



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

Spring Tree Ranch Non-Project Rezone (CP-24-00002 & RZ-24-00002) – Docket Item 24-11

I. GENERAL INFORMATION

Requested Action:

Spring Tree Ranch, LLC is proposing to rezone their 3 parcels, equaling 27.27 acres, currently zoned Agriculture 5 to Planned Unit Development. The rezone will allow the current use of the property to be consistent and compatible with the zoning code, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-24-00002), rezone application (RZ-24-00002), and SEPA checklist were submitted as part of the application packet. Subsequently the project was revised and reduced to 22.27 acres on September 20, 2024. This project is being processed through the 2024 Annual Comprehensive Plan Docket process.

Location: Tax Parcel numbers 376334, 386334, 396334 located at 1890 Nelson Siding Road, in Section 27, Township 20, Range 14 in Kittitas County.

II. SITE INFORMATION

Total Proposal Size:	22.27 acres
Number of Lots:	3
Domestic Water:	None requested/proposed at this time.
Sewage Disposal:	None requested/proposed at this time.
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	KRD

Site Characteristics: The site is currently developed with equestrian facilities and a few homesites.

Surrounding Property:

North: Residential/Agricultural

South: Forest Land/ KRD Canal

East: A Few Residential Lots

West: Residential/Agricultural

Access: The proposal is accessed of Nelson Siding Road.,

Zoning and Development Standards: The subject property is currently located within Agricultural 5 zoning. Planned Unit Development zoning is being requested for the properties.

The purpose and intent of the Agricultural 5 zone is to provide for an area where various agricultural activities and low-density residential developments co-exist compatibly. A-5 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein.

PUD has a requirement to not exceed the underlying density lot size while Agriculture 5 has a 5-acre minimum lot size. Both zones have the same building setbacks (Front and Rear Yards: 25 feet, Side Yard: 5 feet).

III. ADMINISTRATIVE REVIEW

Complete Annual Comprehensive Plan Docket Application: Application for a comprehensive plan map amendment, rezone from Agricultural 5 to PUD, and SEPA environmental checklist was received on June 28, 2024. This submittal packet was received prior to the June 30th docketing deadline. The application was deemed complete on July 28, 2024. A Notice of Application was issued on August 15, 2024. These notices were published in the official county paper of record and were mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.

IV. COMPREHENSIVE PLAN

The current land use designation is Rural Working. The proposed land use designation is Rural Residential. Under the 2021 Comprehensive Plan, Kittitas County has established the following goals and policies to guide future development through a 20-year planning window. These goals and policies were developed in an effort to ensure consistency and coordination with County Wide Planning Policies:

RR-G16: Allow for residential opportunity with rural character and a variety of densities outside UGAs without population expecting all urban services.

RR-G18: Designate areas where lots are generally less than 10 acres in size and have a common land use Pattern.

RR-P10: Allow for a variety of rural densities which maintain and recognize rural character, agricultural activities, rural community and development patterns, open spaces and recreational opportunities.

RR-P11: Only allow comprehensive plan amendments, rezones, bonus densities, and other measures that increase rural densities where adequate supplies of potable water are available that will not adversely affect surface and ground water and agriculture.

RR-P32: Residential uses, where permitted, shall be located where farming and forestry activities and opportunities are not negatively impacted.

V. REZONE CRITERIA

The following criteria must be met per KCC 17.98.020.6 (a-h).

- a) The proposed amendment is compatible with the comprehensive plan; and
- b) The proposed amendment bears a substantial relation to the public health, safety or welfare; and
- c) The proposed amendment has merit and value for Kittitas County or a sub-area of the county; and
- 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
- e) The subject property is suitable for development in general conformance with zoning standards for the proposed zone; and
- f) The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property; and
- g) The proposed change 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 17.13 Transfer of Development Rights.

The staff response to the above criteria can be found below:

- a) The proposed amendment is compatible with the comprehensive plan.

Staff Response: This project proposes to bring its property into conformance with the surrounding properties and the existing density and parcel sizes. The requested zone change is compatible with the County's Comprehensive Plan.

- b) The proposed amendment bears a substantial relation to the public health, safety or welfare.

Staff Response: This amendment will not be detrimental to the health, safety, or welfare of the public. The proposed rezone is in compliance with the PUD zone which is part of the adopted Kittitas County Code that was specifically adopted to ensure that the public health safety and welfare is protected.

