



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

REZONE APPLICATION

(For requested amendments to the zoning map, KCC 17.98 & KCC 15B.03)

*A preapplication conference is **REQUIRED** per KCC 15A.03.020 for this permit. The more information the County has early in the development process, the easier it is to identify and work through issues and conduct an efficient review. To schedule a preapplication conference, complete and submit a Preapplication Conference Scheduling Form to CDS. Notes or summaries from preapplication conference should be included with this application.*

Please type or print clearly in ink. Attach additional sheets as necessary. Pursuant to KCC 15A.03.040, a complete application is determined within 28 days of receipt of the application submittal packet and fee. The following items must be attached to the application packet.

REZONE TYPES

Please check the box next to the type of rezone this application is requesting:

- Site-specific rezone*
- General rezone using docketing process*

*Rezone requests for Planned Unit Developments (PUDs), must use the PUD application form.

REQUIRED ATTACHMENTS

- Site plan of the property with all proposed buildings, points of access, roads, parking areas, septic tank, drainfield, drainfield replacement area, areas to be cut and/or filled, natural features such as contours, streams, gullies, cliffs, etc.
- SEPA Checklist (if not exempt per KCC 15.04 or WAC 197-11-800)
- Legal description of property to be reclassified
- Requested Zone Change: from AG-20 to Commercial Agriculture
- Project Narrative responding to Questions 9-11 on the following pages.

APPLICATION FEES:

- \$3,420.00 Kittitas County Community Development Services (KCCDS)
- \$1,215.00* Kittitas County Public Works
- \$130.00 Kittitas County Fire Marshal

\$4,765.00 Total fees due for this application (One check made payable to KCCDS)

*5 hours of review included in Public Works Fee. Additional review hours will be billed at \$243 per hour.

FOR STAFF USE ONLY

Application Received By (CDS Staff Signature):

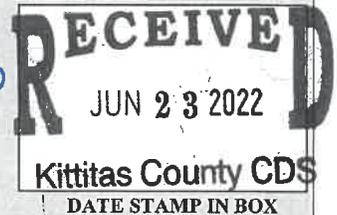
Dail Weyand

DATE:

6-23-22

RECEIPT #

0022-02100



GENERAL APPLICATION INFORMATION

1. Name, mailing address and day phone of land owner(s) of record:

Landowner(s) signature(s) required on application form.

Name: Fiorito Brothers Inc.
Mailing Address: 1110 NW Ballard Ave
City/State/ZIP: Seattle, WA 98107
Day Time Phone: 206-789-6110
Email Address: randy@fioritobrothers.com

2. Name, mailing address and day phone of authorized agent, if different from landowner of record:

If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.

Agent Name: Joshua Brower
Mailing Address: 1111 Third Ave, Suite 3000
City/State/ZIP: Seattle, WA 98101
Day Time Phone: 206-498-1804
Email Address: josh@browerlawps.com

3. Name, mailing address and day phone of other contact person

If different than land owner or authorized agent.

Name: _____
Mailing Address: _____
City/State/ZIP: _____
Day Time Phone: _____
Email Address: _____

4. Street address of property:

Address: No. 6 Road
City/State/ZIP: Ellensburg, WA 98296

5. Legal description of property (attach additional sheets as necessary):

PTN SE1/4 (PTN PARCEL E2, B21/P208-210); SEC 30, TWP 17, RGE 19
Comment: BLA WITH 17-19-29000-0027, 17-19-30010-0008, 17-19-30040-0005

6. Tax parcel number: 12311

7. Property size: 27.20 (acres)

8. Land Use Information:

Zoning: AG 20 Comp Plan Land Use Designation: Rural Working

PROJECT NARRATIVE
(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

9. Narrative project description: For all proposed Comp Plan amendments, provide the following information:
- Why is the amendment needed and being proposed?
 - How does the proposed amendment consistent with the County-Wide Planning Policies for Kittitas County?
 - How is the proposed amendment consistent with the Kittitas County Comprehensive Plan?
 - How have conditions changed that warrant a comprehensive plan amendment?
10. Transfer of Development Rights: According to KCC 17.13.080.2 some comprehensive plan amendments require a transfer of development rights. This process is described in KCC 17.13. Please describe whether this amendment will require transferred development rights, and if they are required, describe how this requirement will be met.
11. For map amendments attach the following additional information for each parcel involved:
- Parcel Information
 - Tax parcel number(s)
 - Total Acreage
 - Site Address
 - Owner
 - Mailing Address
 - Owner's Home Phone Number
 - Land Use Information
 - Current and proposed comprehensive plan designation
 - Current and proposed zoning designation
 - (Note: Rezone requests require separate Rezone application and fee).
 - Present use of the property
 - Surrounding land use
 - Services:
 - Whether the site is currently served by sewer or septic
 - Name of sewer purveyor (if on public sewer system).
 - Whether the site is currently served by a public water system or well
 - Name of water purveyor (if on public water system)
 - Whether the site is located on a public road or private road.
 - Name of road
 - Fire District
12. For text amendments, attach the following additional information
- Identify the sections of the Comprehensive Plan and Zoning Ordinance that you are proposing to change and provide the proposed wording.

AUTHORIZATION

13. Application is hereby made for A COMPREHENSIVE PLAN AMENDMENT to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.

Signature of Authorized Agent:
 (REQUIRED if indicated on application)

X Joshua Brower

Date:

06/16/2022

Signature of Land Owner of Record
 (Required for application submittal):

X W. L. ... President

Date:

6-22-2022

GENERAL APPLICATION INFORMATION

1. Name, mailing address and day phone of land owner(s) of record:

Landowner(s) signature(s) required on application form.

Name: Fiorito Brothers Inc.
Mailing Address: 1110 NW Ballard Ave
City/State/ZIP: Seattle, WA 98107
Day Time Phone: 206-789-6110
Email Address: randy@fioritobrothers.com

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Agent Name: Joshua Brower
Mailing Address: 1111 Third Ave, Suite 3000
City/State/ZIP: Seattle, WA 98101
Day Time Phone: 206-498-1804
Email Address: josh@browerlawps.com

3. Name, mailing address and day phone of other contact person

If different than land owner or authorized agent.

Name: _____
Mailing Address: _____
City/State/ZIP: _____
Day Time Phone: _____
Email Address: _____

4. Street address of property:

Address: No. 6 Road
City/State/ZIP: Ellensburg, WA 98296

5. Legal description of property (attach additional sheets as necessary):

PTN SE1/4 (PTN PARCEL E2, B21/P208-210); SEC 30, TWP 17, RGE 19
Comment: BLA WITH 17-19-29000-0027, 17-19-30040-0009, 17-19-30040-0005

6. Tax parcel number: 12311

7. Property size: 27.20 (acres)

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Zoning: AG 20 Comp Plan Land Use Designation: Rural Working

PROJECT NARRATIVE

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

9. Narrative project description: For all proposed Comp Plan amendments, provide the following information:
- a. Why is the amendment needed and being proposed?
 - b. How does the proposed amendment consistent with the County-Wide Planning Policies for Kittitas County?
 - c. How is the proposed amendment consistent with the Kittitas County Comprehensive Plan?
 - d. How have conditions changed that warrant a comprehensive plan amendment?
10. Transfer of Development Rights: According to KCC 17.13.080.2 some comprehensive plan amendments require a transfer of development rights. This process is described in KCC 17.13. Please describe whether this amendment will require transferred development rights, and if they are required, describe how this requirement will be met.
11. For map amendments attach the following additional information for each parcel involved:
- a. Parcel Information
 - i. Tax parcel number(s)
 - ii. Total Acreage
 - iii. Site Address
 - iv. Owner
 - v. Mailing Address
 - vi. Owner's Home Phone Number
 - b. Land Use Information
 - i. Current and proposed comprehensive plan designation
 - ii. Current and proposed zoning designation
 - iii. (Note: Rezone requests require separate Rezone application and fee).
 - iv. Present use of the property
 - v. Surrounding land use
 - c. Services:
 - i. Whether the site is currently served by sewer or septic
 - ii. Name of sewer purveyor (if on public sewer system).
 - iii. Whether the site is currently served by a public water system or well
 - iv. Name of water purveyor (if on public water system)
 - v. Whether the site is located on a public road or private road.
 - vi. Name of road
 - vii. Fire District
12. For text amendments, attach the following additional information
- a. Identify the sections of the Comprehensive Plan and Zoning Ordinance that you are proposing to change and provide the proposed wording.

AUTHORIZATION

13. Application is hereby made for A COMPREHENSIVE PLAN AMENDMENT to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.

Signature of Authorized Agent:
(REQUIRED if indicated on application)

X Joshua Brower

Date:

06/16/2022

Signature of Land Owner of Record
(Required for application submittal):

X President

Date:

6-22-2022

FBI PROJECT NARATIVE—REZONE APPLICATION
Proposed Rezone from AG-20 to Commercial Agriculture
APN 12311
No. 6 Road, Ellensburg, WA

9.a: The property owner/applicant, Fiorito Brothers, Inc. (FBI) is seeking a rezone of its real property located at No. 6 Road, Ellensburg, APN 12311, from its current zoning, AG-20, to Commercial Agriculture because doing so will make the zoning consistent with surrounding properties and because rezoning the FBI property would make its use and development more consistent with the nature and intensity of existing and potential future development. The amendment is needed because currently FBI's property is an "island" (i.e., "spot zoning") of AG-20 surrounded by properties zoned Commercial Agriculture. Washington State law disfavors "spot zoning." And, based on the history of this property, which includes being zoned commercial at one time, and then being rezoned as part of the County's efforts to come into compliance with a decision from the Growth Board and Courts, there is no clear reason why it was zoned AG-20 instead of Commercial Agriculture. The amendment will make the zoning consistent in this area.

9.b: FBI's property is surrounded on all sides by Commercial Agriculture zoned properties. See attached zoning map. FBI's property is an island of AG-20. Rezoning FBI's property will make the zoning in this area consistent which is consistent with the County's County-wide planning goals because State law disfavors spot zoning.

9.c: The proposed amendment is consistent with the County's Comprehensive Plan because FBI's property is surrounded by Commercial Agriculturally zoned property and is not located in an area nor of the size to "support Ag, Timber and Mineral uses not in resource lands" as is the stated overall goal for "Rural Working" classified lands in Table 2-1 of the Comprehensive Plan. Instead, due to its location and size, FBI's property is better suited to be zoned for "long-term commercial significance" as stated in Table 2-1. Lastly, rezoning FBI's property to Commercial Agriculture is consistent with the policies stated in Section 2.5.1 of the Comprehensive Plan to "encourage farming, ranching, and storage of agriculture products and some commercial and industrial uses compatible with rural environment and supporting agriculture...activities." Rezoning FBI's property also will make its eventual development consistent with the intensity and character of surrounding uses. The AG-20 zone is intended for ranching, farming and large-lot (i.e., 20-acre) rural life-style development. KCC 17.29.010. Despite this, the surrounding properties are not developed for those types of uses. Instead, the property to the north is largely small lot residential development. And FBI's property is surrounded on its other sides by Interstate 82 and No. 6 Road and the other side of both are properties zoned Commercial Agriculture. Again, rezoning FBI's parcel will make its zoning consistent with surrounding zoning.

9.d: The history of the zoning of FBI's property supports the proposed amendment. FBI's property was rezoned from rural/ag to commercial approximately 5 decades ago. In response to a GMA challenge and decisions, the County rezoned FBI's property to come into compliance with the GMA. In doing so however, FBI's property was "spot zoned" as an island of AG-20 surrounded by Commercial Agriculture. Moreover, FBI owns an adjacent parcel that is zoned Commercial

Agriculture. The proposed rezone would make the zoning in this area consistent and consistent with FBI's adjacent property.

10. No transfer of development rights is required for the proposed rezone.

11. The following criteria are met as follows:

a. Parcel Information

- i. APN 12311
- ii. 27.20 acres
- iii. No. 6 Road, Ellensburg, WA.
- iv. Fiorito Brothers, Inc.
- v. 1110 NW Ballard Ave, Seattle, WA 98107
- vi. 206-789-6111

b. Land Use Information

- i. Current is "Rural Working" and proposed is "Commercial Agriculture."
- ii. Current is "AG-20" and proposed is "Commercial Agriculture."
- iii. Separate rezone application and fee are being submitted.
- iv. FBI's property is currently undeveloped, not served by water nor sewage disposal, is grass and pasture bisected by a dry, unused irrigation ditch.
- v. FBI's property is surrounded by Commercial Agriculturally zoned properties. The property to the north is largely small-lot residential development and on its other sides is surrounded by Interstate 82 and No. 6 Road.

c. Services

- i. The property is not currently served by sewer or septic.
- ii. N/A
- iii. The property is not currently served by public water or a well.
- iv. N/A
- v. The property is located on a public road.
- vi. No. 6 Road.
- vii. Kittitas County F.P.D. No. 2.

12. N/A. Not a text amendment.

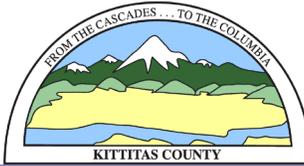
FBI PROJECT NARATIVE—REZONE APPLICATION
Proposed Rezone from AG-20 to Commercial Agriculture
APN 12311
No. 6 Road, Ellensburg, WA

9.a: The property owner/applicant, Fiorito Brothers, Inc. (FBI) is seeking a rezone of its real property located at No. 6 Road, Ellensburg, APN 12311, from its current zoning, AG-20, to Commercial Agriculture because doing so will make the zoning consistent with surrounding properties and because rezoning the FBI property would make its use and development more consistent with the nature and intensity of existing and potential future development. The amendment is needed because currently FBI's property is an "island" (i.e., "spot zoning") of AG-20 surrounded by properties zoned Commercial Agriculture. Washington State law disfavors "spot zoning." And, based on the history of this property, which includes being zoned commercial at one time, and then being rezoned as part of the County's efforts to come into compliance with a decision from the Growth Board and Courts, there is no clear reason why it was zoned AG-20 instead of Commercial Agriculture. The amendment will make the zoning consistent in this area.

9.b: FBI's property is surrounded on all sides by Commercial Agriculture zoned properties. See attached zoning map. FBI's property is an island of AG-20. Rezoning FBI's property will make the zoning in this area consistent which is consistent with the County's County-wide planning goals because State law disfavors spot zoning.

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9.d: The history of the zoning of FBI's property supports the proposed amendment. FBI's property was rezoned from rural/ag to commercial approximately 5 decades ago. In response to a GMA challenge and decisions, the County rezoned FBI's property to come into compliance with the GMA. In doing so however, FBI's property was "spot zoned" as an island of AG-20 surrounded by Commercial Agriculture. Moreover, FBI owns an adjacent parcel that is zoned Commercial



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"Building Partnerships – Building Communities"

COMPREHENSIVE PLAN AMENDMENTS DOCKETING

(Proposing a text or map amendment as part of annual docketing, pursuant to KCC 15A.10 and KCC 17.98)

CHECK THE APPROPRIATE BOX(ES) SHOWING WHICH TYPE OF AMENDMENT IS REQUESTED:

COMP PLAN MAP

COMP PLAN TEXT

NOTE: If the amendment you are applying for is within an URBAN GROWTH AREA or you are proposing a UGA expansion of the Ellensburg, Cle Elum, or Roslyn UGA you are required to docket your item with that City as well. You must contact the appropriate City for filing deadlines, fees, application, and costs.

Please type or print clearly in ink. Attach additional sheets as necessary. Pursuant to KCC 15A.03.040, a complete application is determined within 28 days of receipt of the application submittal packet and fee. The following items must be attached to the application packet.

REQUIRED ATTACHMENTS

- ✓ Site plan of the property with the following features (as applicable): all buildings, points of access, roads, parking areas, septic tank, drainfield, drainfield replacement area, areas to be cut and/or filled, natural features such as contours, streams, gullies, cliffs, etc.
- ✓ SEPA Checklist (if not exempt per KCC 15.04 or WAC 197-11-800)
- ✓ Project Narrative responding to Questions 9-12 on the following pages.

APPLICATION FEES:

\$3,240.00 **TEXT AMENDMENT:** Kittitas County Community Development Services (KCCDS) –OR–

\$3,530.00 **MAP AMENDMENT:** Kittitas County Community Development Services (KCCDS)

\$600.00 **SEPA Checklist:** Kittitas County Community Development Services (KCCDS)

Based on amendment **Total fees due for this application** (One check made payable to KCCDS)

FOR STAFF USE ONLY

Application Received By (CDS Staff Signature): _____	DATE: _____	RECEIPT # _____	<div style="border: 1px solid black; height: 80px; margin: 0 auto;"></div> DATE STAMP IN BOX
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COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT

GENERAL APPLICATION INFORMATION

1. Name, mailing address and day phone of land owner(s) of record:

Landowner(s) signature(s) required on application form.

Name: Fiorito Brothers Inc.
Mailing Address: 1110 NW Ballard Way
City/State/ZIP: Seattle, WA 98107
Day Time Phone: 206-670-6110
Email Address: randy@fioritobrothers.com

2. Name, mailing address and day phone of authorized agent, if different from landowner of record:

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Agent Name: Joshua Brower
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Day Time Phone: 206-498-1804
Email Address: josh@browerlawps.com

3. Name, mailing address and day phone of other contact person

If different than land owner or authorized agent.

