PLANNING COMMISSION
FINDINGS OF FACT

2014 Proposed Amendments to Kittitas County Regulations and Comprehensive Plan per Annual Docket

The Planning Commission submits the following findings of fact, conclusions at law, and recommendations to the Kittitas County Board of County Commissioners related to the proposed amendments to the Kittitas County Code and Comprehensive Plan in compliance with the Washington State Growth Management Act through its annual docket process:

1. The Planning Commission finds that Kittitas County Community Development Services provided to the County Commissioners in July, 2014 fifteen (15) items to be considered for amendment to the Kittitas County Code and Comprehensive Plan for public review and comment within the 2014 Annual Docket.

2. The Planning Commission finds that Kittitas County Community Development Services after receiving the proposed list of amendment items provided research, posted and mailed a press release on August 27, 2014 announcing availability of the Docket items and inviting public comment.

3. The Planning Commission finds that Kittitas County Community Development Services completed a State Environmental Analysis through SEPA checklist on September 18, 2014 and subsequently issued Determination of Non-Significance (DNS) on October 2, 2014.

4. The Planning Commission finds that Kittitas County Community Development Services published such threshold determination within the Daily Record newspaper (official County newspaper) on October 2 and October 9, and within the Northern Kittitas County Tribune newspaper on October 9, 2014 allowing comments on the determination until October 17, 2014.

5. The Planning Commission finds that, pursuant to KCC 15A and KCC 15B, there was notice for the October 7, 2014 Planning Commission hearing to consider the proposed changes to the County Code, and finds that this notice was published in the official county newspaper of record on September 23 and September 30, 2014 in the Daily Record and in the Northern Kittitas County Tribune on September 25, 2014.

6. The Planning Commission finds that public testimony was taken from those persons present at said hearing who wished to be heard, and that such testimony was considered by the Planning Commission in its deliberation of the decisions being made.

7. The Planning Commission finds that after receiving public testimony at the hearing, the Planning Commission deliberated staff presentation and public comment on October 9, and that the necessary inquiry has been made into the public interest based upon public involvement and research conducted by the County.

8. The Planning Commission, after deliberation of facts presented, forwards to the Board of County Commissioners Findings of Fact for recommendation to adopt the proposed amendments to the Kittitas County Comprehensive Plan and the Kittitas County Code:
Kittitas County Planning Commission  
Docket Hearing, October 7, 2014  
Findings of Fact

**Docket Item 14-01 – Developing a Public Benefit Rating System (PBRS) for Use in Assessing Property**

1. The Planning Commission was presented a proposed amendment for use in assessing property value for determining open space tax reductions for current open space applications and replacing the existing subjective evaluation system with a measured approach for evaluation. Many jurisdictions, including counties adjacent to Kittitas County, use an individual public benefit rating system. The “Public Benefit Rating System” (PBRS) has been approved by the State as a procedure for evaluating the benefit of having land designated in open space and reduce the subjectivity by establishing a measuring technique to evaluate the value of the public benefit of that open space being reserved.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding development of the system. Testimony was given regarding concern about the lack of public participation in the matter, and requesting vesting for land owners that have received current use open space assessments.

3. The Planning Commission finds at deliberation that staff presented an option which had to be accepted or accepted with amendment, and that the State has no provision for vesting existing valuations, and that staff provided adequate opportunity to provide comment on the proposal.

4. Based upon the information presented, the Planning Commission **recommends approval** to the Board of County Commissioners the proposed amendment as presented by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.

**Docket Item 14-02 – Creating a Grade and Fill Ordinance**

1. The Planning Commission was presented a proposed amendment to establish a grade and fill ordinance requiring those moving more than one hundred cubic yards of ground material upon a property, whether through redistribution of ground material, addition of ground material, or removal of ground material on a particular parcel, be required to obtain a permit and be subject to State Environmental Policy Act (SEPA) laws. Additionally, the proposal if passed would require any grade or fill activity involving more than five hundred (500) cubic yards of material, or when conducted within a designated Critical Area, an accompanying engineering plan for the grading operation. The purpose of the proposal is to provide erosion control methods for any grading and/or filling activity upon a site.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing and concern was expressed that such an ordinance could interrupt a land owner from conducting normal maintenance activity.

