



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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“Building Partnerships – Building Communities”

STAFF REPORT

TO: Kittitas County Board of County Commissioners

FROM: Doc Hansen, Planning Official

DATE: November 4, 2014 Public Hearing

SUBJECT: 2014 Annual Kittitas County Comprehensive Plan and Code Amendment

This public hearing is being held to review and make recommendations on the items docketed for the 2014, Annual Amendment of the Kittitas County Comprehensive Plan. This staff report summarizes each application and includes some relevant documentation and proposed policy for your consideration.

The entire record for each proposed docket item will be presented to the Planning Commission and Board of County Commissioners in digital form. Commission members can request printed copies upon request to Community Development Services.

The general public has had access to the proposed docket items for consideration at the Kittitas County Community Development Services Comprehensive Plan web page, <http://www.co.kittitas.wa.us/cds/comp-plan/default.aspx>. One printed copy has also been available for viewing at the Community Development Services front desk at:

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There are fifteen (15) items being considered for amendment, primarily within the Kittitas County Code. There are some map and associated lands inventory tables amendments proposed to the Comprehensive Plan in this year's docket.

In summary, the proposed amendments include:

1. Docket Item 1 – Developing a Public Benefit Rating System (PBRs) for use in assessing property value for determining current use open space tax reductions. This system is not proposed for changing assessment of agriculture or forest open space lands, but in evaluating the value of land based upon its current use and potential use.

Currently, the criteria in declaring land in open space for current use has been based upon subjective interpretation on whether a particular property qualifies as “open space,” and in the subjective valuation of that “Open Space.” The Public Benefit Rating System” (PBRs) was approved by the State as a procedure for evaluating the benefit of having land designated in open space and reducing the subjectivity in property valuation by establishing a technique designed to place a value of the public benefit of that open space being reserved.

The PBRS provides applicants the opportunity to apply for open space and the value reduction for their current property value assessment based upon a “point system” where a value reduction would be determined by the number of public benefits, or development constraints that exist upon the property. The PBRS system would require all existing open space parcels evaluated for current use to be re-evaluated under the new system.

2. Docket Item 2 – Creating a Grade and Fill Ordinance. A grade and fill ordinance, permitted by the State and utilized in a number of jurisdictions, is proposed to allow for development yet limit erosion and protect ground and surface water resources. The permit will require provision of site plans and plans for providing erosion control methods during any grading and/or filling activity upon a site. Any grade or fill activity involving more than five hundred (500) cubic yards of material (which equals approximately 50 dump truck loads, or when conducted within a designated Critical Area would require an accompanying engineering plan for the grading operation. Grade and fill activity would also be subject to County SEPA regulations under the proposed Code amendment. The County Engineer or Public Works designee will have the authority to review the grade and fill plan, the erosion control design, and grant a “grade and fill” permit or request additional information to be provided.

3. Docket Item 3 – Department of Health is requesting change in the Code to provide well location language in Chapter 13.20.040, and 17A.08.025 and to amend Chapter 13.35.050(3) to require two gallons per minute from an individual well to be considered an “adequate” supply of water.

Additional staff recommendations were made the night of the planning commission hearing to also amend text in Chapter 16.24.120 to reflect new water regulations and Chapter 16.24.210 to amend the plat certification from the Health Officer.

4. Docket Item 4 – Small houses have become attractive as second homes, and sometimes used as primary living quarters. Regulations are needed to insure safety of construction since current building codes are sometimes applicable only to structures above the size of some of these small homes. A number of such structures have been built in Kittitas County without permits and staff recommends that this additional text clarifies that these types of structures are also required to meet building code standards when used as secondary or primary living units.

5. Docket Item 5- The changes proposed in KCC 14.08 are primarily designed to correct minor grammatical errors, clarify requirements necessary to provide flood damage, and designate Public Works as the department administrating the regulations. Substantive changes include requiring building utilities (air conditioners, furnaces, hot water heaters, etc.) to be elevated one foot above base flood elevation, instead of elevated only to base flood elevation. Changes are intended to prevent unnecessarily high flood insurance rates and provide additional protection from flooding.

6. Docket Item 6- Kittitas County Community Development Services proposes amending portions of KCC Title 15.04 to comply with the updated WAC Rule amendments (WAC 197-11) effective 5/10/14. Additionally, staff proposes to integrate language from KCC 15A.04.020 and KCC 15A.04.030 into KCC 15.04.160 and KCC 15.04.210 to provide greater consistency and clarity.

7. Docket Item 7- Kittitas County Community Development Services proposes amending portions of KCC Title 15A including requiring binding site plans to follow the same type of noticing schedule as short plats. Chapter 15A.13 Site Plan Review is proposed to be repealed since it was specifically included in County Code for use in the Snoqualmie Pass Existing Master Planned Resort designation, which no longer exists as a result of the amendments to the Plan in order to meet GMA compliance.