Name: _____
Mailing Address: _____
City/State/ZIP: _____
Day Time Phone: _____
Email Address: _____

4. Street address of property:

Address: No. 6 Road
City/State/ZIP: Ellensburg, WA 98296

5. Legal description of property (attach additional sheets as necessary):

PTN SE1/4 (PTN PARCEL E2, B21/P208-210); SEC 30, TWP 17, RGE 19
Comment: BLA WITH 17-19-29000-0027, 17-19-30010-0009, 17-19-30040-0005

6. Tax parcel number: 12311

7. Property size: 27.20 (acres)

8. Land Use Information:

Zoning: AG 20

Comp Plan Land Use Designation: Rural Working

PROJECT NARRATIVE

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

9. **Narrative project description (include as attachment):** Please include at minimum the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description.
10. **Describe how this proposal will provide for the transfer of any required transferrable development rights:** According to KCC 17.98.020.7.h, petitions for rezones must comply with KCC 17.13 Transfer of Development Rights. Development rights must be transferred to the rezone area at a rate proportionate to the size of the project area (see 17.13.080.6). These rights must be transferred prior to final approval. Please describe how this requirement will be met by the proposed rezone.
11. **Applicant for rezone must demonstrate that the following criteria are met (attach additional sheets as necessary):**
- A. The proposed amendment is compatible with the comprehensive plan.
 - B. The proposed amendment bears a substantial relation to the public health, safety or welfare.
 - C. The proposed amendment has merit and value for Kittitas County or a sub-area of the county.
 - 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.
 - E. The subject property is suitable for development in general conformance with zoning standards for the proposed zone.
 - F. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.
 - G. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.
 - H. The proposed amendment is in full compliance with Chapter 17.13 KCC, Transfer of Development Rights.

AUTHORIZATION

12. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.

Signature of Authorized Agent:
(REQUIRED if indicated on application)

X Joshua Brower

Date:

06/22/2022

Signature of Land Owner of Record
(Required for application submittal):

X RT [Signature] President

Date:

6/22/2022

COMPREHENSIVE PLAN NARATIVE
FBI PROJECT—Questions 9 to 11
Proposed Rezone from AG-20 to Commercial Agriculture
APN 12311
No. 6 Road, Ellensburg, WA

9. The property owner/applicant, Fiorito Brothers, Inc. (FBI) is seeking a rezone of its 27.2-acre parcel of real property located at the intersection of No. 6 Road and Interstate 82 in Ellensburg, APN 12311. FBI's property is currently undeveloped, not served by water nor sewage disposal, is grass and pasture bisected by a dry, unused irrigation ditch.

FBI is seeking the Comprehensive Plan amendment and a Rezone to rezone its property from its current zoning, AG-20, to Commercial Agriculture and to reclassify the property from "Rural Working" to "Commercial Agriculture."

FBI is seeking this rezone because doing so will make the zoning consistent of its property with surrounding properties and because rezoning the FBI property would make its use and development more consistent with the nature and intensity of existing and potential future development. FBI's property is surrounded by Commercial Agriculturally zoned property; in other words, it is a spot zone of AG-20 in an area of Commercial Agricultural zoning. Since the parcel size requirements are the same in both zones—20-acre minimum—future development under the proposed zoning will be consistent with surrounding development.

10. The proposed rezone would not alter the County's TDR program because the permissible density—1 unit per 20 acres—would be the same under the current zoning as compared to the proposed rezone.

A: The property owner/applicant, Fiorito Brothers, Inc. (FBI) is seeking a rezone of its real property located at No. 6 Road, Ellensburg, APN 12311, from its current zoning, AG-20, to Commercial Agriculture because doing so will make the zoning consistent with surrounding properties and because rezoning the FBI property would make its use and development more consistent with the nature and intensity of existing and potential future development, which will make it consistent with the County's Comprehensive Plan. The amendment is needed because currently FBI's property is an "island" (i.e., "spot zoning") of AG-20 surrounded by properties zoned Commercial Agriculture. Washington State law disfavors "spot zoning." And, based on the history of this property, which includes being zoned commercial at one time, and then being rezoned as part of the County's efforts to come into compliance with a decision from the Growth Board and Courts, there is no clear reason why it was zoned AG-20 instead of Commercial Agriculture. The amendment will make the zoning consistent in this area.

The proposed amendment is consistent with the County's Comprehensive Plan because FBI's property is surrounded by Commercial Agriculturally zoned property and is not located in an area nor of the size to "support Ag, Timber and Mineral uses not in resource lands" as is the stated overall goal for "Rural Working" classified lands in Table 2-1 of the Comprehensive Plan.

Instead, due to its location and size, FBI's property is better suited to be zoned for "long-term commercial significance" as stated in Table 2-1. Lastly, rezoning FBI's property to Commercial Agriculture is consistent with the policies stated in Section 2.5.1 of the Comprehensive Plan to "encourage farming, ranching, and storage of agriculture products and some commercial and industrial uses compatible with rural environment and supporting agriculture...activities." Rezoning FBI's property also will make its eventual development consistent with the intensity and character of surrounding uses. The AG-20 zone is intended for ranching, farming and large-lot (i.e., 20-acre) rural life-style development. KCC 17.29.010. Despite this, the surrounding properties are not developed for those types of uses. Instead, the property to the north is largely small lot residential development. And FBI's property is surrounded on its other sides by Interstate 82 and No. 6 Road and the other side of both are properties zoned Commercial Agriculture. Again, rezoning FBI's parcel will make its zoning consistent with surrounding zoning.

B: The requested Comprehensive Plan Amendment bears a substantial relation to the public health, safety and welfare because it will make the zoning in this area consistent, will eliminate an impermissible spot zone, and will permit development of the subject property in a similar manner to the surrounding area.

C: The proposed amendment has merit and value for Kittitas County because it will make the zoning in this area consistent and eliminate an existing spot zone.

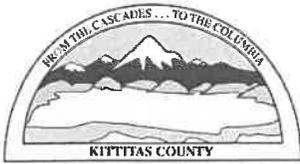
D: The history of the zoning of FBI's property and changed circumstances supports the proposed amendment. In 1978, FBI's property was rezoned from Agriculture to General Commercial. It was rezoned in 2013 from General Commercial to Agriculture 20 as part of the County's Growth Management compliance arising from a court case. By now rezoning it from AG-20 to Commercial Agriculture would make it fit into the surrounding zoning and keep minimum acreage size at 20 acres. Also, FBI owns an adjacent parcel that is zoned Commercial Agriculture. The proposed rezone would make the zoning in this area consistent and consistent with FBI's adjacent property.

E: The subject property is suitable for development because it meets and exceeds the minimum development lot size of 20 acres.

F: The proposed amendment will not be materially detrimental to uses of adjacent property because they are already zoned Commercial Agriculture and most are developed with rural-style residential development or rural working uses.

G: FBI's property is not currently served by irrigation so the rezone will not impact irrigation or water deliveries in the area.

H: The proposed rezone is consistent with KCC 17.13 because proposed it would not alter the County's TDR program since the permissible density—1 unit per 20 acres—would be the same under the current zoning as compared to the proposed new zoning, Commercial Agriculture.



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

APPLICATION FEES:

\$600.00 Kittitas County Community Development Services (KCCDS)**

\$950.00* Kittitas County Department of Public Works**

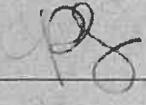
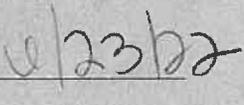
\$275.00 Kittitas County Public Health

\$1,825.00 Total fees due for this application (One check made payable to KCCDS)

*2 hours of review included in Public Works Fee. Additional review hours will be billed at \$243 per hour.

** Note:KCCDS and PW fees are waived if project is a VSP sponsored fish enhancement project.

FOR STAFF USE ONLY

Application Received by (CDS Staff Signature): 	DATE: 	RECEIPT#  DATE STAMP IN BOX
--	--	--

A. Background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

Fiorito Brothers Inc. Comprehensive Plan Map Amendment and Rezone

2. Name of applicant: [\[help\]](#)

Fiorito Enterprises, Inc.

3. Address and phone number of applicant and contact person: [\[help\]](#)

1110 NW Leary Way, Seattle, WA 98107 206-789-6110.
Joshua Brower. Brower Law. 206-498-1804. josh@browerlawps.com

4. Date checklist prepared: [\[help\]](#)

June 17, 2022

5. Agency requesting checklist: [\[help\]](#)

Kittitas County Community Development Services

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

2022 Comp Plan Docket

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

None.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

Comp Plan Amendment and rezone.

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

Comp Plan Amendment and rezone.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

FBI's property is 27.20 acres in size and is located at the intersection of and between No. 6 Road and Interstate 82. It is currently undeveloped and not served by water or sewer and does not have either an on-site well or septic system. The property owner/applicant, Fiorito Brothers, Inc. (FBI) is seeking a rezone of its real property located at No. 6 Road, Ellensburg, APN 12311, from its current zoning, AG-20, to Commercial Agriculture because doing so will make the zoning consistent with surrounding properties and because rezoning the FBI property would make its use and development more consistent with the nature and intensity of existing and potential future development

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

Intersection of Road No. 6 and Interstate 82.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth [\[help\]](#)

a. General description of the site: [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

<2-5%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

Sand typical of the area.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

No.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

None.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

No construction or grading is proposed.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

N/A request is just for a rezone.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

None.

2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

None.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

No.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

None.

3. **Water** [\[help\]](#)

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

There are no surface water bodies on the property. Fiorito Ponds is nearby to the north.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

No.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

None. N/A.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

Yes, the entire property is within the 100-year floodplain.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

No.

- b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

None. N/A.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

None.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

No.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#)

No.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

4. **Plants** [\[help\]](#)

- a. Check the types of vegetation found on the site: [\[help\]](#)

- deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 shrubs
 grass
 pasture
 crop or grain
 Orchards, vineyards or other permanent crops.
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

None. N/A.

- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

None.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

None.

- e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

None.

5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

None.

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)

No.

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

None.

- e. List any invasive animal species known to be on or near the site. [\[help\]](#)

None.

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

No.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

None.

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

No

- 1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

None. Undeveloped land.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

None.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

None.

- 4) Describe special emergency services that might be required. [\[help\]](#)

None.

- 5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

None.

- b. Noise [\[help\]](#)

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

Nearby highway and road traffic noise, residential noise and agricultural noise.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

None.

- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

8. Land and Shoreline Use [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

Vacant undeveloped land with rural residential properties to the north and commercial agriculturally zoned land on all other sides.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

No.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)

No. Proposal is consistent with existing commercial agriculturally zoned properties.

c. Describe any structures on the site. [\[help\]](#)

None.

d. Will any structures be demolished? If so, what? [\[help\]](#)

No.

e. What is the current zoning classification of the site? [\[help\]](#)

AG-20.

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

Rural Working

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

N/A.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

No.

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

None.

j. Approximately how many people would the completed project displace? [\[help\]](#)

Zero.

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

The proposed rezone is intended to make the zoning on the subject property consistent with the surrounding zoning, which is Commercial Agriculture.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

Zero.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

Zero.

- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

No structures are proposed.

- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

None.

- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

None.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

No.

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

None.

- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

Fiorito Ponds are to the north.

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. [\[help\]](#)

No such known buildings or structures.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

No such landmarks, features or other evidence of Indian or historic use.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

None. Comprehensive Plan Amendment and Rezone Application only.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

None.

14. Transportation [\[help\]](#)

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

Road No. 6 and Interstate 82.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

No.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

None.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

No.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

No.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

None.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)

No.

h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

15. Public Services [\[help\]](#)

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

No.

b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

N/A. Comp Plan Amendment and Rezone only.

16. Utilities [\[help\]](#)

a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

None.

C. Signature [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Joshua Brower

Name of signee Joshua Brower

Position and Agency/Organization Agent/Counsel for Fiorito Brothers, Inc.

Date Submitted: 06/22/2022

D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

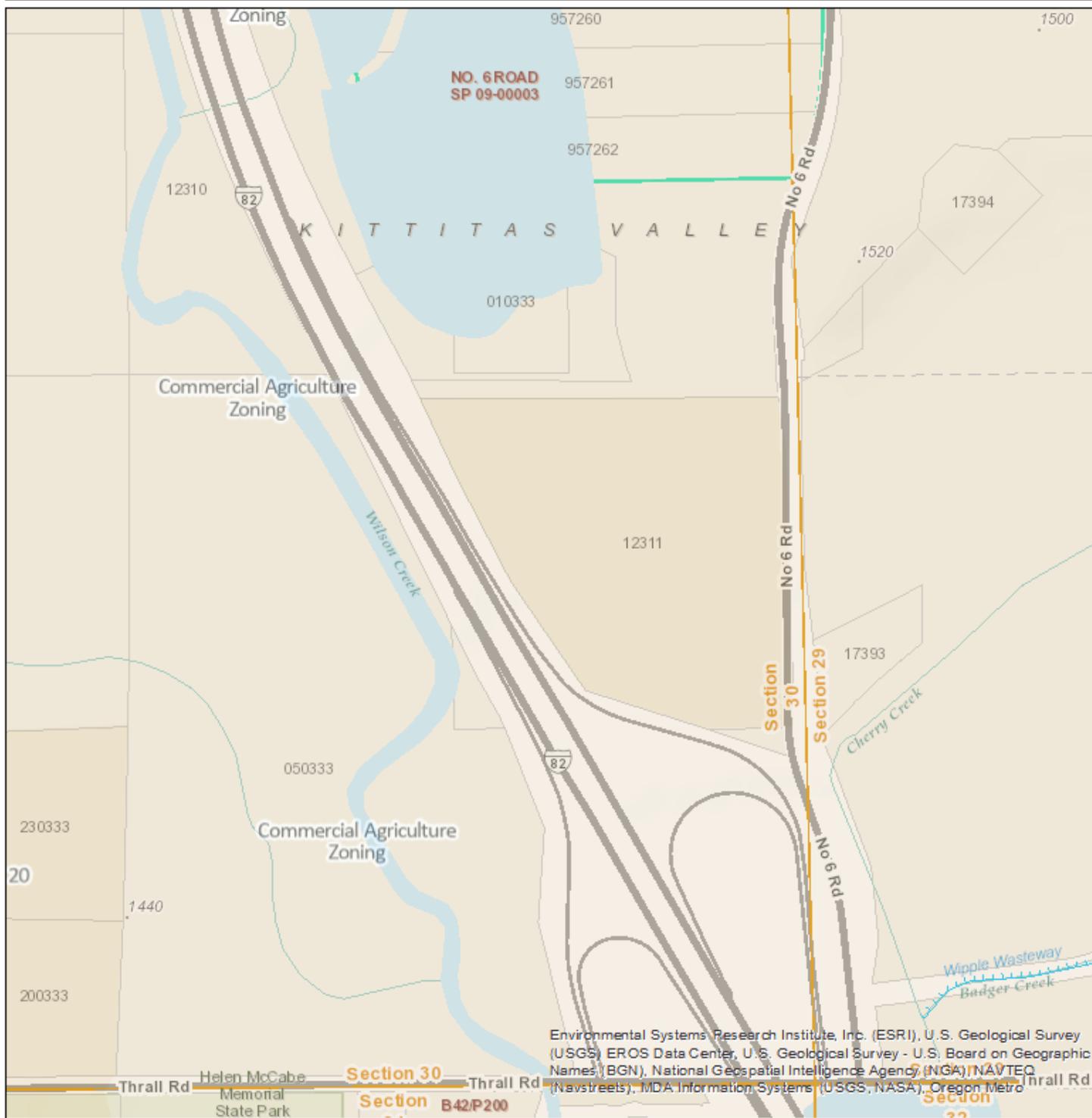
Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Kittitas County COMPAS Map



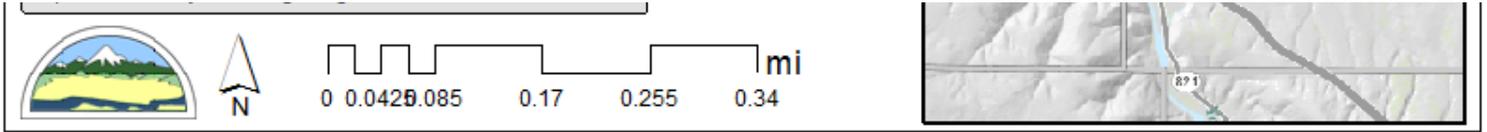
Environmental Systems Research Institute, Inc. (ESRI), U.S. Geological Survey (USGS) EROS Data Center, U.S. Geological Survey - U.S. Board on Geographic Names (BGN), National Geospatial Intelligence Agency (NGA) NAVTEQ (Navstreets), MDA Information Systems (USGS, NASA), Oregon Metro

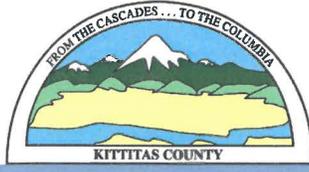
Date: 6/1/2022

1 inch = 752 feet
Relative Scale 1:9,028

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KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

“Building Partnerships – Building Communities”

July 21, 2022

Fiorito Brothers Inc.
1110 NW Ballard Way
Seattle, WA 98107

Joshua Brower
1111 Third Ave, Suite 3000
Seattle, WA 98101

RE: Fiorito Brothers Rezone (RZ-22-00001)/ Comprehensive Plan Amendment (CP-22-00001)

Parcel # 12311

Dear Applicants,

Kittitas County Community Development Services received a Rezone/Comprehensive Plan Amendment application on June 23rd, 2022. The application has been determined **complete** as of July 21st, 2022.

Continued processing of your application will include, but is not limited to, the following actions:

1. Posting of the property by the applicant is required prior to a notice of application. CDS will provide instructions on adequate posting. Signage is obtained at the Community Development Services offices during regular business hours. The signage will be available to pick up on July, 25, 2022.
2. A Notice of Application will be published in the newspaper and sent to all adjoining property owners within 500 feet, governmental agencies and interested persons.
3. Any comments received from neighbors, agencies and interested persons will be considered in the decision-making process. The application will go to the Planning Commission and then the Board of County Commissioners as part of the annual docket for a decision.

You may pick up the “Land Use Action” sign at the CDS office during regular business hours (8am to 5pm) to be posted on-site so it is visible to the traveling public and return the signed affidavit of posting to my attention. The signage will be available July 25, 2022. Please provide photos of site posting with the signed affidavit of posting.