3. The Planning Commission finds that staff provided adequate explanation that the one hundred yards permitted without a permit from the proposed amendment would equal approximately ten dump-truck loads of material and would permit normal maintenance.

4. Based upon the information presented, the Planning Commission after deliberating the issue **recommends approval** to the Board of County Commissioners the proposed amendment as presented by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.
Docket Item 14-03 - Amendment to Chapter 13, Chapter 16 and Chapter 17A Providing Reference to Newly Adopted Water Standards

1. The Planning Commission was presented a proposed amendment to Code Chapters 13, 16 and 17A by the Kittitas County Public Health Department for clarification and consistency regarding the newly adopted water regulations. These include well location and access in Chapter 13, removing location section reference from Chapter 17A and incorporating into Chapter 13, a scrivener error in KCC section 13.35.050(3) and changes to the plat certification from the Health Officer in Chapter 16.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding the proposal, and no testimony was received.

3. The Planning Commission at deliberation finds that the proposal is necessary for clarification to the Code.

4. Based upon the information presented, the Planning Commission recommends approval to the Board of County Commissioners the proposed amendment as presented by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.

Docket Item 14-04 – Consideration of Amending the Building Code to Identify Requirements for Small Houses

1. The Planning Commission was presented a proposed amendment for establishing standards for the development of small houses which are becoming popular within the County and throughout the United States. Staff examined the need for additional regulations that may be necessary to insure the safety of construction of such structures.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding the proposal, and no testimony was received.

3. The Planning Commission at deliberation found that staff presented language that should be accepted within the Code.

4. Based upon the information presented, the Planning Commission recommends approval to the Board of County Commissioners the proposed amendment as presented by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.

Docket Item 14-05 - Proposed Amendment to KCC Chapter 14.08 to Identify Public Works as the Administrator of Floodplain Management and to Clarify Accessory and Utility Standards

1. The Planning Commission was presented a proposed amendment to clarify within Chapter 14.08 of the Kittitas County Code that the role of floodplain management is within the Department of Public Works and not within the Department of Community Development Services, as is now stated, and establishing minimum elevations above flood level for accessory structures and utilities.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding the proposal, and no testimony was received.

3. The Planning Commission at deliberation found that staff presented language that should be accepted as
presented within the Code.

4. Based upon the information presented, the Planning Commission recommends approval to the Board of County Commissioners the proposed amendment as presented by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.

**Docket Item 14-06- Proposal Amending Portions of KCC Title 15.04 for SEPA Clarity**

1. The Planning Commission was presented a proposed amendment to the Kittitas County Code, Chapter 15, to be consistent with the State law RCW 43.21C recently revised by State legislature regarding appeals, and to clarify items within the County Code in SEPA process.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding the proposal, and no testimony was received.

3. The Planning Commission at deliberation found that staff presented language that should be accepted as presented within the Code.

4. Based upon the information presented, the Planning Commission recommends approval to the Board of County Commissioners the proposed amendment as presented by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.

**Docket Item 14-07- Proposal Amending Portions of KCC Title 15A**

1. The Planning Commission was presented a proposed amendment to the Kittitas County Code, Chapter 15A, to require binding site plans to go through the same process as short plats, to add language making review times similar to State requirements, the repeal of SEPA action notice since it is proposed in Chapter 15, and the removal of site plan review from the Code since it is no longer in use.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding the proposal, and no testimony was received.

3. The Planning Commission at deliberation found that staff presented language that should be accepted as presented within the Code.

4. Based upon the information presented, the Planning Commission recommends approval to the Board of County Commissioners the proposed amendment as presented by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.

**Docket Item 14-08 - Proposal Amending Title 16 Updating Actions Permitted Under County Subdivision**

1. The Planning Commission was presented a proposed amendment to Kittitas County Code Chapter 16, subdivisions, to eliminate split zoning of parcels, to provide for adequate water supply, to provide criteria for boundary line adjustments, and to eliminate that portion of the text related to administrative segregations since they no longer exist or can occur.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding the proposal, and no testimony was received.
3. The Planning Commission at deliberation found that staff presented language that should be accepted as presented within the Code.

4. Based upon the information presented, the Planning Commission recommends approval to the Board of County Commissioners the proposed amendment as presented by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.