- c) The proposed amendment has merit and value for Kittitas County or a sub-area of the county.

Staff Response: The proposed amendment will direct residential growth to an area with adequate water as demonstrated by the applicant. The current proposal encourages the continued equestrian and farming practices, therefore, this proposal will not have a negative impact on preserving agricultural lands.

- 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.

Staff Response: The proposed rezone is appropriate for reasonable development of the subject property. This rezone to PUD will make the property more conforming to the existing density and parcel sizes and to the adjacent properties which are already zoned Ag 5. The applicant intends to preserve this property as a family compound and equestrian center compatible with the near by Washington State Horse Park.

- e) The subject property is suitable for development in general conformance with zoning standards for the proposed zone.

Staff Response: The existing zoning designation is Ag 5 and the proposed zoning designation is PUD. This proposed zone change will bring the current density and parcel sizes of the property into conformance with Kittitas County zoning standards.

- f) The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.

Staff Response: The proposed amendment will not be materially detrimental to the properties in the immediate vicinity of the subject property and is compatible with the existing uses in the area.

- g) The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.

Staff Response: The proposal is located within the KRD irrigation district. Irrigation will not be impacted.

- h) The proposed amendment is in full compliance with KCC 17.13 Transfer of Development Rights.

Staff Response: This rezone does not involve Transfer of Development Rights and as such is in full compliance with KCC 17.13 Transfer of Development Rights.

V. ENVIRONMENTAL REVIEW

Based upon review of the submitted application materials including an environmental checklist, correspondence received during this comment period and other information on file with Community Development Services, Kittitas County issued a Determination of Non-Significance (DNS) on August 15, 2024 with a 14-day comment period that ended on September 13, 2024 at 5:00 p.m. comments were submitted for the SEPA DNS and Kittitas County amended and issued an MDNS on October 16, 2024. The appeal period ended on October 31, 2024 and no appeals were submitted.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following parties provided substantive comments during the comment period:

Agency Comments: Department of Health, Snoqualmie Tribe, Kittitas PUD, Kittitas County Public Health, DNR, DOE, Kittitas County Public Works, WDFW, DAHP, and Colville Tribe.

Washington Department of Health

DOH commented before the proposal was revised discussing water systems for 8 or more residences being a DOE project. The project has been revised and the comments are no longer applicable.

Snoqualmie Tribe:

Snoqualmie Tribe stated that they had no substantive comments on the project but reserve the right to modify their position.

Kittitas PUD

PUD stated they do not have facilities in the area.

Kittitas County Public Health (KCPH):

KCPH stated that they had no comments or concerns with the application.

Kittitas County Public Works:

Kittitas County Public Works states A concurrency evaluation and determination shall be required for all development applications in which the proposed development is projected to have an impact upon the transportation corridor or intersection. Developments generating 41 or fewer daily trips are exempt from TIA and concurrency evaluation requirements. (KCC 12.04.02.020) they also mentioned that water mitigation will be required for the new residences and the existing second connection to the well at 1890 Nelson Siding Road.

Washington Department of Ecology:

DOE stated the project is located within the boundaries of WAC 173-539A, so it may be subject to the rule.

Washington Department of Fish and Wildlife:

WDFW provided comments about the critical areas report that was completed on the property but didn't cover the entire project boundaries. Also requested was a site visit with WDFW to clear up the fish screening issue on Little Creek irrigation ditch.

Department of Archeology and Historic Preservation:

DAHP stated they didn't understand the project and could not decipher any ground disturbance.

Colville Tribe:

CCT requests a cultural resource survey and that during implementation that there be an inadvertent discovery plan or (IDP) in place to ensure compliance with all Section 106 and relevant cultural resource laws both federally and to the state of Washington.

Public Comments: one neighbor provided direct comments and a number of neighbors signed a petition.

VII. PROJECT ANALYSIS

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Comprehensive Plan Consistency:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan goals and policies apply to this proposal: RR-G16, RR-G18, RR-P10, RR-P11, and RR-P32.

Consistency with the provisions of KCC Title 12 Roads and Bridges:

This proposal is for a non-project rezone, therefore there will be no impact on existing infrastructure. The proposal is consistent with the provisions of KCC Title 12.