If you have any questions regarding this matter, I can be reached at (509) 962-7046, or by e-mail at jeremiah.cromie@co.kittitas.wa.us

Sincerely,

Jeremiah Cromie

Planner II

Kittitas County Community Development Services
411 N Ruby Street, Suite 2 Ellensburg, WA 98926

cc: Jeremy Johnston, Planning Official

via email



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

AFFIDAVIT OF POSTING

Effective July 19, 2007, Kittitas County Code requires all project actions that are not processed administratively to have a notice posted at the site of the project. Per KCC 15A.03.110 the following applies:

1. The applicant shall post the subject property with signs as required by Community Development Services.
2. Signs shall be posted on each road frontage on the subject property and shall be clearly visible and accessible.
3. Signs shall be posted and on-site prior to the issuance of a Notice of Application.
4. The sign shall be posted in a sturdy manner to remain on-site until fifteen days after the expiration of the Notice of Decision appeal period. It shall be the responsibility of the applicant to properly dispose of the sign.
5. At the time of development application, Community Development Services will identify the number of signs needed and the general location of each sign on the subject property.
6. It shall be the responsibility of the applicant to place the structure on which the sign will be posted on site. At such time the structure and sign is in place, the applicant shall contact Community Development Services.

DATE: July 25, 2022	PLANNER: Jeremiah Cromie

PROJECT NAME: Fiorito Brothers Rezone and Comprehensive Plan Amendment	FILE NUMBER: RZ-22-00001/CP-22-00001
---	---

PLEASE COMPLETE THE FOLLOWING:

I, Randy Fiorito, certify that I am the landowner and/or authorized agent responsible for the posting of this land use project site and further certify that the site has been posted as required by Kittitas County Code. I understand that the required posting period begins immediately and ends 15 days after the ending of the appeal period on the Notice of Decision and the sign(s) will be posted at the site until this time. **Failure to post the site and return this form to Community Development Services in a timely manner will result in a delay of the application review for the project.**


Signature

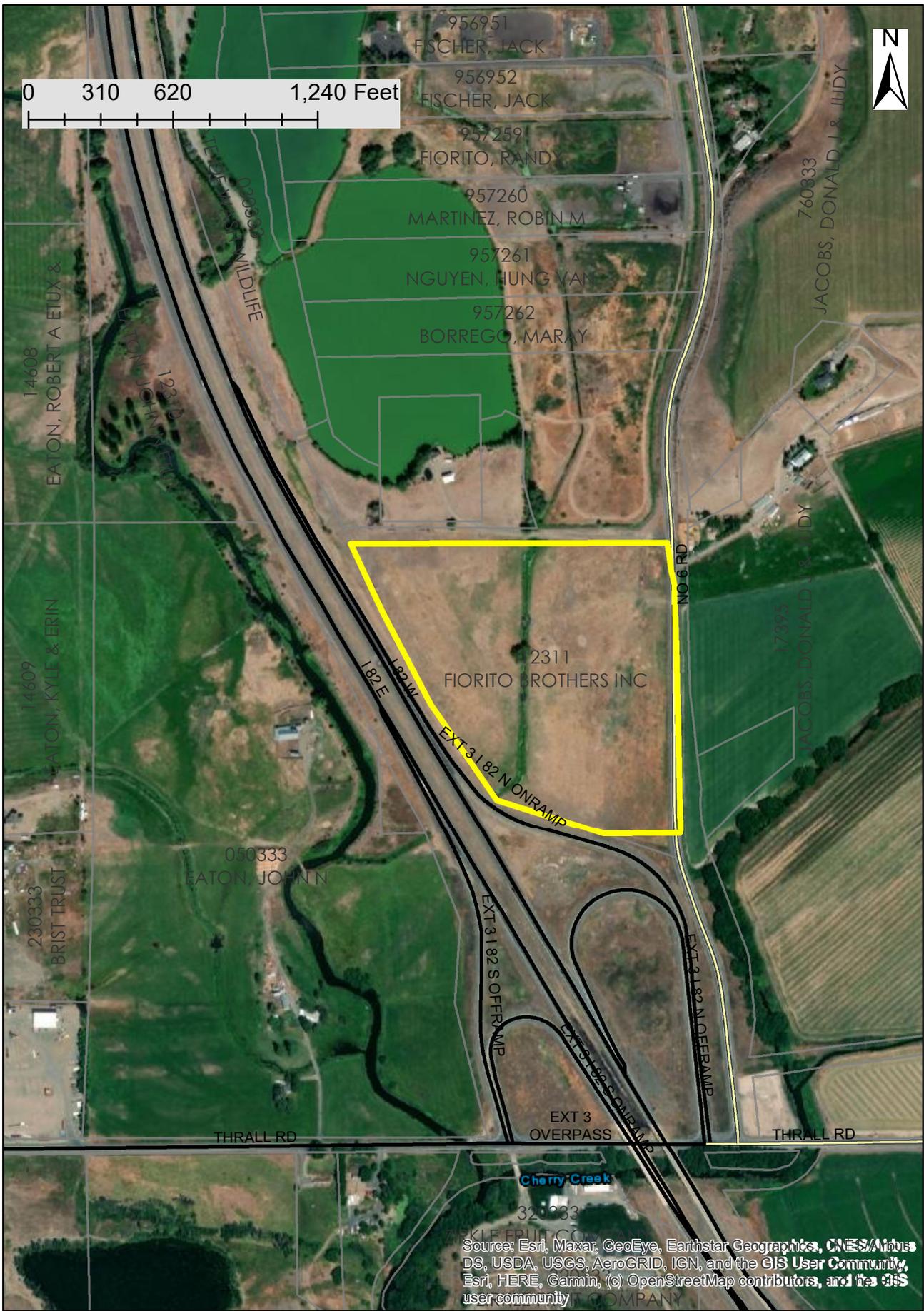
7/25/2022
Date

Please return the above certification to CDS; or email to jeremiah.cromie@co.kittitas.wa.us; or mail to: Community Development Services, 411 North Ruby Street, Suite 2, Ellensburg, WA 98926.

For Staff Use Only:

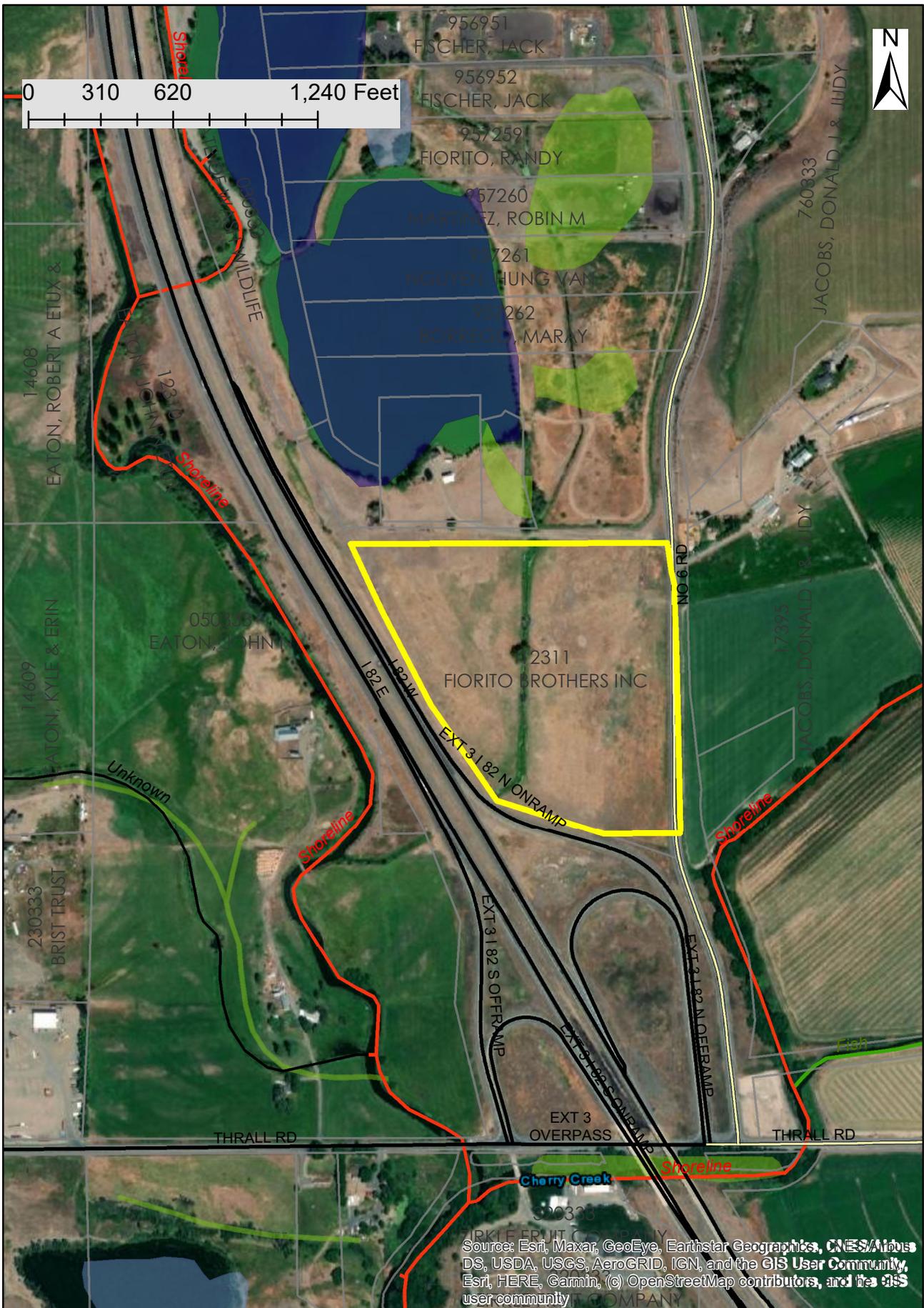
Received 7-25-2022





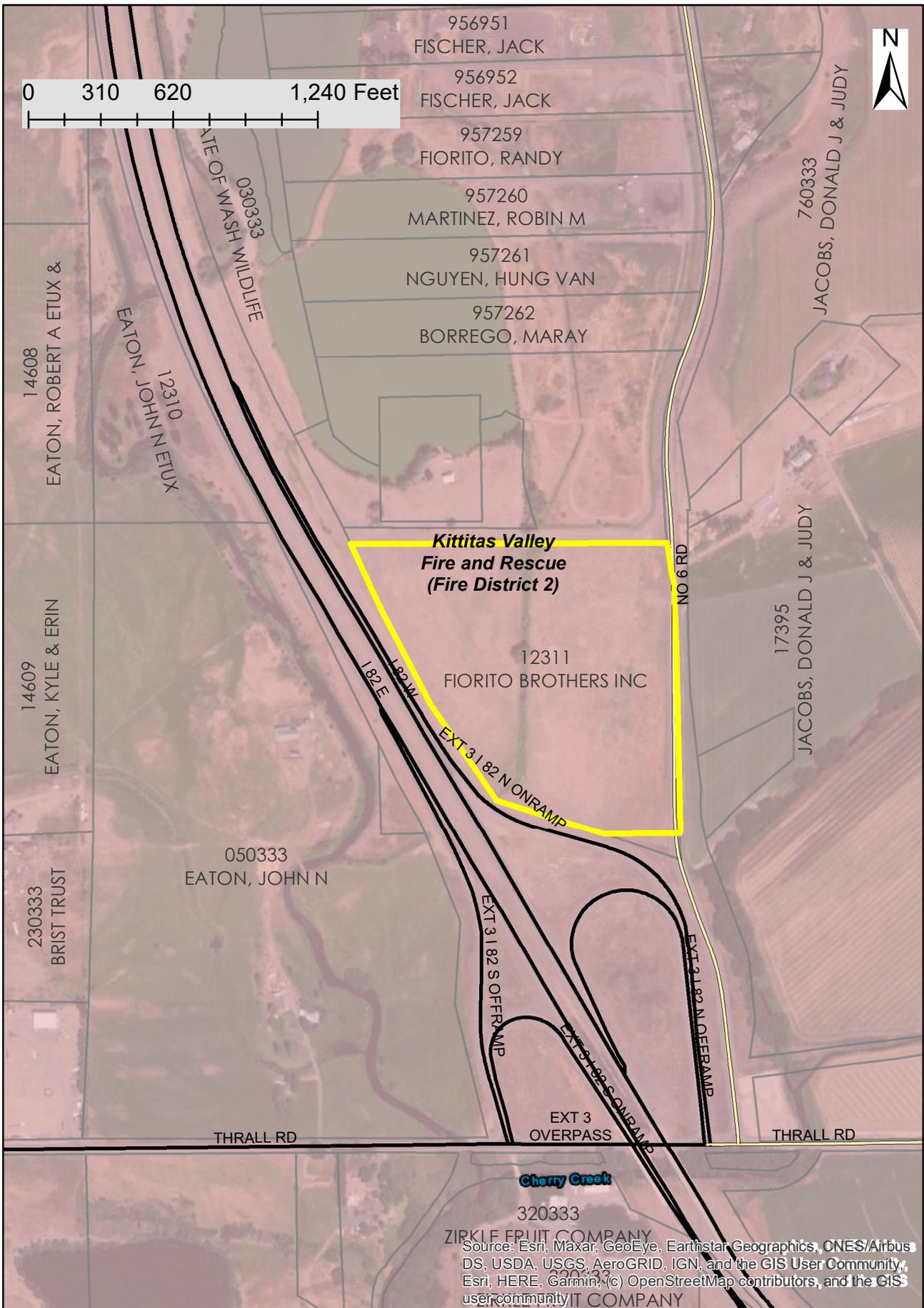
RZ-22-00001/CP-22-00001
Fiorito Brothers

Aerial View



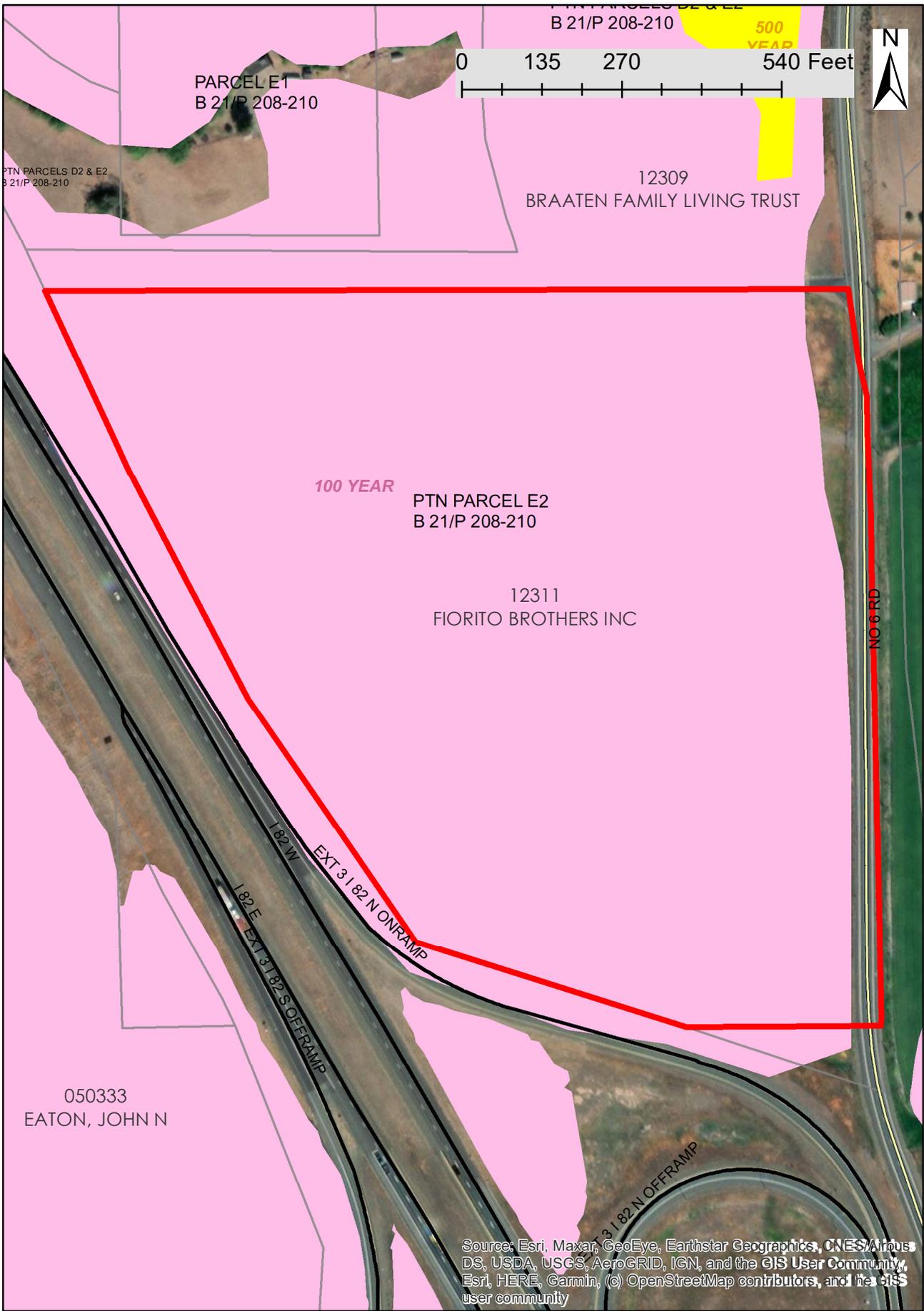
RZ-22-00001/CP-22-00001
Fiorito Brothers