**Docket Item 14-09 – Proposal Amending Chapter 16 of the Kittitas County Code Permitting Agriculture Plats.**

1. The Kittitas County Farm Bureau submitted a request to the Community Development Services to amend current Chapter 16 of the County Code, Subdivisions, to permit divisions of land smaller than minimum lot sizes of the underlying zone while not exceeding the required density of the underlying zone. While mechanisms exist in current Code allowing smaller lot sizes within the current Rural Recreation, Agriculture 20, Commercial Agriculture, and Forest and Range zones, applicants contend that such provisions do not allow the agriculture community the flexibility for creating lots of the size necessary for continued sustainability of farming operations.

2. Public testimony was provided on this proposal at the October 7, 2014 public hearing regarding amending Chapter 16 allowing for creating lots in Agriculture 20, Commercial Agriculture, and Forest and Range zones which are larger than lots permitted in a Conservation Plat while meeting the density requirements for the underlying zone.

3. The Planning Commission finds that staff and applicant presented an opportunity for the owners of property within the Agriculture 20, Commercial Agriculture, and Forest and Range zones to choose one of three option clustering options while preserving the rural character and providing for varying densities as required within the Growth Management Act.

4. Based upon the information presented, the Planning Commission deliberated the issue and recommends approval to the Board of County Commissioners the proposed amendment as presented by staff and applicant. Motion to recommend to the BOCC the proposed changes passed 4-0.

**Docket Item 14-10A – Zoning Amendment (1)- Update of Chapter 17.12 Designated Map and Comprehensive Plan Land Use Acreage Tables.**

1. The Planning Commission was presented a proposed amendment to update the maps displaying current Planned Unit Developments, the number of parcels/units being proposed and other rezones that have occurred that have not been captured on the County maps or in the land use acreage tables. The proposal also requires the production of a paper zoning map which is to be annually updated and signed by the Board of County Commissioners.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding the proposal, and no testimony was received.

3. The Planning Commission at deliberation found that staff presented map and language changes that should be accepted as presented within the Code.
4. Based upon the information presented, the Planning Commission recommends approval to the Board of County Commissioners the proposed amendment as proposed by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.

**Docket Item 14-10B - Zoning Amendment (2) - Update of Transferable Development Right Language**

1. The Planning Commission was presented a proposed amendment to clarify language within 17.13, Transferable Development Rights, which will delete Agriculture 3 zones as sending sites since they no longer exist, references to one-time splits since such actions are no longer permitted, language to clarify the exchange rate and eliminate the example, and indicate when and where TDRs can increase changes in allowed development density.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding the proposal, and no testimony was received.

3. The Planning Commission at deliberation found that staff presented proposed language changes that could be accepted as presented within the Code.

4. Based upon the information presented, the Planning Commission recommends approval to the Board of County Commissioners the proposed amendment as presented by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.

**Docket Item 14-10C - Zoning Amendment (3) - Non-Marijuana Land Use Changes to KCC 17.15, Matrix**

1. The Planning Commission was presented proposed amendments to the zoning matrix in Kittitas County Code, Chapter 17.15, to add particular definitions, land uses, and conditions under which those land uses could operate. Such changes included adding uses which allow and encourage “resource tourism,” allow temporary asphalt batch plants, permit rock crushing in lands designated as “Mineral Lands of Long Term Significance,” and defining and permitting “impound yards.”

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding changes to the matrix, and concern was expressed regarding the permitting of rock crushing without a conditional use permit.

3. The Planning Commission finds that explanation provided by staff for the proposed “rock crushing” change indicates that such use permitted without conditional use would only occur in areas already classified for mining activities, and that this was a mining activity.

4. The Planning Commission at deliberation found that recommended changes to the matrix which would allow for rock crushing and temporary asphalt/concrete plants without conditional use permits could create land use conditions that are not compatible with surrounding uses.

5. The Planning Commission at deliberation found that proposed amendments to add other uses and definitions, and to correct footnotes within the matrix are appropriate for the County, and could be accepted.

6. Based upon the information presented and the Commission’s findings, the Planning Commission recommends denial to the Board of County Commissioners staff’s proposal to permit asphalt/concrete batch plants on a temporary basis, or rock crushing and to leave the Land Use Matrix in KCC 17.15 as written for these uses. Motion to recommend denial to the BOCC the proposed changes for these uses passed 4-0.
7. Based upon the information presented and the Commission’s findings, the Planning Commission recommends approval to the Board of County Commissioners all other proposed changes to the matrix not related to marijuana proposed by the staff. Motion to recommend approval of the proposed changes to the Land Use Matrix in KCC 17.15 not related to marijuana or to asphalt/concrete batch plants and rock crushing passed 4-0.

