

**TO: Kittitas County Community Development Services**  
**RE: Springtree Ranch Comprehensive Plan Amendment-Rezone from AG-5 to PUD**  
**Date: September 10, 2024**

**FROM: Roger B. Olsen**  
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## Rezone

The applicant states that the current Ag-5 zoning “would eliminate the ranching, farming, equestrian, and recreational operations within the property”. I see no reason why those activities could easily be retained if the property was left as is or was divided up into four 5-acre parcels and one 7.27-acre parcel. Another option is to utilize the clustering of homes within the PUD and maintain the underlying density of 1 dwelling unit per 5 acres. It is of interest to note that the applicant’s family homes are NOT clustered but dispersed and isolated thereby avoiding clustered living. This request appears to be nothing more than a money-making opportunity for the developer at the expense of the local community and at the expense of a diminished rural character.

### Relating to KCC (Kittitas County Code) 17.36.010-PUD zone, purpose and intent

- a. *To encourage more innovative design than is generally possible under conventional zoning and subdivision regulations; **As stated above, a more “innovative design” is not needed since applicant’s current activities can be continued without resorting to a PUD. Applicant can retain as many parcels as needed to accomplish goals and sell those not needed.***
- b. *To encourage more economical and efficient use of land, streets, and public services; **As stated above, current operations can continue under current zoning and meet this intent.***
- c. *To preserve and create usable open space and other amenities superior to conventional developments; **Again, this PUD plan is not the only way to preserve operations. No open space is planned in the PUD. Current zoning would yield more open space. The PUD plan contains no “superior” amenities that can’t be accomplished under current zoning. “Superior” amenities, as in additional allowed uses, could diminish rural character compared to the underly density allowed uses.***
- d. *To preserve important natural features of the land, including topography, natural vegetation, and views; **The preservation of important features of the land, etc., need not be accomplished only via a PUD as demonstrated above. Many of the natural features of the land will become a part of the built environment, which is not a goal of our comprehensive plan and should be avoided.***
- e. *To encourage development of a variety of housing types and densities; **Our rural community does not need a larger variety of housing types and densities that are not already available under existing zoning opportunities. We do have too many less than 5-acre parcels, we do not need more. This proposal will yield 9 homes on 27 acres for an average of one dwelling unit per 3 acres and with the potential of accessory dwelling units, there could be as many as 18 dwelling units on 27 acres for a density of one dwelling unit per 1.5 acres in addition to increased allowed uses (see below).***

- f. To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible; **Not applicable.**
- g. To encourage development of areas or site characterized by special features of geography, topography, size, shape; and/or **Not applicable.**
- h. To permit flexibility of design that will create desirable public and private open space;; to vary the type, design and layout of buildings;; and to utilize the potentials of individual sites and alternative energy services to the extent possible; **Again, current zoning could accomplish applicant's goals, without diminishing rural character. After all, the whole reason for getting rid of less than 5-acre parcels was to preserve rural character as mandated by the GMA (Growth Management Act).**

## Increased allowed uses

Applicant has stated in the Springtree Ranch Planned Unit Development document 1C, response to KCC17.36 PUD Zone that the following additional uses may be included; accessory dwelling units, accessory living quarters, single family dwellings, parks and playgrounds, community buildings, indoor arena, outdoor arena, round pens, trails, and space for recreational vehicles for overnight stays, other types of recreational vehicles storage, horse trailer storage, and electric vehicle infrastructure. Many of these additional uses would create a lot of noise, dust, traffic and commercial like activity from "events" planned, noise from kids screaming in a park and periods time where all the vehicles would be more like a parking lot, all in a quiet residential neighborhood. We already have a junk yard in the neighborhood, and it has taken 8 years to get to the point of issuing an abatement notice to the junk yard property owner. The County is already too far behind in terms of past mistakes and problems without adding more.