Critical Areas



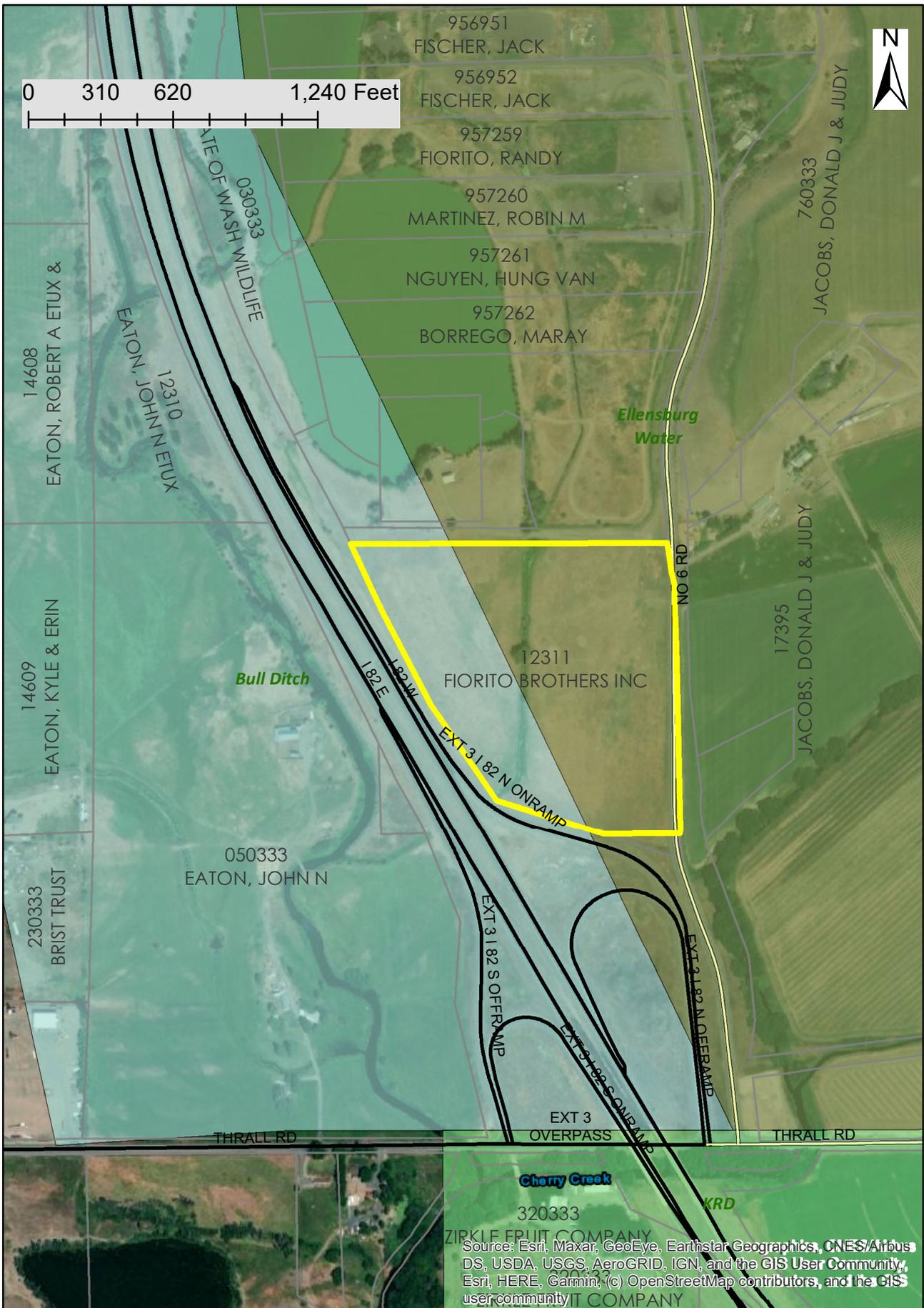
RZ-22-00001/CP-22-00001
Fiorito Brothers

Fire District



RZ-22-00001/CP-22-00001
Fiorito Brothers

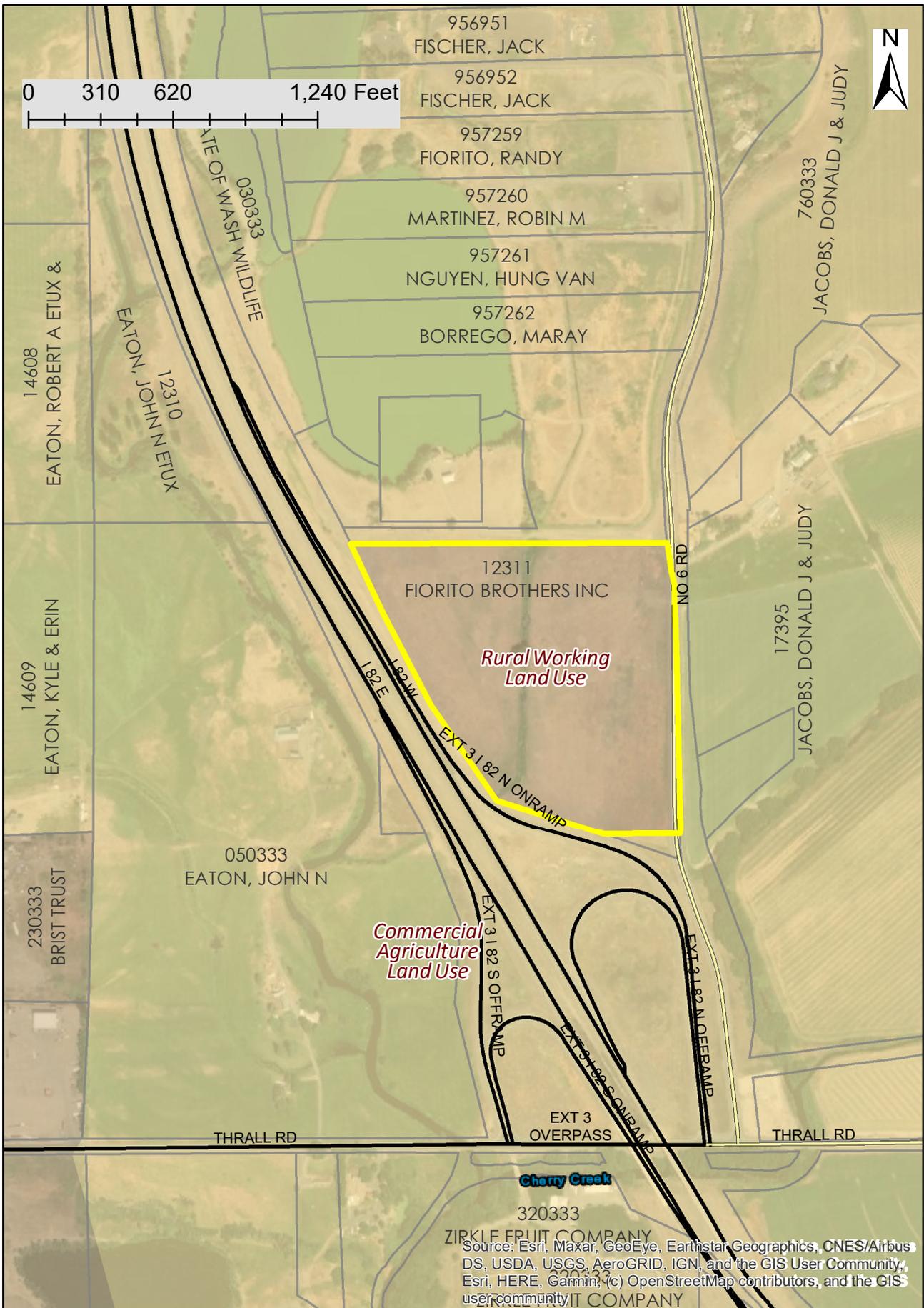
Flood Map



**RZ-22-00001/CP-22-00001
Fiorito Brothers**

Irrigation Districts

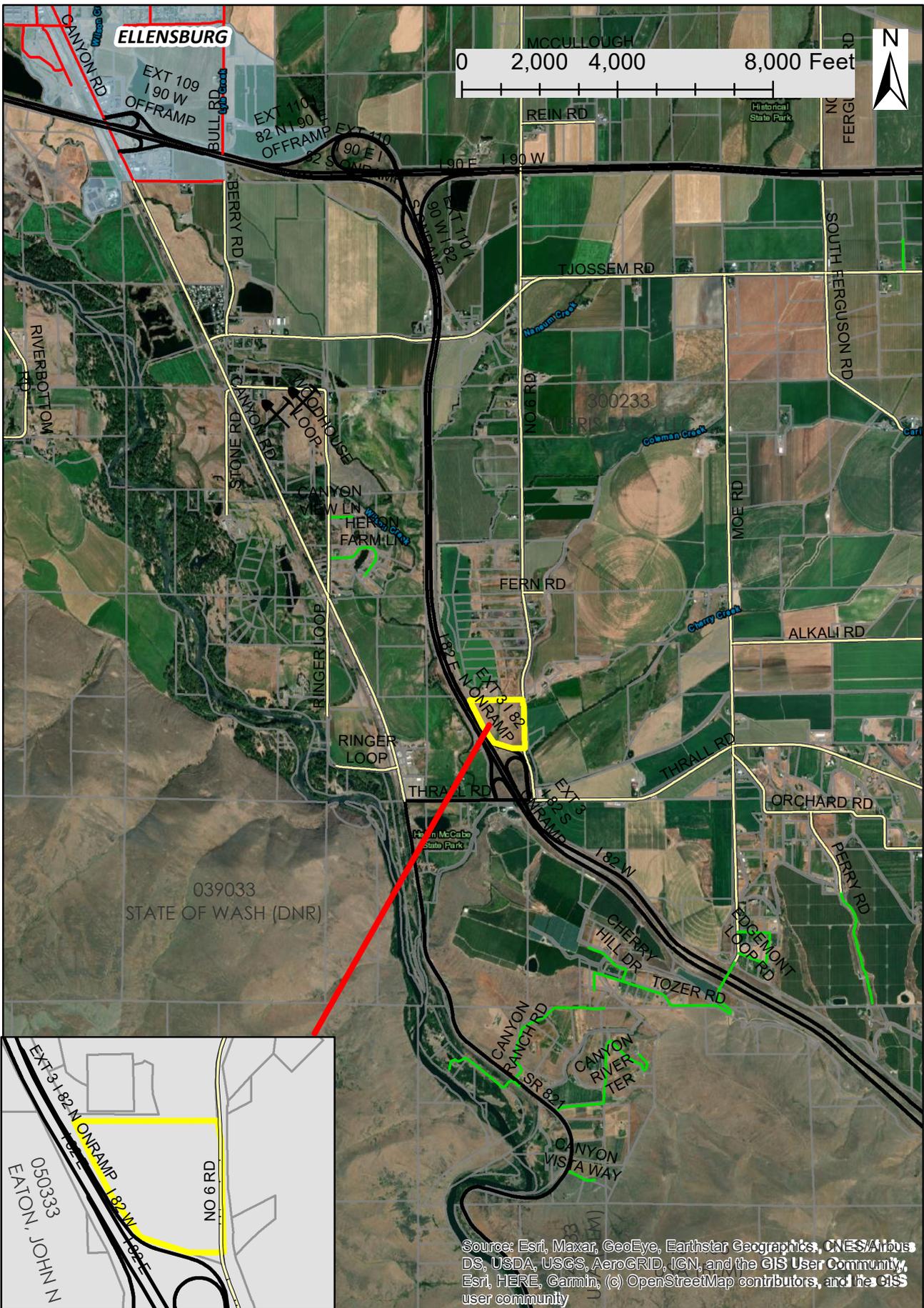
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



**RZ-22-00001/CP-22-00001
Fiorito Brothers**

Land Use

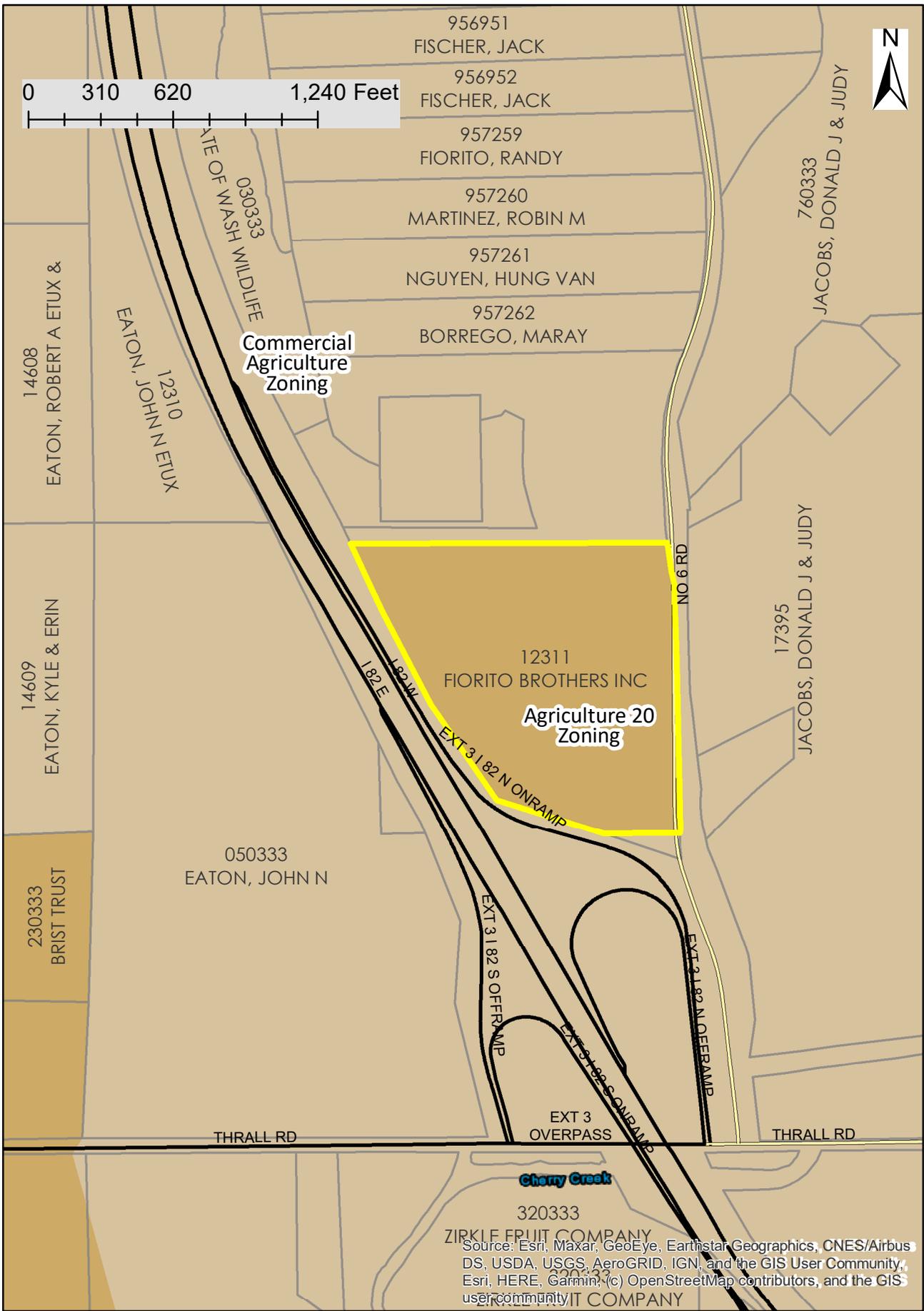
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

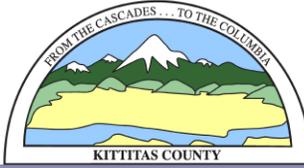
RZ-22-00001/CP-22-00001
Fiorito Brothers

Vicinity View



RZ-22-00001/CP-22-00001
Fiorito Brothers

Zoning



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

“Building Partnerships – Building Communities”

NOTICE OF APPLICATION

Notice of Application: Thursday, August 11, 2022
Application Received: Thursday, June 23, 2022
Application Complete: Thursday, July 21, 2022

Project Name (File Number): Fiorito Rezone & Comprehensive Plan Amendment (RZ-22-00005 & CP-22-00005)

Applicant: Property owner – Fiorito Brothers Inc.

Location: Tax parcel # 12311, located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003.

Proposal: Fiorito Brothers Inc is proposing to rezone their 27.20 acre piece of property currently zoned Agricultural 20 to Commercial Agriculture and do a comprehensive land use plan map amendment from Rural Working to Commercial Agriculture to match the surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process.

Materials Available for Review: The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at: <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> under “Rezoning”, then “RZ-22-00001 Fiorito Brothers.”

Written Comments on this proposal can be submitted to CDS any time prior to **5:00 p.m. on Monday September 12, 2022**. All comments will be considered in the decision-making process, and any person has the right to comment on this application and receive notification of the final decision, once made. Appeals of the rezone and comprehensive plan amendment decision must be filed within 60 days of the publication of the final decision (action) with the Eastern Washington Growth Management Hearings Board.

Environmental Review (SEPA): The County will issue a threshold determination on the environmental impacts of this application. A copy of the threshold determination, once made, can be obtained from the County.

Public Hearing: This project is being reviewed through the 2022 Annual Comprehensive Plan Docket Process. Therefore, an open record hearing will be scheduled to be held before the Kittitas County Planning Commission at a date to be determined. Public Hearing Notices for the 2022 Annual Comprehensive Plan Docket Process will be issued establishing the date, time and location of these hearings.

