update as attached hereto in the referenced Attachments 1 and 2, and incorporated by reference.

Adopted this 19th day of July, 2007, at Ellensburg, Washington.



Julie A. Kjorsvik
Julie A. Kjorsvik

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

Alan A. Crankovich
Alan A. Crankovich, Chairman

David B. Bowen
David B. Bowen, Vice-Chairman

APPROVED AS TO FORM:

Greg Zempel WSBA #31759
Greg Zempel WSBA #19125

Mark McClain
Mark McClain, Commissioner

ATTACHMENT 1: KITTITAS COUNTY DEVELOPMENT CODE UPDATE

July 10, 2007 Drafts of:

- Chapter 14.08, Flood Damage Prevention
- Title 15A, Project Permit Application Process
- Title 17, Zoning Code
- Chapter 16.09, Performance Based Cluster Platting

Copies available by request at the Community Development Services Office
411 N Ruby St, Suite 2
Ellensburg, WA 98926
(509)962-7506

<http://www.co.kittitas.wa.us/cds/developmentcode.asp>