8. Docket Item 8 - The proposed amendments to Title 16 of the Kittitas County Code are designed to address four specific elements of the subdivision code; Split Zoned Parcels, Adequate Water Supply Determinations, Boundary Line Adjustments, and Administrative Segregations. KCC Section 16.04.025 addresses the prohibition of split-zoned parcels in any subdivision process and KCC Section 16.10.010(4) prohibits them specific to boundary line adjustments (BLAs). Adequate water supply determination language is proposed to be added to all forms of subdivision (Binding Site Plan, Plat, Short Plat, and Large Lot). In addition to outlining and explaining the BLA process in a manner that is consistent with other elements of the subdivision code, KCC Chapter 16.10 was created to require a title report and recorded survey for review as well as language to sunset an approved BLA if it is not recorded within a two year time frame. Finally the entire section related to Administrative Segregations is proposed to be repealed.

9. Docket Item 9 - The Kittitas County Farm Bureau requests amendment to Kittitas County Code 16.09 to permit platting providing for larger lots for cluster platting in the Agriculture 20 and Commercial Agriculture zones. The amendment was submitted prior to the June 30, 2014 deadline for consideration and has been placed upon the docket.

In summary the proposal is intended to provide owners of existing agriculture lands within the County the ability to divide lands to accommodate agriculture borrowing capacity by permitting land divisions on less productive land that provide greater areas of land than are permitted within the “conservation plats” now permitted by the existing ordinance. The purpose of the “Agricultural Plat” is to preserve agriculture, while not encouraging development that is not rural in nature. If lots are created under the “Agricultural Plat,” it will be required to meet density requirements of the zone it is located.

10. Docket Item 10 – A number of amendments are proposed for change to the zoning ordinance.

A. As part of its work program this year Community Development Services embarked on a linear search of all known and documented Planned Unit Development rezones that have been approved since the early sixties. This was done to ensure that the most accurate information available is reflected on the zoning map. The table below reflects the results of the assessment; the 5 highlighted rows in pink indicate recommended map amendments.

Zoning Classification	Rezone #	Ordinance #	Comments	Rezone Name
Planned Unit Development	RZ-94-00009	1996-018	High % Build out - Affirm PUD Status	Cle Elum River Trails

Planned Unit Development	RZ-01-00010	2001-017	High % Build out - Affirm PUD Status	Evergreen Valley
Planned Unit Development	RZ-77-00004	77-Z6	Some development classified as PUD 2013	Hyak Skiing Corporation
Planned Unit Development	Multiple	Unknown	Original Ski Tur PUD Status?	Multiple
Planned Unit Development	RZ-77-00006	77-Z7	Snoqualmie Summit Center, The Village at the Summit, then The Pass life	Snoqualmie Summit Center
Planned Unit Development	RZ-06-00014	2006-040	In UGA listed as Urban in 2013; fully developed	The Grove
PUD Overlay	RZ-06-00027	2006-059	Phase 1: 14 lots finished	Ranch on Swauk Creek
PUD Overlay	RZ-06-00025	2006-060	No Development appears to have occurred	Vantage Bay
PUD Overlay	RZ-07-00017	2011-009	No Development appears to have occurred	Ronald Mill Site
PUD Overlay	RZ-93-00000	Res 1994-012	No Development appears to have occurred	Hyak Skiing Corp Amend SEE HYAK SKIING CORP
PUD Overlay to Rural 5	RZ-83-00000		PUD was superseded by SP-94-16	Gold Creek
PUD Overlay	RZ-87-00004	1987-010	No Development appears to have occurred	Snoqualmie Summit Inc.
PUD Overlay	RZ-80-00003	80-Z1	No Development appears to have occurred	Mount Grandeur
PUD Overlay	RZ-89-00002	89-Z1	No Development appears to have occurred	Mount Grandeur II
PUD Overlay	RZ-90-00011	1990-020	No Development appears to have occurred	Village at Ski Acres
PUD Overlay	RZ-88-00002	1988-002	No Development appears to have occurred	Snoqualmie Village

PUD Overlay	RZ-87-00002	1987-004	No Development appears to have occurred	Pacific West Mountain Resort SEE HYAK SKIING CORP
PUD Overlay	RZ-06-00016	2006-048	a.k.a. Four Seasons, Trognitz, Inn at Hyak	Hyak Market PUD Amendment SEE HYAK SKIING CORP
PUD Overlay	RZ-07-00008	2010-013	Mashed with Ranch on Swauk Creek. No Development appears to have occurred	Dunford
PUD Overlay	RZ-06-00015	2007-006	Applicant actively pursuing	Black Horse

B. Kittitas County Community Development Services proposes amending portions of KCC Chapter 17.13, Transfer of Development Rights (TDR) for consistency with Title 17 amendments adopted as part of the GMA compliance amendments in 2013 and other clarity amendments. Staff is recommending language changes for the following:

-Delete Ag-3 zoned properties from “sending sites” as this zone is now only located in LAMIRDS or UGAs.