Additionally, an open record hearing is scheduled to be held before the Board of County Commissioners. This hearing will be held on **November 29, 2022 at 6 PM** in The Commissioner’s Auditorium. You can attend the hearing in the following ways:

1. In person in the Commissioner’s Auditorium at 205 W 5th Avenue Room 109 Ellensburg, WA 98926
2. By online WebEx video conferencing meeting link:

<https://kittitascounty.webex.com/kittitascounty/j.php?MTID=e2bf884bf4433f42c60429dd1066aedb2>

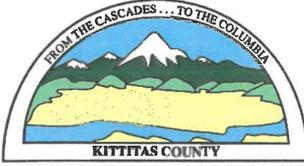
3. By <https://kittitascounty.webex.com> or the Cisco WebEx App on your phone or electronic device:

Meeting Number: 2493 277 4352 **Meeting Password:** SPzBMxVt886

4. By telephone: 1-408-418-9388

Access Code/Meeting Number: 2493 277 4352

Designated Permit Coordinator (staff contact): Jeremiah Cromie, Planner II: (509) 962-7046; email at jeremiah.cromie@co.kittitas.wa.us



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

Affidavit of Mailing & Publication

PROPOSAL NAME: (RZ-22-00001 & CP-22-00001) Fiorito Brothers

NOTIFICATION OF: Notice of Application

NOTIFICATION MAIL DATE: August 11, 2022

I certify that the following documentation:

- Notice of Application for RZ-22-00001 & CP-22-00001 Fiorito Brothers

has been mailed and/or emailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.



Signature

Jeremiah Cromie
Community Development Services Planner II
County of Kittitas
State of Washington

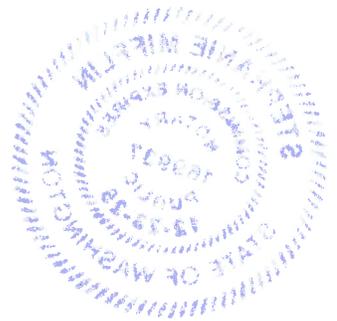
Subscribed and sworn to before me this 11th day of August 2022

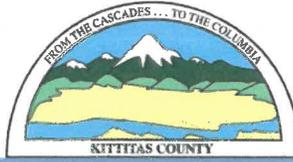




Stephanie Mifflin
Notary Public for the State of Washington residing
in Ellensburg.

My appointment expires: 12.23.25





KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

NOTICE OF APPLICATION

Notice of Application: Thursday, August 11, 2022
Application Received: Thursday, June 23, 2022
Application Complete: Thursday, July 21, 2022

Project Name (File Number): Fiorito Rezone & Comprehensive Plan Amendment (RZ-22-00005 & CP-22-00005)

Applicant: Property owner – Fiorito Brothers Inc.

Location: Tax parcel # 12311, located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003.

Proposal: Fiorito Brothers Inc is proposing to rezone their 27.20 acre piece of property currently zoned Agricultural 20 to Commercial Agriculture and do a comprehensive land use plan map amendment from Rural Working to Commercial Agriculture to match the surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process.

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Written Comments on this proposal can be submitted to CDS any time prior to **5:00 p.m. on Monday September 12, 2022**. All comments will be considered in the decision-making process, and any person has the right to comment on this application and receive notification of the final decision, once made. Appeals of the rezone and comprehensive plan amendment decision must be filed within 60 days of the publication of the final decision (action) with the Eastern Washington Growth Management Hearings Board.

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2. By online WebEx video conferencing meeting link:

<https://kittitascounty.webex.com/kittitascounty/j.php?MTID=e2bf884bf4433f42c60429dd1066aedb2>

3. By <https://kittitascounty.webex.com> or the Cisco WebEx App on your phone or electronic device:

Meeting Number: 2493 277 4352 **Meeting Password:** SPzBMxVt886

4. By telephone: 1-408-418-9388

Access Code/Meeting Number: 2493 277 4352

Designated Permit Coordinator (staff contact): Jeremiah Cromie, Planner II: (509) 962-7046; email at jeremiah.cromie@co.kittitas.wa.us

Kittitas County Sheriff's Dept.
kim.dawson@co.kittitas.wa.us

KittCom
long@kittcom.org

Kittitas County Board of County
Commissioners
julie.kjorsvik@co.kittitas.wa.us

Kittitas County Code Enforcement
toni.berkshire@co.kittitas.wa.us

Kittitas County Environmental Health
jesse.cox@co.kittitas.wa.us
holly.erdman@co.kittitas.wa.us

Kittitas County Solid Waste Programs
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patti.stacey@co.kittitas.wa.us

Kittitas County Public Works
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Airport Manager Assistant
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noah_oliver@yakama.com
casey_barney@yakama.com
kozj@yakamafish-nsn.gov
matj@yakamafish-nsn.gov
barh@yakamafish-nsn.gov

Department of Ecology
separegister@ecy.wa.gov
**(Only use Register for Non-SEPA
Applications/Use PORTAL for SEPA
Required Projects)**
tebu461@ecy.wa.gov
lowh461@ECY.WA.GOV
FormerOrchards@ecy.wa.gov
wendy.neet@ecy.wa.gov

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Jennifer.Nelson@dfw.wa.gov
Elizabeth.Torrey@dfw.wa.gov

Washington State DAHP
sepa@dahp.wa.gov

James E Brooks Library
jorgenja@cwu.edu
nelmsk@cwu.edu

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Jeremy.larson@co.kittitas.wa.us
Steph.mifflin@co.kittitas.wa.us

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WA Dept. of Natural Resources
rivers@dnr.wa.gov
shane.early@dnr.wa.gov
SEPACENTER@dnr.wa.gov
Garren.Andrews@dnr.wa.gov
MARTIN.MAUNEY@dnr.wa.gov

Allison Kimball
brooksideconsulting@gmail.com

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terry@nkctribune.com

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legals@kvnews.com

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Deborah.j.knaub@usace.army.mil

Bureau of Reclamation
lhendrix@usbr.gov
1917 Marsh Road
Yakima, WA 98901

Yakima Training Center
mark.a.gradwohl.civ@mail.mil

Northwest Training Range Complex
Kimberly.peacher@navy.mil
Robert.d.bright10.civ@army.mil

Kittitas County Assessor
Haley.mercer@co.kittitas.wa.us
Christine.garcia@co.kittitas.wa.us

Ellensburg Water Co.
ehurgwater@yahoo.com

Bull Canal Company
jbbunson@elltel.net

Neighboring City (if applicable)

Ellensburg School District 401
fwalker@eburg.wednet.edu
leslee.caul@esd401.org
carol.chrisman@esd401.org
traci.russell@esd401.org

elliott@kvfr.org
delvoj@kvfr.org
Kittitas Valley Fire & Rescue (District 2)
2020 Vantage Highway
Ellensburg, WA 98926

Snoqualmie Tribe
steve@snoqualmietribe.us
dahp@snoqualmietribe.us
adam@snoqualmietribe.us

Colville Tribe
guy.moura@colvilletribes.com
Aren.Orsen.HSY@colvilletribes.com
sam.rushing@colvilletribes.com

Kittitas Valley Healthcare
Attn: CEO
603 S. Chestnut Street
Ellensburg, WA 98926

Kittitas County P.U.D.
matt.boast@kittitaspud.com

Bonneville Power Administration
kdkistler@bpa.gov

Forest Service
klarned@fs.fed.us

Puget Sound Energy
Brian.ingalls@pse.com

Washington State DOT
Jacob.Prilucik@wsdot.wa.gov
SCPlanning@wsdot.wa.gov
PlattsT@wsdot.wa.gov

Washington State Parks
ken.graham@parks.wa.gov
PO Box 42650
Olympia, WA 98504-2650

BUREAU OF LAND
MANAGEMENT
915 N. WALLA WALLA
WENATCHEE WA 98801

NKCT: August 11, 2022 and August 18, 2022

Please let me know if there are any questions or issues. If you have questions or issues after today, please contact Jeremy Johnston (Planning Official), cc'd on this e-mail, as I will be on vacation until August 16, 2022. Thanks!

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

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message id: 38eb45916c6dcbdac24bb8719d004a14

Sent: Friday, August 5, 2022 1:06 PM

To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

Subject: Ad: 269097 / Re: RZ-22-00001/CP-22-00001 Fiorito Brothers (Publishing) - Notice of Application

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Hi Jeremiah,

Please see attached for your first legal proof scheduled to run on August 11 and 18.

Please let me know if you approve or would like any changes made.

I'll send the second legal proof shortly.

Thank you and have a nice vacation!

Megan Breckenridge

Advertising Assistant

Ellensburg Daily Record

Office: (509) 925-1414, ext. 570253

Direct Dial: (509) 204-8250

mbreckenridge@kvnews.com / legals@kvnews.com

[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

Sent: Friday, August 5, 2022 11:41 AM

To: Megan Breckenridge <mbreckenridge@kvnews.com>; KVNews Legals <legals@kvnews.com>;

'Jana Stoner' <jana@nkctribune.com>; 'terry@nkctribune.com' <terry@nkctribune.com>; NKC

Tribune Advertising <ads@nkctribune.com>

Cc: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>; Kelly Bacon (CD)

<kelly.bacon.cd@co.kittitas.wa.us>; Rachael Stevie (CD) <rachael.stevie.cd@co.kittitas.wa.us>

Subject: RZ-22-00001/CP-22-00001 Fiorito Brothers (Publishing) - Notice of Application

CAUTION, this email originated from outside the organization.

Good morning,

Please publish the attached legal in your papers as follows:

Daily Record: August 11 and August 18, 2022

NOTICE OF APPLICATION

Project Name (File Number): Fiorito Rezone & Comprehensive Plan Amendment (RZ-22-00001 & CP-22-00001)

Applicant: Property owner – Fiorito Brothers Inc.

Location: Tax parcel # 12311, located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003.

Proposal: Fiorito Brothers Inc is proposing to rezone their 27.20 acre piece of property currently zoned Agricultural 20 to Commercial Agriculture and do a comprehensive land use plan map amendment from Rural Working to Commercial Agriculture to match the surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process.

Materials Available for Review: The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Rezoning", then "RZ-22-00001 Fiorito Brothers."

Written Comments on this proposal can be submitted to CDS any time prior to **5:00 p.m. on Monday September 12, 2022**. All comments will be considered in the decision-making process, and any person has the right to comment on this application and receive notification of the final decision, once made. Appeals of the rezone and comprehensive plan amendment decision must be filed within 60 days of the publication of the final decision (action) with the Eastern Washington Growth Management Hearings Board.

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2. By online WebEx video conferencing meeting link: <https://kittitascounty.webex.com/j.php?MTID=e2bf884bf4433f42c60429dd1066aedb2>
3. By <https://kittitascounty.webex.com> or the Cisco WebEx App on your phone or electronic device:
Meeting Number: 2493 277 4352
Meeting Password: SPzBMxVt886
4. By telephone: 1-408-418-9388
Access Code/Meeting Number: 2493 277 4352

Designated Permit Coordinator (staff contact): Jeremiah Cromie, Planner II: (509) 962-7046; email at jeremiah.cromie@co.kittitas.wa.us

Notice of Application: Thursday, August 11, 2022
Application Received: Thursday, June 23, 2022
Application Complete: Thursday, July 21, 2022

PUBLISH: NKC Tribune: August 11 & 18, 2022

PUBLISH: Daily Record: August 11 & 18, 2022 / LEGAL #: 269097

From: [Megan Breckenridge](#)
To: [Jeremiah Cromie](#)
Subject: Re: 269097 / Re: RZ-22-00001/CP-22-00001 Fiorito Brothers (Publishing) - Notice of Application
Date: Friday, August 5, 2022 1:29:15 PM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Thank you for your final approval, Jeremiah!

Megan Breckenridge

Advertising Assistant
Ellensburg Daily Record
Office: (509) 925-1414, ext. 570253
Direct Dial: (509) 204-8250
mbreckenridge@kvnews.com / legals@kvnews.com
[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Friday, August 5, 2022 1:26 PM
To: Megan Breckenridge <mbreckenridge@kvnews.com>
Subject: RE: 269097 / Re: RZ-22-00001/CP-22-00001 Fiorito Brothers (Publishing) - Notice of Application

CAUTION, this email originated from outside the organization.

Megan,

This looks fine and I give approval. Thanks.

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

From: Megan Breckenridge <mbreckenridge@kvnews.com>

E-mail was not sent until August 16, 2022 due to clerical error

Jeremiah Cromie

From: Jeremiah Cromie
Sent: Thursday, August 25, 2022 10:04 AM
To: Kim Dawson; 'long@kittcom.org'; Julie Kjorsvik; Toni Berkshire; Jesse Cox; Holly Erdman; Lisa Lawrence; Patti Stacey; Kelee Hodges; Codi Fortier; 'enviroreview@yakama.com'; 'corrine_camuso@yakama.com'; 'jessica_lally@yakama.com'; 'noah_oliver@yakama.com'; 'casey_barney@yakama.com'; 'kozj@yakamafish-nsn.gov'; 'matj@yakamafish-nsn.gov'; 'barh@yakamafish-nsn.gov'; 'tebu461@ecy.wa.gov'; 'lowh461@ECY.WA.GOV'; 'FormerOrchards@ecy.wa.gov'; 'wendy.neet@ecy.wa.gov'; 'Scott.Downes@dfw.wa.gov'; 'Jennifer.Nelson@dfw.wa.gov'; 'Elizabeth.Torrey@dfw.wa.gov'; 'sepa@dahp.wa.gov'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Jeremy Larson; Steph Mifflin; 'russell.mau@doh.wa.gov'; 'rivers@dnr.wa.gov'; 'shane.early@dnr.wa.gov'; 'SEPACENTER@dnr.wa.gov'; 'Garren.Andrews@dnr.wa.gov'; 'MARTIN.MAUNEY@dnr.wa.gov'; 'brooksideconsulting@gmail.com'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'mbreckenridge@kvnews.com'; 'legals@kvnews.com'; 'Deborah.j.knaub@usace.army.mil'; 'lhendrix@usbr.gov'; 'mark.a.gradwohl.civ@mail.mil'; 'Kimberly.peacher@navy.mil'; 'Robert.d.bright10.civ@army.mil'; Haley Mercer; Christy Garcia; 'eburgwater@yahoo.com'; 'jbbunson@elltel.net'; 'fwalker@eburg.wednet.edu'; 'leslee.caul@esd401.org'; 'carol.chrisman@esd401.org'; 'traci.russell@esd401.org'; Rich Elliott; 'delvoj@kvfr.org'; 'steve@snoqualmietribe.us'; 'dahp@snoqualmietribe.us'; 'adam@snoqualmietribe.us'; 'guy.moura@colvilletribes.com'; 'Aren.Orsen.HSY@colvilletribes.com'; 'sam.rushing@colvilletribes.com'; 'matt.boast@kittitaspud.com'; 'Brian.ingalls@pse.com'; 'kdkistler@bpa.gov'; 'klarned@fs.fed.us'; 'Jacob.Prilucik@wsdot.wa.gov'; 'SCPlanning@wsdot.wa.gov'; 'PlattsT@wsdot.wa.gov'; 'ken.graham@parks.wa.gov'
Cc: Jeremy Johnston; Kelly Bacon (CD); Rachael Stevie (CD); 'randy@fioritobrothers.com'
Subject: RE: RZ-22-00001/CP-22-00001 Fiorito Brothers - Notice of Application

Due to this original e-mail not going out on the correct date, **the comment period will be extended until September 19, 2022 at 5p (PDT). CDS will assume your agency does not wish to provide comment if not received by this date.**

Let me know if you have any questions.

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

From: Jeremiah Cromie
Sent: Tuesday, August 16, 2022 9:16 AM
To: Kim Dawson <kim.dawson@co.kittitas.wa.us>; 'long@kittcom.org' <long@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; Jesse Cox