There are many reasons to deny a PUD in rural areas and to not rezone in the first place. A PUD might be a good tool when done right but this one surely is not. It is particularly ominous rezoning this land without a definite PUD plan. Based on the reasons why PUDs should not be placed in rural areas is enough to deny this rezone. The built environment in this PUD will overwhelm the natural environment and that goes against our *Comprehensive Plan "RR-G1: Open space and visual and natural landscape should predominate over the built environment."* With 9 homesites, an indoor arena, a hay storage barn, a barn with stalls and paddocks, an outdoor arena, numerous other outbuildings, and the potential for ADUs (accessory dwelling units) and other buildings and additional uses that might be a part of the PUD in the future, the built environment will dominate on the 27-acre site. In addition to the proposed increase in density is the intensive use of the property with the planned indoor arena and equestrian events that would entail 8 events and up to 55 vehicles per event with the possibility of increasing that number of events and vehicles. If this project was on 60 acres, that would be different. We have a local horse ranch, the Double Mint Morgans located on 34 acres with one home and a few outbuildings. East of us is the Dragonwood Equine Facility located on 84 acres with the built environment being relatively much, much smaller because the intensive use is on one acre and is surrounded by 83 acres. This is why PUDs in rural areas should be very carefully looked at. The last I checked, most counties don't allow rural PUDs because they cannot protect rural character. In the few counties in Washington state where rural PUDs are allowed, they are very restricted.

I haven't had a reason, until now, to pay much attention to what has been going on with rural lands since compliance was achieved around 2013, but it appears TDR credits were changed substantially in 2023. More below under TDR. I don't know what else in our code was changed since then, but there is

some background on PUDs to be found in Ordinance 2013-001. This reflects compliance with the GMA. This rezone involves a significant departure from what was complained in 2013.

*Eastern Washington Growth Management Hearings Board Orders*

*10. In August, 2007 and March, 2008 Kittitas County was held noncompliant and partially invalid as outlined in Case No. 07-1-0004c and Case No. 07-1-0015 including:*

*a. Development resulting in densities of greater than one dwelling unit per five acres is not rural in character and does not protect rural character. (Case No. 07-1-0004c, Issue I and Case No. 07-1-0015, Issue I)*

*31. Existing 3-acre zones within the current Zoning Code has resulted in spotted development that will diminish the rural character of the land.*

*33. After considerable amount of deliberation, Kittitas County determined that existing three-acre zones (R-3, and Ag-3) were not compatible with rural character and therefore, should be eliminated from Rural-designated areas, and finds that the R-3 and Ag 3 zones should be deleted from the Rural designations on zoning maps outside LAMIRDs and UGAs.*

*54. PUDs have to function to protect the rural environment within Kittitas County and be compatible with rural character outside of the designated UGAs.*

*55. PUDs outside of UGAs and LAMIRDs are permitting densities above the underlying rural zones diminishing preservation of rural character and resulting in developments that are urban in nature.*

*59. PUDs in rural areas should be phased out, and substantially developed PUDs should be completed to re-establish rural character to the area which they are located.*

This PUD is being used to get around the purpose and intent of Kittitas County's compliance efforts and could put the County in a position of having to rewrite or eliminate our PUD zoning in rural areas.

## **TDR**

In 2023 it appears our TDR credit exchange rate changed substantially. For PUDs, it went from 1 TDR credit=1 dwelling unit for every 20 acres in receiving area in 2013, to 2 additional units per valid sending parcel. So, in 2023 the applicant would have received one additional dwelling unit and in 2024 four additional dwelling units.

Adding an additional four lots via TDR (Transfer of Development Rights) would exceed the underlying density and diminish rural character in our area. Kittitas county went through the GMA (Growth Management Act) process after they were found to be non-compliant with the GMA because of 3-acre zoning and performance-based cluster development. Three-acre zoning does not maintain rural character which is why the county had to eliminate the 3-acre zoning and replace it with 5-acre zoning. There are far too many 3-acre and smaller parcels in our area that have not yet been developed but when developed, rural character will not be maintained. There is no need for more parcels under 5 acres.

In this case, the sending parcels are valued at less than \$15,000 each because, presumably, of the wetlands and limited if any buildable land. The applicant will be able to build two units on each of the two receiving parcels, greatly increasing the value of that land. The sending parcels were not likely to be built upon. The critical area still must be maintained even if the parcels had enough buildable land. I can understand 500 acres of 20-acre zoning transferring development rights to a more urban PUD, giving that PUD 50 more dwelling units. However, using the TDR to increase density in a rural area

whose rural character is already threatened by so many less than 5-acre parcels is a perversion of the TDR and the PUD zoning.