-Delete KCC 17.13.030(1)(e), which appears to be a codification error and reference to “one-time split” in KCC 17.13.030(3).

-Amend KCC 17.13.080(6)to clarify the TDR exchange rate.

Amendments are also proposed for KCC Chapter 17.98, Amendments, designed to indicate a finding must be made that any granted TDR is in full compliance with the Comprehensive Plan before any increase in the allowed residential density is permitted.

C. **Non-marijuana related use changes.** Kittitas County is proposing new uses and changes to the Land Use matrix. Kittitas County Community Development Services proposes amending portions of KCC Title 17 to allow agriculture and recreational tourism uses in Resource and Rural Working zones. The intent of the proposed revisions is to promote interest in the County’s agricultural products and recreation industry by expanding the zones where resource-based, tourism uses are allowed. The new “enhanced agricultural sales” use will enable local goods such as wine, cheese, and prepared foods to be sold at approved agriculture related uses in most Rural zones, whether permitted outright or with an administrative conditional use. Likewise, the sale of fresh agricultural products at a Farm Stand would be possible in all Rural Non-LAMIRD zones, in some cases requiring an administrative conditional or condition use permit. Changes are proposed to the matrix which will allow public facilities, rock crushing, asphalt/concrete plants, parks and playgrounds and impound/towing yards within certain zone classification and under certain conditions. Additions are also proposed to amend Section KCC 17.08, Definitions, to define what these uses are.

- D. **Change to Marijuana production and processing standards.** The Board of County Commissioners requested that Community Development Services draft language to reflect the following in Title 17 regarding Marijuana Production and Processing:
- i. Requiring all Marijuana Grow and Processing operations where allowed in the Rural Working and Resource lands to obtain a Conditional Use Permit and to take place inside a “rigid frame, fully enclosed, green house or indoor grow facility.”
 - ii. Maintaining the 60 foot property line setback for all Marijuana Grow and Processing facilities in the Rural Working and Resource lands.
 - iii. Maintaining the water budget neutrality requirement with clarified language.
 - iv. Maintaining the permitted use within the Urban land use Light Industrial zone in fully enclosed facilities with clarified language.
 - v. Maintaining language prohibiting Marijuana Retail sales or distribution in all unincorporated areas of Kittitas County.
- E. **Signs.** Kittitas County Community Development Services proposes replacing the existing sign ordinance found at KCC Title 17.72 with a new sign code to enhance clarity and uniform administration. The purpose of the sign ordinance is to accommodate signs by providing minimum standards to safeguard life, health, and visual quality. The existing sign code does not present sign standards in a user-friendly way that can easily be understood by the public and staff. Proposed revisions would add definitions of various sign types, present clear direction on allowable sign height, size, and number, and provide a list of exempt or prohibited signs.

11. Docket Item 11 – Anderson Hay Rezone Request. Anderson Hay & Grain Rezone RZ-14-00002 and CP-14-00001 was submitted to Community Development Services on June 19, 2014. It is a non-project rezoning request on six (6) parcels, assessor map numbers: 17-18-11020-0006, -0010, -0017, -0024, -0025, & -0026, to change the County’s zoning map from Urban Residential (U-R) to General Industrial (I-G). These parcels are within the Ellensburg UGA, located off of Anderson Road and Umptanum Road. These proposed amendments were docketed with CDS prior to the June 30th docketing deadline.

Staff has also recommended that the following additional five (5) parcels be rezoned from Urban Residential to General Industrial as part of this action: 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.

12. Docket Item 12 – Proposed City of Roslyn Annexation. There was a request from the City of Roslyn to annex two (2) parcels of property within its City Boundaries. This item has been pulled from this year’s Annual Docket to be re-examined during the 2017 Comprehensive Plan Update, an action agreed upon by the City and the County staff during re-examination of activities necessary for such a change.

Planning Commission Recommendation

The Planning Commission was presented all proposals at a public hearing at the County Armory hearing room on October 7, 2014. Public testimony was taken at that hearing, and continued to October 9, 2014 for deliberation and consideration of comments.

Several changes to the existing proposals were recommended by the Planning Commission at its deliberation. Staff presented proposal to permit rock crushing in all areas designated as “Mineral Resources of Long Term Significance” since the overlay category was developed to protect such resources. Staff also suggested allowing for temporary asphalt and concrete plants in the “Commercial Forest and Range” zone and the “Forest and Range” zone for purposes of protecting product quality and improving construction time. The Planning Commission recommends that the Commissioners not approve these specific proposed use changes. Proposed change to the requirements for marijuana production and processing received neither recommendation for approval or denial. All other docket items were recommended for approval.