<jesse.cox@co.kittitas.wa.us>; Holly Erdman <holly.erdman@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; Kelee Hodges <kelee.hodges.pw@co.kittitas.wa.us>; Codi Fortier <codi.fortier@co.kittitas.wa.us>; 'enviroreview@yakama.com' <enviroreview@yakama.com>; 'corrine_camuso@yakama.com' <corrine_camuso@yakama.com>; 'jessica_lally@yakama.com' <jessica_lally@yakama.com>; 'noah_oliver@yakama.com' <noah_oliver@yakama.com>; 'casey_barney@yakama.com' <casey_barney@yakama.com>; 'kozj@yakamafish-nsn.gov' <kozj@yakamafish-nsn.gov>; 'matj@yakamafish-nsn.gov' <matj@yakamafish-nsn.gov>; 'barh@yakamafish-nsn.gov' <barh@yakamafish-nsn.gov>; 'tebu461@ecy.wa.gov' <tebu461@ecy.wa.gov>; 'lowh461@ECY.WA.GOV' <lowh461@ECY.WA.GOV>; 'FormerOrchards@ecy.wa.gov' <FormerOrchards@ecy.wa.gov>; 'wendy.neet@ecy.wa.gov' <wendy.neet@ecy.wa.gov>; 'Scott.Downes@dfw.wa.gov' <Scott.Downes@dfw.wa.gov>; 'Jennifer.Nelson@dfw.wa.gov' <Jennifer.Nelson@dfw.wa.gov>; 'Elizabeth.Torrey@dfw.wa.gov' <Elizabeth.Torrey@dfw.wa.gov>; 'sepa@dahp.wa.gov' <sepa@dahp.wa.gov>; 'jorgenja@cwu.edu' <jorgenja@cwu.edu>; 'nelmsk@cwu.edu' <nelmsk@cwu.edu>; Jeremy Larson <jeremy.larson@co.kittitas.wa.us>; Steph Mifflin <stephanie.mifflin@co.kittitas.wa.us>; 'russell.mau@doh.wa.gov' <russell.mau@doh.wa.gov>; 'rivers@dnr.wa.gov' <rivers@dnr.wa.gov>; 'shane.early@dnr.wa.gov' <shane.early@dnr.wa.gov>; 'SEPACENTER@dnr.wa.gov' <SEPACENTER@dnr.wa.gov>; 'Garren.Andrews@dnr.wa.gov' <Garren.Andrews@dnr.wa.gov>; 'MARTIN.MAUNEY@dnr.wa.gov' <MARTIN.MAUNEY@dnr.wa.gov>; 'brooksideconsulting@gmail.com' <brooksideconsulting@gmail.com>; 'tribune@nkctribune.com' <tribune@nkctribune.com>; 'terry@nkctribune.com' <terry@nkctribune.com>; 'mbreckenridge@kvnews.com' <mbreckenridge@kvnews.com>; 'legals@kvnews.com' <legals@kvnews.com>; 'Deborah.j.knaub@usace.army.mil' <Deborah.j.knaub@usace.army.mil>; 'lhendrix@usbr.gov' <lhendrix@usbr.gov>; 'mark.a.gradwohl.civ@mail.mil' <mark.a.gradwohl.civ@mail.mil>; 'Kimberly.peacher@navy.mil' <Kimberly.peacher@navy.mil>; 'Robert.d.bright10.civ@army.mil' <Robert.d.bright10.civ@army.mil>; Haley Mercer <haley.mercer@co.kittitas.wa.us>; Christy Garcia <christine.garcia@co.kittitas.wa.us>; 'eburgwater@yahoo.com' <eburgwater@yahoo.com>; 'jbbunson@elltel.net' <jbbunson@elltel.net>; 'fwalker@eburg.wednet.edu' <fwalker@eburg.wednet.edu>; 'leslee.caul@esd401.org' <leslee.caul@esd401.org>; 'carol.chrisman@esd401.org' <carol.chrisman@esd401.org>; 'traci.russell@esd401.org' <traci.russell@esd401.org>; Rich Elliott <elliotttr@kvfr.org>; 'delvoj@kvfr.org' <delvoj@kvfr.org>; 'steve@snoqualmtribe.us' <steve@snoqualmtribe.us>; 'dahp@snoqualmtribe.us' <dahp@snoqualmtribe.us>; 'adam@snoqualmtribe.us' <adam@snoqualmtribe.us>; 'guy.moura@colvilletribes.com' <guy.moura@colvilletribes.com>; 'Aren.Orsen.HSY@colvilletribes.com' <Aren.Orsen.HSY@colvilletribes.com>; 'sam.rushing@colvilletribes.com' <sam.rushing@colvilletribes.com>; matt.boast@kittitaspud.com; 'Brian.ingalls@pse.com' <Brian.ingalls@pse.com>; 'kdkistler@bpa.gov' <kdkistler@bpa.gov>; 'klarned@fs.fed.us' <klarned@fs.fed.us>; 'Jacob.Prilucik@wsdot.wa.gov' <Jacob.Prilucik@wsdot.wa.gov>; 'SCPlanning@wsdot.wa.gov' <SCPlanning@wsdot.wa.gov>; 'PlattsT@wsdot.wa.gov' <PlattsT@wsdot.wa.gov>; 'ken.graham@parks.wa.gov' <ken.graham@parks.wa.gov>
Cc: Jeremy Johnston <jeremy.johnston@co.kittitas.wa.us>; Kelly Bacon (CD) <kelly.bacon.cd@co.kittitas.wa.us>; Rachael Stevie (CD) <rachael.stevie.cd@co.kittitas.wa.us>; 'randy@fioritobrothers.com' <randy@fioritobrothers.com>
Subject: RZ-22-00001/CP-22-00001 Fiorito Brothers - Notice of Application

Hello, I am not sure why this did not send last Thursday August 11, 2022 but please see below for request for comments on a proposed rezone and comprehensive plan amendment.

Good morning,

CDS is requesting comments on the following Rezone and Comprehensive Plan Amendment Applications: RZ/CP-22-00001 Fiorito Brothers. Links to the file materials can be found below. I have attached the Notice of Application to this e-mail. **The comment period will end on Monday September 12, 2022 at 5p (PDT). CDS will assume your agency does not wish to provide comment if not received by this date.**

Please let us know if you have issues accessing the materials.

Internal Link: [RZ-22-00001 Fiorito Brothers](#) (Please know the master file is bookmarked with all materials)

External Link: [RZ-22-00001 Fiorito Brothers](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigate to “Rezoning” and then the Project File Number “RZ-22-00001 Fiorito Brothers”.

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

From: [Joe Delvo](#)
To: [Jeremiah Cromie](#)
Subject: RE: [Ext] RZ-22-00001/CP-22-00001 Fiorito Brothers - Notice of Application
Date: Tuesday, August 16, 2022 10:13:50 AM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Jeremiah,

KVFR has no comment on the re-zone of the FBI parcel.

Thank you,

Joe Delvo
Fire Prevention Captain
City of Ellensburg Fire Marshal
Fire Investigator, IAAI-FIT
Kittitas Valley Fire & Rescue
400 East Mountain View Ave.
Ellensburg, WA
Phone: 509-933-7241
Cell: 509-856-4455
Fax: 509-933-7245
prevention@kvfr.org

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

Sent: Tuesday, August 16, 2022 9:16 AM

To: Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long External <long@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; Jesse Cox <jesse.cox@co.kittitas.wa.us>; Holly Erdman <Holly.erdman@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; Kelee Hodges <kelee.hodges.pw@co.kittitas.wa.us>; Codi Fortier <codi.fortier@co.kittitas.wa.us>; 'enviroreview@yakama.com' <enviroreview@yakama.com>; Corrine Camuso <corrine_camuso@yakama.com>; Jessica Lally <jessica_lally@yakama.com>; Noah Oliver-External <noah_oliver@yakama.com>; Casey Barney <casey_barney@yakama.com>; 'kozj@yakamafish-nsn.gov' <kozj@yakamafish-nsn.gov>; 'matj@yakamafish-nsn.gov' <matj@yakamafish-nsn.gov>; 'barh@yakamafish-nsn.gov' <barh@yakamafish-nsn.gov>; 'tebu461@ecy.wa.gov' <tebu461@ecy.wa.gov>; 'lowh461@ECY.WA.GOV' <lowh461@ECY.WA.GOV>; 'FormerOrchards@ecy.wa.gov' <FormerOrchards@ecy.wa.gov>; 'wendy.neet@ecy.wa.gov' <wendy.neet@ecy.wa.gov>; 'Scott.Downes@dfw.wa.gov' <Scott.Downes@dfw.wa.gov>; jennifer.nelson@dfw.wa.gov; Elizabeth Torrey <Elizabeth.Torrey@dfw.wa.gov>; SEPA DAHP <sepa@dahp.wa.gov>; 'jorgenja@cwu.edu' <jorgenja@cwu.edu>; 'nelmsk@cwu.edu' <nelmsk@cwu.edu>; Jeremy Larson <jeremy.larson@co.kittitas.wa.us>; Steph Mifflin

From: [Adam Osbekoff](#)
To: [Jeremiah Cromie](#)
Subject: RE: RZ-22-00001/CP-22-00001 Fiorito Brothers - Notice of Application
Date: Tuesday, August 16, 2022 12:19:44 PM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Hello Jeremiah

The Snoqualmie Tribe [Tribe] is a federally recognized sovereign Indian Tribe. We were signatory to the Treaty of Point Elliott of 1855; we reserved certain rights and privileges and ceded certain lands to the United States. As a signatory to the Treaty of Point Elliot, the Tribe specifically reserved among other things, the right to fish at usual and accustomed areas and the “privilege of hunting and gathering roots and berries on open and unclaimed lands” off-reservation throughout the modern-day state of Washington.

Thank you for the opportunity to review and comment. Based on the information provided and our understanding of the project and its APE, we recommend an archeological review performed for this project. This is in an area the Snoqualmie Tribe considers culturally significant and has a moderate probability to have unknown archaeological deposits. We realize that though subdivisions do not cause ground disturbance, in almost all cases this process leads to development projects that will. If any archaeological work is performed, we request notification. An IDP should not be used in lieu of an archeological investigation. Cultural and archaeological resources are non-renewable and are best discovered prior to ground disturbance.

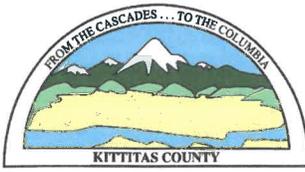
Thank you

Adam Osbekoff

From: Jeremiah Cromie [mailto:jeremiah.cromie@co.kittitas.wa.us]

Sent: Tuesday, August 16, 2022 9:16 AM

To: Kim Dawson <kim.dawson@co.kittitas.wa.us>; George Long <long@kittcom.org>; Julie Kjorsvik <julie.kjorsvik@co.kittitas.wa.us>; Toni Berkshire <toni.berkshire@co.kittitas.wa.us>; Jesse Cox <jesse.cox@co.kittitas.wa.us>; Holly Erdman <Holly.erdman@co.kittitas.wa.us>; Lisa Lawrence <lisa.lawrence@co.kittitas.wa.us>; Patti Stacey <patti.stacey@co.kittitas.wa.us>; Kelee Hodges <kelee.hodges.pw@co.kittitas.wa.us>; Codi Fortier <codi.fortier@co.kittitas.wa.us>; 'enviroreview@yakama.com' <enviroreview@yakama.com>; 'corrine_camuso@yakama.com' <corrine_camuso@yakama.com>; 'jessica_lally@yakama.com' <jessica_lally@yakama.com>; 'noah_oliver@yakama.com' <noah_oliver@yakama.com>; 'casey_barney@yakama.com' <casey_barney@yakama.com>; 'kozj@yakamafish-nsn.gov' <kozj@yakamafish-nsn.gov>;



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Building Partnerships; Building Communities

SEPA DETERMINATION OF NONSIGNIFICANCE

- File:** Fiorito Rezone and Comprehensive Plan Amendment (RZ-22-00001 & CP-22-00001)
- Description:** Fiorito Brothers Inc is proposing to rezone their 27.20 acre piece of property currently zoned Agricultural 20 to Commercial Agriculture and do a comprehensive land use plan map amendment from Rural Working to Commercial Agriculture to match the surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process.
- Proponent:** Fiorito Brothers Inc.
1110 NW Ballard Ave
Seattle, WA 98107
- Joshua Brower
111 Third Ave, Suite 3000
Seattle, WA 98101
- Location:** Tax parcel # 12311, located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003.
- Lead Agency:** Kittitas County Community Development Services

The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request, or can be viewed at the Kittitas County Community Development Services website at: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Rezoning" and project file number "RZ-22-00001 Fiorito Brothers".

This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days from the date of issuance. You may submit comments on this proposal to [cgs@co.kittitas.wa.us](mailto:cds@co.kittitas.wa.us) or the address below before 5:00 PM (PDT) on **September 22, 2022**. After the 14 days, the county will either retain, modify, or withdraw the decision pursuant to WAC 197-11-340(2). Appeal information will be provided with the final decision. For information on the comment process or other issues related to this proposal, please contact Jeremiah Cromie, Planner II, at 509-962-7046 or jeremiah.cromie@co.kittitas.wa.us

**Responsible
Official:**

Dan Carlson

Title: Kittitas County Community Development Services Director

Address: Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506

Date: September 8, 2022



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

“Building Partnerships – Building Communities”

NOTICE OF SEPA ACTION

To: Applicable Agencies
Applicant

From: Jeremiah Cromie, Planner II

Date: September 8, 2022

Subject: **RZ-22-00001 & CP-22-00001 Fiorito Brothers – SEPA DNS**

NOTICE IS HEREBY given that that pursuant to RCW 43.21C, Kittitas County Community Development Services did on September 8, 2022, make a Determination of Non-Significance (DNS) for the Fiorito Brothers Non-Project Specific Rezone & Comprehensive Plan Amendment. (RZ-22-00001 & CP-22-00001). This rezone and comprehensive plan proposal is to change a 27.20-acre piece of property currently zoned Agriculture 20 to Commercial Agriculture and Comprehensive Plan Map from Rural Working to Commercial Agriculture to match the surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process. The location is tax parcel # 12311, located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003.

The lead agency for this proposal has determined that the proposal will not have a probable significant adverse impact on the environment. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. A copy of this threshold determination is available to the public upon request at Community Development Services: 411 N Ruby St. Suite 2 Ellensburg, WA 98926, or can be viewed on the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> under “Rezones”, then “RZ-22-00001 Fiorito Brothers.”

Written comments from the public regarding the threshold determination may be submitted to the Kittitas County Community Development Services at no later than **September 22, 2022 at 5:00pm (PDT)**, after which the lead agency will then: retain, modify, or withdraw the decision pursuant to 43.21C RCW (State Environmental Policy Act) and WAC 197-11-340(2).

Direct questions regarding this proposal to:

Jeremiah Cromie
411 N. Ruby St. Suite 2
Ellensburg, WA. 98926
509-962-7506
jeremiah.cromie@co.kittitas.wa.us



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

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Office (509) 962-7506

“Building Partnerships – Building Communities”

Affidavit of Mailing & Publication

PROPOSAL NAME: (RZ-22-00001 & CP-22-00001) Fiorito Brothers

NOTIFICATION OF: Notice of SEPA Action

NOTIFICATION MAIL DATE: September 8, 2022

I certify that the following documentation:

- Notice of SEPA Action for RZ-22-00001 & CP-22-00001 Fiorito Brothers

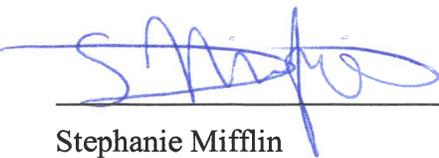
has been mailed and/or emailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.


 _____ Signature

Jeremiah Cromie
 Community Development Services Planner II
 County of Kittitas
 State of Washington

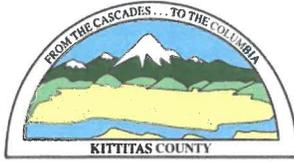
Subscribed and sworn to before me this 8th day of September 2022





Stephanie Mifflin
 Notary Public for the State of Washington residing
 in Ellensburg.

My appointment expires: 12-23-25



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

“Building Partnerships – Building Communities”

NOTICE OF SEPA ACTION

To: Applicable Agencies
Applicant

From: Jeremiah Cromie, Planner II

Date: September 8, 2022

Subject: RZ-22-00001 & CP-22-00001 Fiorito Brothers – SEPA DNS

NOTICE IS HEREBY given that that pursuant to RCW 43.21C, Kittitas County Community Development Services did on September 8, 2022, make a Determination of Non-Significance (DNS) for the Fiorito Brothers Non-Project Specific Rezone & Comprehensive Plan Amendment. (RZ-22-00001 & CP-22-00001). This rezone and comprehensive plan proposal is to change a 27.20-acre piece of property currently zoned Agriculture 20 to Commercial Agriculture and Comprehensive Plan Map from Rural Working to Commercial Agriculture to match the surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process. The location is tax parcel # 12311, located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003.

The lead agency for this proposal has determined that the proposal will not have a probable significant adverse impact on the environment. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. A copy of this threshold determination is available to the public upon request at Community Development Services: 411 N Ruby St. Suite 2 Ellensburg, WA 98926, or can be viewed on the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> under “Rezones”, then “RZ-22-00001 Fiorito Brothers.”

Written comments from the public regarding the threshold determination may be submitted to the Kittitas County Community Development Services at no later than **September 22, 2022 at 5:00pm (PDT)**, after which the lead agency will then: retain, modify, or withdraw the decision pursuant to 43.21C RCW (State Environmental Policy Act) and WAC 197-11-340(2).

Direct questions regarding this proposal to:

Jeremiah Cromie
411 N. Ruby St. Suite 2
Ellensburg, WA. 98926
509-962-7506
jeremiah.cromie@co.kittitas.wa.us

Kittitas County Sheriff's Dept.
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KittCom
long@kittcom.org

Kittitas County Board of County
Commissioners
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Kittitas County Code Enforcement
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Kittitas County Environmental Health
PublicHealthInspectors@co.kittitas.wa.us

Kittitas County Solid Waste Programs
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patti.stacey@co.kittitas.wa.us

Kittitas County Public Works
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Washington State Parks
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Kittitas Valley Healthcare
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(mailed)

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elliott@kvfr.org
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Kittitas Valley Fire & Rescue (District 2)
2020 Vantage Highway
Ellensburg, WA 98926

BUREAU OF LAND MANAGEMENT
915 N. WALLA WALLA
WENATCHEE WA 98801
(mailed)

From: Megan Breckenridge <mbreckenridge@kvnews.com>
Sent: Friday, September 2, 2022 11:27 AM
To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Subject: Ad: 279457 / Re: RZ-22-00001_CP-22-00001 Fiorito Brothers (Publishing) - Notice of SEPA Action (Original DNS)

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Email 3 of 7:

Hi Jeremiah,

Here is the third legal proof scheduled to run on September 8 and 15.

Thank you!

Megan Breckenridge

Advertising Assistant
Ellensburg Daily Record
Office: (509) 925-1414, ext. 570253
Direct Dial: (509) 204-8250
mbreckenridge@kvnews.com / legals@kvnews.com
[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Friday, September 2, 2022 10:40 AM
To: Megan Breckenridge <mbreckenridge@kvnews.com>; KVNews Legals <legals@kvnews.com>; 'Jana Stoner' <jana@nkctribune.com>; 'terry@nkctribune.com' <terry@nkctribune.com>; NKC Tribune Advertising <ads@nkctribune.com>
Subject: RZ-22-00001_CP-22-00001 Fiorito Brothers (Publishing) - Notice of SEPA Action (Original DNS)

CAUTION, this email originated from outside the organization.

Good morning,

Please publish the attached legal as follows in your papers:

Daily Record: September 8 and September 15

NKCT: September 8th

**Notice of SEPA Action
Fiorito Brothers Non-Project Rezone
& Comprehensive Plan Amendment
(RZ-22-00001 & CP-22-00001)**

Notice is hereby given that pursuant to RCW 43.21C and WAC-197-340(2), Kittitas County Community Development Services did on September 8, 2022, make a Determination of Non-Significance (DNS) for the Fiorito Brothers Non-Project Specific Rezone & Comprehensive Plan Amendment (RZ-22-00001 & CP-22-00001). This rezone and comprehensive plan proposal is to change a 27.20-acre piece of property currently zoned Agriculture 20 to Commercial Agriculture and Comprehensive Plan Map from Rural Working to Commercial Agriculture to match the surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process. The location is tax parcel # 12311, located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003.