The county has an ADU policy that allows rural parcels to double rural density on parcels greater than 3 acres. That creates more than an adequate potential for additional density. This 27-acre parcel could have 10 dwelling units on it if divided into 5-acre parcels. That is one dwelling unit per 2.5 acres. Applicant states that ADUs may be included in this project. As stated above, if the PUD ends up being made up of 3-acre parcels, minimum acreage for an ADU, with a dwelling unit on each, that is 9 dwelling units (interesting that with the added 4 TDR units, the number is nine dwelling units, which is what 3-acre zoning would have allowed). Putting an ADU on each parcel would yield 18 housing units on 27 acres for an average of one dwelling unit per 1.5 acres. The ADU policy may cause rural character problems down the road if too many 3-acre parcels take advantage of this policy and certainly if this PUD takes advantage of ADUs.

In Exhibit 7-Project Narrative, the applicant states the purpose of this comp plan amendment is to rebuild and improve the existing residential, farming and ranch operations that currently and have historically occupied this property through a PUD rezone. Historically, there were NOT 9 homesites and use of the land was more rural than what is being proposed. The applicant's purpose can easily be achieved without this rezone.

## Criteria for a rezone: KCC 17.98.020 Petitions

1. *A petition requesting a change on the zoning map from one zone to another must demonstrate that the following criteria are met:*
  - a. *The proposed amendment is compatible with the comprehensive plan; and* **The comp plan's RR-G1 states that "Open space and visual and natural landscape should predominate over the built environment. That will not happen with this PUD, therefore it is not compatible with the comp plan. In the applicant's response exhibit 8a he states, "Residential density is not to be increased and meets the county zoning requirements of 1 unit per 5 acres". That is not true. Density could be as high as 1 unit per 1.5 acres as shown above. The comp plan's RR-P1 states that "The County shall promote the retention of its overall character by establishing zoning classifications that preserve rural character identified to Kittitas County. As shown above, this rezone cannot preserve rural character. The comp plan's RR-G7 states "The County should consistently work to preserve and maintain the rural character of Kittitas County for the benefit of its residents." Again, preserving rural character is a problem with this rezone. Those are just some examples of how this rezone is not compatible with the comprehensive plan.**
  - b. *The proposed amendment bears a substantial relation to the public health, safety or welfare; and* **In petitioners exhibit 8B it is stated that since the comprehensive plan and zoning standards were established to protect the health, safety and welfare of the public and that the comprehensive plan was adopted without it being appealed or overturned, that that alone shows this project has substantial relation to public, safety and welfare. The comprehensive plan was not challenged on the PUD zoning because a rezone can be appealed and challenged and overturned. The county was left to ensure that rural PUDs**

**protected rural character and were compliant with the GMA. This gave the county great latitude with rural PUDs. Let us not abuse it.**

- c. *The proposed amendment has merit and value for Kittitas County or a sub-area of the county; and **If done right, there might be some merit to this rezone, but as is, there is no merit or value at all.***
- 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; and **Circumstances have not changed enough to warrant this rezone. There is no need for additional property. There are many 3-acre lots available for development and there are larger lots available and smaller lots available. The proposed rezone is NOT appropriate for this property.***
- e. *The subject property is suitable for development in general conformance with zoning standards for the proposed zone; and **This property is NOT suitable for PUD zoning. The level of intensity is too high for a rural PUD. Again, rural character must be maintained and this PUD will not maintain rural character.***
- f. *The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property; and **I and my neighbors find this PUD rezone will be materially detrimental to the use of our properties. A number of us have adjacent homesites whose rural character will be diminished if this rezone were to be approved. Others in the surrounding Nelson Siding area fear they could have one of these PUDs next to them. Rural character will be diminished, the intensity of development and commercial use will be detrimental to our comfort and repose, increased traffic during "events" and increased traffic because of increased density will be materially detrimental to the use of our properties as rural residential residents.***
- g. *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties; and*
- h. *The proposed amendment is in full compliance with KCC Chapter 17.13, Transfer of Development Rights, if the proposed amendment allows greater than one (1) dwelling unit (du) per twenty (20) acres or proposes to decrease the dwelling units (du) allowed in the zone classification.*

**In summary, all I can ask is that the County Board of Commissioners deny this rezone. You are charged with making decisions in the best interest of the citizens of Kittitas County. We rely on you to protect our interests, our health, our safety and welfare. This rezone is not appropriate for our community or our County. Approval of this rezone would set a bad precedent for the future.**

Sincerely,

Roger B. Olsen