Consistency with the provisions of KCC 13 Water and Sewers Code:

This proposal is for a non-project rezone, therefore there will be no impact on existing infrastructure. The proposal is consistent with the provisions of KCC Title 13.

Consistency with the provisions of KCC Title 14 Buildings and Construction:

As this is a non-project rezone and comprehensive plan request, no building or construction is being requested by this action. This proposal is consistent with Kittitas County Code Title 14 for Building and Construction.

Consistency with the provisions of KCC 17A Critical Areas Code:

As this is a non-project specific rezone no critical areas will be affected. Future activities and/or development will be required to comply with all regulations at the time of the new proposal and the critical areas will be assessed at that time.

Consistency with the provisions of KCC 20 Fire and Life Safety Code:

As this is a non-project rezone this proposal is consistent with the Kittitas County Code for Fire Life Safety.

Agency Comments:

Comments were received from Department of Health, Snoqualmie Tribe, Kittitas PUD, Kittitas County Public Health, DNR, DOE, Kittitas County Public Works, WDFW, DAHP, and Colville Tribe

Public Comments:

Roger Olsen provided direct comments and a number of neighbors signed a petition.

VIII. RECOMMENDATION

Staff recommends **approval** of the Spring Tree Ranch Non-project Rezone (CP-24-00002 & RZ-24-00002) subject to the following findings of fact and conditions:

Findings of Fact

1. Spring Tree Ranch, LLC is proposing to rezone their 3 parcels, equaling 22.27 acres, currently zoned Agriculture 5 to PUD. The rezone will allow the current use of the property to be consistent and compatible with the zoning code, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-24-00002), rezone application (RZ-24-00002), and SEPA checklist were submitted as part of the application packet. Subsequently the project was revised and reduced to 22.27 acres on September 20, 2024. This project is being processed through the 2024 Annual Comprehensive Plan Docket process.
2. This proposal includes Tax Parcel numbers 376334, 386334, 396334 located at 1890 Nelson Siding Road, in Section 27, Township 20, Range 14 in Kittitas County.

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3. Site Characteristics: The site is currently developed with equestrian facilities and a few homesites.
4. Surrounding Property:
North: Residential/Agricultural
South: Forest Land/ KRD Canal
East: A Few Residential Lots
West: Residential/Agricultural

Access: The proposal is accessed off Nelson Siding Road.

5. The Comprehensive Plan designation is Rural Residential.

The subject property is currently located within Agricultural 5 zoning. Planned Unit Development zoning is being requested for the properties.

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PUD has a requirement to not exceed the underlying density lot size while Agriculture 5 has a 5-acre minimum lot size. Both zones have the same building setbacks (Front and Rear Yards: 25 feet, Side Yard: 5 feet).

6. Application for a comprehensive plan map amendment, rezone from Agricultural 5 to PUD, and SEPA environmental checklist was received on June 28, 2024. This submittal packet was received prior to the June 30th docketing deadline. The application was deemed complete on July 28, 2024. A Notice of Application was issued on August 15, 2024. These notices were published in the official county paper of record and were mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.

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7. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan goals and policies apply to this proposal: RR-G16, RR-G18, RR-P10, RR-P11, and RR-P32.
8. This proposal is consistent with the provisions of Kittitas County Roads and Bridges Title 12.
9. This proposal is consistent with the provisions of KCC 13 Water and Sewers Code.
10. This proposal is consistent with Kittitas County Code Title 14 for Building and Construction.
11. This proposal is consistent with the Kittitas County Zoning Code Title 17.
12. This proposal is consistent with Kittitas County Code Title 17A Critical Areas.
13. This proposal is consistent with Kittitas County Code Title 20 Fire Life Safety.
14. Comments were received from Department of Health, Snoqualmie Tribe, Kittitas PUD, Kittitas County Public Health, DNR, DOE, Kittitas County Public Works, WDFW, DAHP, and Colville Tribe.
15. One public comment and one neighborhood petition were received.

Suggested Conclusions:

1. As conditioned, the proposal meets the goals, policies and implementation recommendations as set forth in the Kittitas County Comprehensive Plan.
2. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
3. Public use and interest will be served by approval of this proposal.
4. As conditioned, the proposal is consistent with Kittitas County Code Title 12 Roads and Bridges, Title 13 Water and Sewer, Title 14 Building and Construction, Title 15 Environmental Policy, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire Life Safety.

Suggested Conditions of Approval:

1. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.