The lead agency for this proposal has determined that the proposal will not have a probable significant adverse impact on the environment. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. A copy of this threshold determination is available to the public upon request at Community Development Services: 411 N Ruby St. Suite 2 Ellensburg, WA 98926, or can be viewed on the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Rezoning," then "RZ-22-00001 Fiorito Brothers."

Written comments from the public regarding the threshold determination may be submitted to the Kittitas County Community Development Services no later than **September 22, 2022 at 5:00pm (PDT)**, after which the lead agency will then: retain, modify, or withdraw the decision pursuant to 43.21C RCW (State Environmental Policy Act) and WAC 197-11-340(2).

Designated Staff Contact: Jeremiah Cromie, Planner II: 509-962-7046, email at jeremiah.cromie@co.kittitas.wa.us

Dated: September 8, 2022

PUBLISH: Northern Kittitas County Tribune: September 8, 2022

PUBLISH: Daily Record: September 8 & 15, 2022 / LEGAL #: 279457

Let me know if there are any questions or issues.

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

The information transmitted by this email is intended only for the person or entity to which it is addressed. This email may contain confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, or reproduction is strictly prohibited. If you received this in error, please contact the sender immediately and delete the material from all devices.
message id: 38eb45916c6dcbdac24bb8719d004a14

From: [Megan Breckenridge](#)
To: [Jeremiah Cromie](#)
Subject: Re: 279457 / Re: RZ-22-00001_CP-22-00001 Fiorito Brothers (Publishing) - Notice of SEPA Action (Original DNS)
Date: Friday, September 2, 2022 3:38:19 PM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

3/7:

Thank you!

Megan Breckenridge

Advertising Assistant
Ellensburg Daily Record
Office: (509) 925-1414, ext. 570253
Direct Dial: (509) 204-8250
mbreckenridge@kvnews.com / legals@kvnews.com
[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Friday, September 2, 2022 3:34 PM
To: Megan Breckenridge <mbreckenridge@kvnews.com>
Subject: RE: 279457 / Re: RZ-22-00001_CP-22-00001 Fiorito Brothers (Publishing) - Notice of SEPA Action (Original DNS)

CAUTION, this email originated from outside the organization.

Megan,

This looks fine and I give approval.

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

From: [Jeremiah Cromie](#)
To: [Kim Dawson](#); ["long@kittcom.org"](#); [Julie Kiorsvik](#); [Toni Berkshire](#); [PublicHealth Inspectors](#); [Lisa Lawrence](#); [Patti Stacey](#); [Kelee Hodges](#); [Codi Fortier](#); ["enviroreview@yakama.com"](#); ["corrine_camuso@yakama.com"](#); ["jessica_lally@yakama.com"](#); ["noah_oliver@yakama.com"](#); ["casey_barney@yakama.com"](#); ["kozi@vakamafish-nsn.gov"](#); ["matj@yakamafish-nsn.gov"](#); ["barh@yakamafish-nsn.gov"](#); ["tebu461@ecy.wa.gov"](#); ["lowh461@ECY.WA.GOV"](#); ["FormerOrchards@ecy.wa.gov"](#); ["wendy.neet@ecy.wa.gov"](#); ["Scott.Downes@dfw.wa.gov"](#); ["Jennifer.Nelson@dfw.wa.gov"](#); ["Elizabeth.Torrey@dfw.wa.gov"](#); ["sepa@dahp.wa.gov"](#); ["jorgenja@cwu.edu"](#); ["nelmsk@cwu.edu"](#); [Jeremy Larson](#); [Steph Mifflin](#); ["russell.mau@doh.wa.gov"](#); ["rivers@dnr.wa.gov"](#); ["brenda.young@dnr.wa.gov"](#); ["luke.warthen@dnr.wa.gov"](#); ["SEPACENTER@dnr.wa.gov"](#); ["Garren.Andrews@dnr.wa.gov"](#); ["MARTIN.MAUNEY@dnr.wa.gov"](#); ["brooksideconsulting@gmail.com"](#); ["tribune@nkctribune.com"](#); ["terry@nkctribune.com"](#); ["mbreckenridge@kvnews.com"](#); ["legals@kvnews.com"](#); ["Deborah.i.knaub@usace.army.mil"](#); ["lhendrix@usbr.gov"](#); ["mark.a.gradwohl.civ@mail.mil"](#); ["Kimberly.peacher@navy.mil"](#); ["Robert.d.bright10.civ@army.mil"](#); [Haley Mercer](#); [Christy Garcia](#); ["steve@snoqualmietribe.us"](#); ["dahp@snoqualmietribe.us"](#); ["adam@snoqualmietribe.us"](#); ["guy.moura@colvilletribes.com"](#); ["Aren.Orsen.HSY@colvilletribes.com"](#); ["sam.rushing@colvilletribes.com"](#); ["matt.boast@kittitaspud.com"](#); ["Brian.ingalls@pse.com"](#); ["kdkistler@bpa.gov"](#); ["klarned@fs.fed.us"](#); ["Jacob.Prilucik@wsdot.wa.gov"](#); ["SCPlanning@wsdot.wa.gov"](#); ["PlattsT@wsdot.wa.gov"](#); ["ken.graham@parks.wa.gov"](#); ["eburgwater@yahoo.com"](#); ["jbbunson@elltel.net"](#); ["fwalker@eburg.wednet.edu"](#); ["leslee.caul@esd401.org"](#); ["carol.chrisman@esd401.org"](#); ["traci.russell@esd401.org"](#); [Rich Elliott](#); ["delvoj@kvfr.org"](#)
Cc: [Kelly Bacon \(CD\)](#); [Dan Carlson](#); ["randy@fioritobrothers.com"](#); ["Josh Brower"](#)
Subject: RZ-22-00001 & CP-22-00001 Fiorito Brothers - Notice of SEPA Action
Date: Thursday, September 8, 2022 9:09:32 AM
Attachments: [RZ-22-00001 Fiorito Brothers Original Notice of SEPA DNS Action Memo.pdf](#)
[RZ-22-00001 CP-22-00001 Fiorito Brothers SEPA DNS.pdf](#)
[RZ-22-00001 Fiorito Brothers SEPA Checklist.pdf](#)

Good morning,

Attached to this email you will find:

- Notice of SEPA Action
- SEPA Determination of Non-significance (DNS), and
- SEPA Checklist

Written comments from the public regarding the threshold determination may be submitted to the Kittitas County Community Development Services at no later than **September 22, 2022 at 5:00pm (PDT)**, after which the lead agency will then: retain, modify, or withdraw the decision pursuant to 43.21C RCW (State Environmental Policy Act) and WAC 197-11-340(2).

Please contact me directly if you have any questions.

Thank you,

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON)
) SS
COUNTY OF KITTITAS)

TERRY L. HAMBERG, being duly sworn on oath, deposes and says that she is the publisher of the *NORTHERN KITTITAS COUNTY TRIBUNE*, a weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Cle Elum, Kittitas County, Washington, and is now and during all of said time was published in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a true copy of

**KITTITAS COUNTY – NOTICE OF SEPA ACTION
Florito Brothers Non-Project Rezone & Comprehensive
Plan Amendment (RZ-22-00001 & CP-22-00001)**

Notice is hereby given that pursuant to RCW 43.21C and WAC-197-340(2), Kittitas County Community Development Services did on September 8, 2022, make a Determination of Non-Significance (DNS) for the Florito Brothers Non-Project Specific Rezone & Comprehensive Plan Amendment (RZ-22-00001 & CP-22-00001). This rezone and comprehensive plan proposal is to change a 27.20-acre piece of property currently zoned Agriculture 20 to Commercial Agriculture and Comprehensive Plan Map from Rural Working to Commercial Agriculture to match the surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process. The location is tax parcel # 12311, located approximately 1400-feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003.

*Notice of SEPA Action
Florito Brothers
New-Project RZ-22-00001
+ CP-22-00001*

as it was published in regular issues (and not in supplement form) of said newspaper once a

week for a period of 1 subsequent weeks,

commencing on the 8th day of September, 2022 and ending on the _____ day of _____, 2022,

both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$ 136.50, which amount has been paid in full.

Terry L. Hamberg
Terry L. Hamberg

The lead agency for this proposal has determined that the proposal will not have a probable significant adverse impact on the environment. This decision was made after review of a SEPA environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal. A copy of this threshold determination is available to the public upon request at Community Development Services: 411 N Ruby St. Suite 2 Ellensburg, WA 98926, or can be viewed on the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Rezones", then "RZ-22-00001 Florito Brothers."

Written comments from the public regarding the threshold determination may be submitted to the Kittitas County Community Development Services no later than **September 22, 2022 at 5:00pm (PDT)**, after which the lead agency will then: retain, modify, or withdraw the decision pursuant to 43.21C RCW (State Environmental Policy Act) and WAC 197-11-340(2).

Designated Staff Contact: Jeremiah Cromie, Planner II: 509-962-7046, email at jeremiah.cromie@co.kittitas.wa.us

Dated: September 8, 2022

Publish Daily Record: September 8, 2022 and September 15, 2022
Publish NKC Tribune: September 8, 2022

(Published in the N.K.C. TRIBUNE, Sept. 8, 2022.)

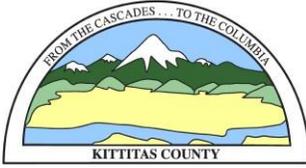
Subscribed and sworn to before me this 22nd day of September, 2022.

Jana E. Stoner

Notary Public in and for the State of Washington, residing at Cle Elum

County of Kittitas. Expires 07/01/2026





KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

“Building Partnerships – Building Communities”

NOTICE OF SEPA DNS RETENTION

To: Applicable Agencies
Applicants
Interested Parties

From: Kittitas County CDS

Date: October 13, 2022

Subject: **Retention of SEPA DNS for Multiple Proposals:**

1. **2022 Docket Items**
2. **RZ-22-00001 & CP-22-00001 Fiorito Brothers**
3. **RZ-22-00002 & CP-22-00002 Thorp Landing**
4. **RZ-22-00003 & CP-22-00003 Flying A Land**
5. **RZ-22-00004 & CP-22-00004 Teanaway Ridge**
6. **RZ-22-00005 & CP-22-00005 Mardee Lake**

NOTICE IS HEREBY given that pursuant to RCW 43.21C and WAC-197-340(2), Kittitas County Community Development Services does retain their SEPA Determination of Non-Significance (DNS) decisions that were issued on September 8, 2022 on the following proposals for the 2022 Annual Comprehensive Plan Docket Process:

1. 2022 Docket Items
2. RZ-22-00001 & CP-22-00001 Fiorito Brothers
3. RZ-22-00002 & CP-22-00002 Thorp Landing
4. RZ-22-00003 & CP-22-00003 Flying A Land
5. RZ-22-00004 & CP-22-00004 Teanaway Ridge
6. RZ-22-00005 & CP-22-00005 Mardee Lake

The lead agency for these proposals has determined that the proposals will not have a probable significant adverse impact on the environment. These final decisions were made after review of a SEPA environmental checklists, comments received within 14 days of issuance of the DNS, and other information on file with the lead agency for all proposals. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of these proposals. A copy of these threshold determinations is available to the public upon request at Community Development Services: 411 N Ruby St. Suite 2 Ellensburg, WA 98926, or can be viewed on the CDS website at <https://www.co.kittitas.wa.us/cds/comp-plan/default.aspx>

Appeals to these DNS decisions must be appealed by submitting specific factual objections in writing with a fee of \$1550 to Kittitas County Community Development Services, 411 N Ruby St., Suite 2, Ellensburg, WA 98926. Timely appeals must be received no later than **5:00 PM, October 27, 2022.**

Direct questions regarding these decisions to:

Kittitas County CDS
411 N. Ruby St. Suite 2
Ellensburg, WA. 98926
509-962-7506
[cgs@co.kittitas.wa.us](mailto:cds@co.kittitas.wa.us)

Notice of SEPA DNS Retention

NOTICE IS HEREBY given that pursuant to RCW 43.21C and WAC-197-340(2), Kittitas County Community Development Services does retain their SEPA Determination of Non-Significance (DNS) decisions that were issued on September 8, 2022 on the following proposals for the 2022 Annual Comprehensive Plan Docket Process:

1. 2022 Docket Items
2. RZ-22-00001 & CP-22-00001 Fiorito Brothers
3. RZ-22-00002 & CP-22-00002 Thorp Landing
4. RZ-22-00003 & CP-22-00003 Flying A Land
5. RZ-22-00004 & CP-22-00004 Teanaway Ridge
6. RZ-22-00005 & CP-22-00005 Mardee Lake

The lead agency for these proposals has determined that the proposals will not have a probable significant adverse impact on the environment. These final decisions were made after review of a SEPA environmental checklists, comments received within 14 days of issuance of the DNS, and other information on file with the lead agency for all proposals. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of these proposals. A copy of these threshold determinations is available to the public upon request at Community Development Services: 411 N Ruby St. Suite 2 Ellensburg, WA 98926, or can be viewed on the CDS website at <https://www.co.kittitas.wa.us/cds/comp-plan/default.aspx>

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Direct questions regarding these decisions to:

Kittitas County CDS
411 N. Ruby St. Suite 2
Ellensburg, WA. 98926
509-962-7506
[cgs@co.kittitas.wa.us](mailto:cds@co.kittitas.wa.us)

Dated: October 13, 2022

Publish Daily Record: October 13, 2022
Publish NKC Tribune: October 13, 2022

From: [Megan Breckenridge](#)
To: [Jeremiah Cromie](#)
Subject: Re: 291816 / Re: 2022 SEPA Docket and Rezones (Publishing) - Notice of DNS Retention
Date: Monday, October 10, 2022 9:13:10 AM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Thank you for your final approval, Jeremiah!

Megan Breckenridge

Advertising Assistant

Ellensburg Daily Record

Office: (509) 925-1414, ext. 570253

Direct Dial: (509) 204-8250

mbreckenridge@kvnews.com / legals@kvnews.com

[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Monday, October 10, 2022 9:08 AM
To: Megan Breckenridge <mbreckenridge@kvnews.com>
Subject: RE: 291816 / Re: 2022 SEPA Docket and Rezones (Publishing) - Notice of DNS Retention

CAUTION, this email originated from outside the organization.

Megan,

This looks fine and I give approval.

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

From: Megan Breckenridge <mbreckenridge@kvnews.com>
Sent: Monday, October 10, 2022 8:55 AM

To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

Subject: Ad: 291816 / Re: 2022 SEPA Docket and Rezones (Publishing) - Notice of DNS Retention

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Good morning Jeremiah,

Attached is your legal proof scheduled to run on October 13.

Please reply back with a final approval or any needed changes by our 10:30am deadline on October 12.

Thank you so much and have a nice week ahead!

Megan Breckenridge

Advertising Assistant

Ellensburg Daily Record

Office: (509) 925-1414, ext. 570253

Direct Dial: (509) 204-8250

mbreckenridge@kvnews.com / legals@kvnews.com

[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>

Sent: Friday, October 7, 2022 4:05 PM

To: Megan Breckenridge <mbreckenridge@kvnews.com>; KVNews Legals <legals@kvnews.com>;

'Jana Stoner' <jana@nkctribune.com>; 'terry@nkctribune.com' <terry@nkctribune.com>; 'NKC

Tribune Advertising' <ads@nkctribune.com>

Subject: 2022 SEPA Docket and Rezones (Publishing) - Notice of DNS Retention

CAUTION, this email originated from outside the organization.

Good afternoon,

Please publish the attached legal in your paper as follows:

Daily Record: October 13, 2022

NKCT: October 13, 2022

Let me know if there are any questions or issues.

Jeremiah Cromie

From: [Terry Hamberg](#)
To: [Jeremiah Cromie](#)
Subject: Re: 2022 SEPA Docket and Rezones (Publishing) - Notice of DNS Retention
Date: Friday, October 7, 2022 5:07:57 PM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

CONFIRMATION RECEIPT:

Thank you for sharing your Notice with Upper Kittitas County citizens. We have received your email and your notice will be published as requested.

Sincerely,
Terry Hamberg
Publisher



Northern Kittitas County Tribune
P.O. Box 308
Cle Elum, WA 98922
(509) 674-2511
fax: (509) 674-5571
tribune@nkctribune.com

On Oct 7, 2022, at 4:05 PM, Jeremiah Cromie
<jeremiah.cromie@co.kittitas.wa.us> wrote:

Good afternoon,

Please publish the attached legal in your paper as follows:

Daily Record: October 13, 2022

NKCT: October 13, 2022

Let me know if there are any questions or issues.

