



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

Flying A Land Non-Project Rezone (CP-24-00003 & RZ-24-00003) – Docket Item 24-12

I. GENERAL INFORMATION

Requested Action:

Flying A Land LLC is proposing to rezone their 9 parcels, equaling 91 acres, currently zoned Agriculture 5 to Planned Unit Development to match adjacent properties. 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-24-00003), rezone application (RZ-24-00003), and SEPA checklist were submitted as part of the application packet. This project was revised on October 10, 2024 to reduce the project size. This project is being processed through the 2024 Annual Comprehensive Plan Docket process.

Location: Tax Parcel numbers 962342, 962343, 962346, 12133, 958408, 094834, 956817, 956816, 956822 located south of Game Farm Road, 0.5 miles east of Wilson Creek Road 0.5 miles west of Vantage Highway, in Section 32, Township 18, Range 19 in Kittitas County.

II. SITE INFORMATION

Total Proposal Size:	91 acres
Number of Lots:	9
Domestic Water:	None requested/proposed at this time.
Sewage Disposal:	None requested/proposed at this time.
Fire Protection:	Fire District 2 (Kittitas Valley Fire & Rescue)
Irrigation District:	KRD

Site Characteristics: The site is mostly undeveloped agricultural land.

Surrounding Property:

North: Residential/Agricultural
South: A Few Commercial Uses/Farming
East: A Few Residential Lots/Vacant Land
West: Farming Uses

Access: The proposal has multiple access points: Mission View Dr. and Game Farm Rd.,

History of Zoning: These parcels were zoned Rural 3 prior to 2013. In 2013, they were rezoned to Agriculture 20 as part of the compliance effort with the mandated court order from the 2011 State Supreme Court case *Kittitas County v. E. Washington Growth Management Hearings Board*. This effort was to help in preserving rural character. In 2022 The parcels were rezoned from Ag-20 to Ag-5.

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. many of the 9 lots proposed in this rezone are already below 5 acres in 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 will facilitate the public health utilizing an existing water system and welfare by offering more housing options closer to city amenities.

- 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 away from Shoreline and associated wetlands. The current density and size of the parcels is not conducive to 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 on west which are already zoned Ag 5. The properties to the north are zoned Ag 20 but were split up into one-acre parcels and developed before the zoning change in 2013.

- 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 retained the DNS on October 23, 2024. Any appeals of SEPA must be submitted by November 6, 2024 by 5 PM. No appeals have been filed as of time of writing.

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, Kittitas County Public Works, WDFW, DAHP, Colville Tribe, and Kittitas Valley Fire and Rescue (KVFR).

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 have facilities in the area and that the applicant contact them for power requirements and services.

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 that a portion of parcel 956825 is located within the 100 year flood plain and any future development should remain outside of the floodplain to reduce risk and avoid mandatory flood insurance requirements. They also commented that all activities within the floodplain must be permitted the floodplain development permit process in accordance with KCC 14.08. 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)

Washington Department of Fish and Wildlife:

WDFW provided comments about the presence of Naneum Creek and frequently flooded areas on the eastern side of this proposal.

Kittitas Valley Fire & Rescue (KVFR):

KVFR commented on fire apparatus access roads that have to meet International Fire Code (IFC) and water supply meeting Kittitas County requirements.

Department of Archeology and Historic Preservation:

DAHP recommended that a professional archeological survey be conducted and a report produced prior to ground disturbing activities.

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: Three neighbors 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, Kittitas County Public Works, WDFW, DAHP, Colville Tribe, and Kittitas Valley Fire and Rescue (KVFR).

Public Comments:

Jennifer Parsley, Dustin Millet, and Kathleen Sanik provided direct comments and a number of neighbors signed

a petition.

VIII. RECOMMENDATION

Staff recommends **approval** of the Flying A Land Non-project Rezone (CP-24-00003 & RZ-24-00003) subject to the following findings of fact and conditions:

Findings of Fact

1. Flying A Land LLC is proposing to rezone their 9 parcels, equaling 91 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-24-00003), rezone application (RZ-24-00003), and SEPA checklist were submitted as part of the application packet. This project was revised on October 10, 2024 to reduce the project size. This project is being processed through the 2024 Annual Comprehensive Plan Docket process.
2. This proposal includes Tax Parcel numbers 962342, 962343, 962346, 12133, 958408, 094834, 956817, 956816, 956822 located south of Game Farm Road, 0.5 miles east of Wilson Creek Road 0.5 miles west of Vantage Highway, in Section 32, Township 18, Range 19 in Kittitas County.

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Fire Protection:	Fire District 2 (Kittitas Valley Fire & Rescue)
Irrigation District:	KRD

3. Site Characteristics: The site is mostly undeveloped agricultural land.
4. Surrounding Property:
 - North: Residential/Agricultural
 - South: A Few Commercial Uses/Farming
 - East: A Few Residential Lots/Vacant Land
 - West: Farming Uses

Access: The proposal has multiple access points: Mission View Dr., Game Farm Rd., and Game Bird Loop.

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.

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. many of the 9 lots proposed in this rezone are already below 5 acres in 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, Kittitas County Public Works, WDFW, DAHP, Colville Tribe, and Kittitas Valley Fire and Rescue (KVFR).
15. Three public comments 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.