Docket Item 14-10C- Zoning Amendment (4)- Change in Standards Allowing Marijuana Production and Processing

1. The Planning Commission was presented a proposed amendment to the Kittitas County Code Chapter 17.15, provided by the Board of County Commissioners, related to the production and processing of marijuana. The proposal would require that all marijuana production within the County be permitted only with approval of a conditional use permit, and when grown and/or processed within an enclosed structure. Distance from property boundaries and landscaping bonds would still be required.

2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing, and several parties expressed concerns regarding the potential of increased criminal activity, impacts upon other plants and changing the current adopted code before it has been tested.

3. The Planning Commission finds that several expressed concerns about the potential for increased crime in the area with the allowance of marijuana production and processing. Concerns were expressed regarding the ability of the limited law enforcement to protect from such activity.

4. The Planning Commission finds that concern was expressed that introduction of marijuana growth would impact the sales of existing crops, and that there was no income to be received by permitting the growth of marijuana.

5. The Planning Commission finds that concern was expressed regarding the immediate change of Code after the Code had been changed six months previously and that some had invested in properties after the Code had been changed allowing marijuana. Concern was expressed that such a change would produce hardship on those who had committed large resources after knowing what laws would exist in the County.

6. The Planning Commission, at deliberation, has differing conclusions on the proposal. Some members of the Commission indicated that the decision had recently been made and that further action on the matter should not be considered until the next docket session. Other members expressed that the use of growth and processing is only the only use permitted in the agriculture zones that require security and strict protection.

7. Based upon the information presented, and from deliberations, the Planning Commission made motion to recommend approval to the Board of County Commissioners the proposed amendment. Motion to recommend to the BOCC the proposed changes did not pass with a vote 2-2. No further motion was made.

Docket Item 14-10D- Zoning Amendment (5)- Amending/Establishing a Sign Code in KCC 17.72

1. The Planning Commission was presented a proposed amendment to repeal the existing County sign code in KCC 17.72 and replace it with rewritten regulations which provide for minimum standards to improve safety and safeguard visual quality. The proposal is made to update the sign regulations to make them understandable to the public and easier to publicly administer. The new language provides more definition to identify various sign types, provides more exemption, and provides conditions which control modern and contemporary sign types not currently existing within the Code.
2. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding the proposal, and no testimony was received.

3. The Planning Commission at deliberation found that staff presented proposed language changes that could be accepted as presented within the Code.

4. Based upon the information presented, the Planning Commission **recommends approval** to the Board of County Commissioners the proposed amendment as presented by staff. Motion to recommend to the BOCC the proposed changes passed 4-0.

**Docket Item 14-11- Request for Rezone from Urban Residential to General Industrial**

1. The Planning Commission was presented a proposal from Anderson Hay and Grain to rezone a property located within the Ellensburg UGA from Urban Residential to General Industrial. The proposal is for six parcels, bordered to the east by General Industrial zoned property. It is within property with Kittitas County industrial character, and is recommended for approval by County staff.

2. The Planning Commission finds that staff also recommends the rezone of five additional and adjacent parcels to those proposed by the applicant.

3. Opportunity for public testimony was provided on this proposal at the October 7, 2014 public hearing regarding the proposal, and testimony was received from an agent of the proponent supporting the action.

4. The Planning Commission finds that one member expressed concern during deliberation that the rezone was occurring in order to resolve a violation of the current zone. After discussion the Planning Commission found that the proposed amendment meets the intent and policies of the Comprehensive Plan.

5. Based upon the information presented, the Planning Commission **recommends approval** to the Board of County Commissioners the proposed amendment as presented by staff and applicant. Motion to recommend to the BOCC the proposed changes passed 3-1.

**Docket Item 14-12- Request for Roslyn UGA Expansion**

1. The Planning Commission finds that this item has been requested to be pulled from this year’s Annual Docket and reexamined during the 2017 Comprehensive Plan Update. Both County and City of Roslyn staff agree with this recommendation.

2. No motion was necessary for this action.

[Signature]

Grant Clark, Chair, Kittitas County Planning Commission

10/27/14