From: [Jeremiah Cromie](#)
To: "[randy@fioritobrothers.com](#)"; "[josh@browerlawps.com](#)"; "[aaron@centralpavingllc.com](#)"; "[jslothower@lwhsd.com](#)"; "[andy@wardrugh.com](#)"; "[bala.ce@gmail.com](#)"; "[llewington18@gmail.com](#)"; [Kelee Hodges](#); [Candie Leader](#); [Rich Elliott](#); "[delvoj@kvfr.org](#)"; "[prevention@kvfr.org](#)"; "[Kcfd1@fairpoint.net](#)"; [PublicHealth Inspectors](#); [Holly Erdman](#); "[cid@fairpoint.net](#)"; "[steve@snoqualmietribe.us](#)"; "[dahp@snoqualmietribe.us](#)"; "[adam@snoqualmietribe.us](#)"; "[westsideirrigationco@gmail.com](#)"; "[Iriegelfarm@gmail.com](#)"; [Toni Berkshire](#); "[pdempsey@hnw.law](#)"; "[aaznar@hnw.law](#)"; "[fudaczj@gmail.com](#)"; "[boitanoeri@hotmail.com](#)"; "[kflaccus@yahoo.com](#)"; "[suemeck@gmail.com](#)"; "[econoforester@msn.com](#)"; "[scienceandmedicine@gmail.com](#)"; "[rivers@dnr.wa.gov](#)"; "[brenda.young@dnr.wa.gov](#)"; "[luke.warthen@dnr.wa.gov](#)"; "[SEPACENTER@dnr.wa.gov](#)"; "[Garren.Andrews@dnr.wa.gov](#)"; "[MARTIN.MAUNEY@dnr.wa.gov](#)"; "[Jacob.Prilucik@wsdot.wa.gov](#)"; "[SCPlanning@wsdot.wa.gov](#)"; "[Scott.Downes@dfw.wa.gov](#)"; "[Jennifer.Nelson@dfw.wa.gov](#)"; "[Elizabeth.Torrey@dfw.wa.gov](#)"; "[tebu461@ecy.wa.gov](#)"; "[lowh461@ECY.WA.GOV](#)"; "[FormerOrchards@ecy.wa.gov](#)"; "[wendy.neet@ecy.wa.gov](#)"; "[crosepa@ecy.wa.gov](#)"; "[crosepacoordinator@ecy.wa.gov](#)"; "[enviroreview@yakama.com](#)"; "[corrine_camuso@yakama.com](#)"; "[jessica_lally@yakama.com](#)"; "[noah_oliver@yakama.com](#)"; "[casey_barney@yakama.com](#)"; "[kozi@yakamafish-nsn.gov](#)"; "[matj@yakamafish-nsn.gov](#)"; "[barh@yakamafish-nsn.gov](#)"; "[mlong@kittitasconservationtrust.org](#)
Cc: [Dan Carlson](#); [Kelly Bacon \(CD\)](#); [Chace Pedersen](#)
Subject: 2022 Docket Items/Rezoning & Comprehensive Plan Amendments - Notice of SEPA DNS Retention
Date: Thursday, October 13, 2022 7:59:50 AM
Attachments: [2022 Rezoning and Docket Items Notice of SEPA Action DNS Retention.pdf](#)

Good morning,

Kittitas County CDS has retained their Determination of Non-Significance (DNS) for the following items in their 2022 Annual Docket (Comprehensive Plan Update):

1. **2022 Docket Items**
2. **RZ-22-00001/CP-22-00001 Fiorito Brothers**
3. **RZ-22-00002/CP-22-00002 Thorp Landing**
4. **RZ-22-00003/CP-22-00003 Flying A Land**
5. **RZ-22-00004/CP-22-00004 Teanaway Ridge**
6. **RZ-22-00005/CP-22-00005 Mardee Lake**

The original DNS documents and files can be seen on the County Website here:

<https://www.co.kittitas.wa.us/cds/comp-plan/default.aspx>

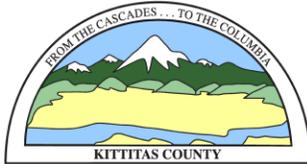
Appeals to these DNS decisions must be appealed by submitting specific factual objections in writing with a fee of \$1550 to Kittitas County Community Development Services, 411 N Ruby St., Suite 2, Ellensburg, WA 98926. **Timely appeals must be received no later than 5:00 PM, October 27, 2022.**

-
Direct questions regarding these decisions and appeal process to:

Kittitas County CDS
411 N. Ruby St. Suite 2
Ellensburg, WA. 98926
509-962-7506
cds@co.kittitas.wa.us

-
Jeremiah Cromie
Planner II

Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us



STAFF REPORT

Fiorito Brothers Non-Project Rezone (CP-22-00001 & RZ-22-00001) – Docket Item 22.21

I. GENERAL INFORMATION

Requested Action:

Fiorito Brothers Inc. is proposing a comprehensive plan land use map amendment from Rural Working to Commercial Agriculture and a rezone of 27.20 acres from Agricultural 20 to Commercial Agriculture to match surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process.

Location: Tax parcel # 12311, located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003.

II. SITE INFORMATION

Total Proposal Size:	27.20 acres
Number of Lots:	1
Domestic Water:	None requested/proposed at this time.
Sewage Disposal:	None requested/proposed at this time.
Fire Protection:	Fire District 2 (Kittitas Valley Fire and Rescue)
Irrigation District:	Bull Ditch/Ellensburg Water

Site Characteristics: The site is relatively flat land with mostly agricultural uses at this time.

Surrounding Property:

North: Lake/Sparse Residential/Farming

South: I-82 Thrall Rd Interchange

East: Mostly Farming Uses

West: I-82

Access: The proposal will have access from No. 6 Road.

History of Zoning: This parcel was rezoned in 1978 from Agricultural to General Commercial. The parcels remained General Commercial until 2013. In 2013, the property was 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.

Zoning and Development Standards: The subject property is currently located within Agricultural 20 zoning district. Commercial Agricultural zoning is being requested for the properties.

The purpose and intent of the Agricultural 20 zone is an area wherein farming, ranching and rural life styles are dominant characteristics. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture.

The purpose and intent of the Commercial Agriculture zone is to provide for an area wherein farming and

ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture.

Agricultural 20 has a 20-acre minimum lot size and Commercial Agriculture also has a 20-acre minimum lot size. The lot is currently above the 20-acre minimum. Both zones have the same building setbacks for most structures (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 from Rural Working to Commercial Agriculture, rezone from Agricultural 20 to Commercial Agriculture, and SEPA environmental checklist was received on June 23, 2022 with an updated application on June 29, 2022. This submittal packet was received prior to the June 30th docketing deadline. The application was deemed complete on July 21, 2022. A Notice of Application was issued on August 11, 2022. 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.

Posting of Site: The signed Affidavit of Posting was returned to CDS on July 25, 2022 indicating that the site had been accurately posted with the “Land Use Action” signs as provided by CDS and required per KCC 15A.03.110.

IV. COMPREHENSIVE PLAN

The current land use designation is Rural Working. Uses within this designation generally encourage farming, ranching and storage of agriculture products, and some commercial and industrial uses compatible with the rural environment and supporting agriculture and/or forest activities. Areas in this designation often have low population densities with larger parcel sizes compared to Rural Residential areas. Rural Working land use designations can include the following zoning districts: Agricultural 20 and Forest & Range.

The proposed land use designation is Commercial Agriculture. Commercial Agriculture lands are those that have been identified as lands with soils and location characteristics that suggest that they will be used for commercial agriculture use in perpetuity and are considered a resource to the economy. The purpose and intent of this designation is to comply with the requirements of the GMA to guide adoption of regulations which assure that use of lands adjacent to agricultural lands of long-term significance will not interfere with continued use of that land for agricultural purposes [RCW 36.70A.060]. In classifying and conserving the agriculture resource lands in Kittitas County, it has considered the minimum guidelines found in WAC 365-190 including:

- Lands not characterized by urban growth;
- Lands capable of being used for agricultural production based primarily on physical and geographic characteristics;
- Lands having long-term significance for agriculture which takes into account, among other things, the proximity to urban growth areas, public facilities and services, intensity of nearby uses and other things which might contribute to potential revision of use based upon marketing factors

It is the County’s intent to meet these agricultural resource requirements by establishing a “Commercial Agricultural” designation. Based on the review criteria established by Kittitas County, land located in the Commercial Agricultural Zone has been formally designated as “Agricultural Lands of Long-term Commercial Significance.”

Commercial Agricultural land use designations can only have the following zoning district: Commercial Agriculture.

Commercial agriculture lands of Long-term commercial significance have certain designation criteria as seen in Section 8.5.2 of the 2021 Comprehensive Plan.

The first and main criteria for designating land of Agricultural Lands of Long-Term Commercial Significance is Land Grade Consideration. It states that lands of Long-Term Commercial Significance shall be prime and unique farmland soils as mapped by the United States Department of Agriculture Natural Resources Conversation Service (NRCS) and considered capable of agriculture use according to land capability criteria in Agriculture Handbook No. 201 or successor guide adopted by the federal agency.

According to the U.S. Department of Agriculture (USDA) Natural Resources Conversation Service Web Soil Survey¹, this property and nearby vicinity has the following soil types:

1. 5.6 acres of Vanderbilt ashy loam, moderately wet, 0 to 2 percent slopes (Map Unit Symbol 586)
2. 20.7 acres of Birckmill gravelly ashy loam, 0 to 2 percent slopes (Map Unit Symbol 601)
3. 3.7 acres of Deedale clay loam, 0 to percent slopes (Map Unit Symbol 789)

Based on Soil Data Access (SDA) for Prime and other Important Farmlands in Kittitas County from the USDA², Map unit symbols 586 and 601 are prime farmland if irrigated. This land can be irrigated and served by the Ellensburg Water Irrigation District. Map Unit symbol 789 is Farmland of statewide importance.

As the property is currently used for agricultural uses and is surrounded by areas of farming and agriculture lands of long-term significance, this will help maintain the existing farm use and discourage incompatible uses meeting the intent of RCW 36.70A.020(8) in meeting the planning goals for Natural resource industries.

Staff finds that this meets the criteria for being designated Agricultural Lands of Long-Term Significance.

Under the 2021 Comprehensive Plan, Kittitas County has established the following goals and policies to guide future development through a 20-year planning window for Commercial Agricultural Lands. These Commercial Agriculture goals and policies were developed in an effort to ensure consistency and coordination with County Wide Planning Policies:

RR-G7: The County should consistently work to preserve and maintain the rural character of Kittitas County for the benefit of its residents.

Staff Response: With changing the land use and zoning to Commercial Agriculture, it reduces the amount of land uses that can be put on the property and will help in maintaining the rural character of Kittitas County

RR-G13: Preserve and protect non-resource forests and agriculture lands which are dominant in Kittitas County.

Staff Response: With this proposed change, it helps to protect the agricultural land that already exists on the property.

RR-P116: The County will oppose laws and regulations which restrict agriculture and support laws and regulations which enhance agriculture.

Staff Response: This proposal to change to commercial agriculture will likely help and enhance agricultural activities on the property now or in the future.

¹ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

² https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcseprd1338623.html

RR-P118: The County should promote the preservation of agricultural activities through programs that encourage long-term ownership and production on agricultural lands.

Staff Response: With the designation of Agriculture Land of Long-Term Significance, it should help the property to have long term ownership and production on agricultural lands.

RR-P121: The County should encourage development projects whose outcome will be the significant conservation of farmlands.

Staff Response: With the designation of Agriculture Land of Long-Term Significance, it should help the property to likely be a conservation of farmlands.

Staff finds that this proposal complies with Kittitas County’s comprehensive plan.

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 applicant’s and staff response to the above criteria can be found below:

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

Applicant Response: *“The proposed amendment is consistent with the County’s Comprehensive Plan because FBI’s property is surrounded by Commercial Agriculturally zoned property and is not located in an area not of the size to “support Ag, Timber and Mineral Uses not in resource lands” as is the stated overall goal for “Rural Working” classified lands in Table 20-1 of the Comprehensive Plan.*

Instead due to its location and size, FBI’s property is better suited to be zoned for “long-term commercial significance” as stated in Table 2-1. Lastly, rezoning FBI’s property to Commercial Agriculture is consistent with the policies stated in Section 2.5.1 of the Comprehensive Plan to “encourage farming, ranching, and storage of agricultural products and some commercial and industrial uses compatible with rural environment and supporting...agricultural activities.”

Rezoning FBI's property also will make its eventual development consistent with the intensity and character of surrounding uses. The Ag-20 zone is intended for ranching, farming and large lot (i.e. 20-acre) rural life-style development. KCC 17.29.010. Despite this, the surrounding properties are not developed for those types of uses. Instead, the property to the north is largely small lot residential development. And FBI's property is surrounded on its other sides by Interstate 82 and No. 6 Road and the other side of both are properties zoned Commercial Agriculture. Again, rezoning FBI's parcel will make its zoning consistent with the surrounding zoning."

Staff Response: As seen in Section IV of this staff report, the property is consistent with the comprehensive plan and is prime farmland.

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

Applicant Response: *"This requested comprehensive plan amendment bears a substantial relation to the public health, safety and welfare because it will make the zoning in this area consistent, will eliminate an impermissible spot zone, and will permit development of the subject property in a similar manner to the surrounding area."*

Staff Response: This amendment will not be detrimental to the health, safety, or welfare of the public. The proposed rezone will make the parcel consistent with surrounding zoning with similar uses.

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

Applicant Response: *"The proposed amendment has merit and value for Kittitas County because it will make the zoning in this area consistent and eliminate an existing spot zone."*

Staff Response: The proposed amendment will fix a spot zone and make the zoning consistent with the surrounding area providing merit and value to the County.

- 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.

Applicant Response: *"The history of zoning of FBI's property and changed circumstances supports the proposed amendment. In 1978, FBI's property was rezoned from Agriculture to General Commercial. It was rezoned in 2013 from General Commercial to Agriculture 20 as part of the County's Growth Management compliance arising from a court case. By now rezoning it from Ag-20 to Commercial Agriculture would make it fit into the surrounding zoning and keep minimum acreage size at 20 acres. Also, FBI owns an adjacent parcel that is zoned Commercial Agriculture. The proposed rezone would make the zoning in this area consistent and consistent with FBI's adjacent property".*

Staff Response: The proposed rezone is appropriate for reasonable development of the subject property. This rezone to Commercial Agriculture will make the property in line with adjacent properties on the north, south, and west and east which are already zoned Commercial Agriculture.

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

Applicant Response: *"The subject property is suitable for development because it meets and exceeds the minimum development lot size of 20 acres."*

Staff Response: The existing zoning designation is Agriculture 20 and the proposed zoning designation is Commercial Agriculture; both zoning designations have 20 acre minimums. This proposed zone

change will meet all Commercial Agriculture zoning requirements as seen in KCC 17.31.

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

Applicant Response: *“The proposed amendment will not be materially detrimental to uses of adjacent property because they are already zoned Commercial Agriculture and most are developed with rural-style residential development or rural working uses.”*

Staff Response: As most of the surrounding property is already used for farming and agriculture uses with sparse residential mostly supporting the farming use, changing the zone to Commercial Agriculture will not be materially detrimental to uses of adjacent property.

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

Applicant Response: *“FBI’s property is not currently served by irrigation so the rezoned will not impact irrigation or water deliveries in the area.”*

Staff Response: The proposal is located within the Ellensburg Water irrigation district. While not presently served, it could be in the future, regardless, irrigation will not be impacted.

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

Applicant Response: *“The proposed rezone is consistent with KCC 17.13 because proposed it would not alter the County’s TDR program since the permissible density - 1 unit per 20 acres – would be the same under the current zoning as compared to the proposed new zoning, Commercial Agriculture.”*

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 September 8, 2022 with a 14-day comment period that ended on September 22, 2022 at 5:00 p.m. No comments were submitted for the SEPA DNS and Kittitas County retained the DNS on October 13, 2022. Any appeals of SEPA must be submitted by October 27, 2022 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. At the time of writing this staff report, three comments have been received. Comments from Kittitas County Public Works (KCPW), Kittitas Valley Fire & Rescue (KVFR) and the Snoqualmie tribe have been received. A summary of those comments can be seen below:

Kittitas Valley Fire & Rescue (KVFR)

KVFR commented saying they have no comment on the rezone of the FBI parcel.

Snoqualmie Tribe

Snoqualmie Tribe commented saying based on the size of the project and has a moderate probability of encountering cultural resources, they requested an archaeological survey. They realize that these do not cause

ground disturbance at this time but will likely at some point in the future.

Staff Response: The proposal does not include any ground disturbance and certain projects will require additional environmental review before building.

Kittitas County Public Works (KCPW)

Kittitas County Public Works commented that the parcel is in the FEMA 100-year floodplain and any future development within the floodplain would need to go through the floodplain development process.

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 or Rural and Resource Lands apply to this proposal: RR-G7, RR-G13, RR-P116, RR-P118 and RR-P121 as well as the designation criteria for lands of long-term commercial significance. This proposal is consistent with the intent of the Rural Areas of Kittitas County.

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 17.31, Commercial Agriculture zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.31. It meets the purpose and intent for Commercial Agriculture with a zone in an area that farming, and ranching are the priority and protects fertile farmland. The proposal is compatible with KCC 17.31 referring to the uses table in KCC 17.15. The existing use of agriculture lands is permitted in Commercial Agriculture Zoning. The parcel is already over 20 acres meeting the minimum lot size for Commercial Agriculture as seen in KCC 17.31.040.

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 have been received from Snoqualmie Tribe, Kittitas Valley Fire and Rescue (KVFR) and Kittitas County Public Works at time of writing.

Public Comments:

No comments have been received from the public.

VIII. RECOMMENDATION

Staff recommends **approval** of the Fiorito Brothers Non-project Rezone & Comprehensive Plan Amendment (CP-22-00001 & RZ-22-00001) subject to the following findings of fact and conditions:

Findings of Fact

1. Fiorito Brothers Inc. is proposing a comprehensive land use plan map amendment from Rural Working to Commercial Agriculture and a rezone of 27.20 acres from Agricultural 20 to Commercial Agriculture to match the surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process.
2. This proposal is located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003. Kittitas County Parcel 12311
3. Total Proposal Size: 27.20 Acres
Number of Lots: 1
Domestic Water: None requested/proposed at this time.
Sewage Disposal: None requested/proposed at this time.
Fire Protection: Kittitas Valley Fire & Rescue
Irrigation District: Bull Ditch/Ellensburg Water
4. Site Characteristics: The site is relatively flat land with mostly agricultural uses currently.
5. Surrounding Property:
North: Lake/Sparse Residential/Farming
South: I-82 Thrall Road Interchange
East: Mostly Farming Uses
West: I-82

Access: The proposal will have access from No. 6 Road.
6. The Comprehensive Plan designation is currently Rural Working with a proposed designation of Commercial Agriculture.
7. The subject property is currently located within an Agriculture 20 zoning district. Commercial Agriculture zoning is being requested, which is an appropriate zoning designation within rural areas of the county. The purpose and intent of this zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture. The proposed zone is consistent with surrounding properties and preserving farmland.
8. An application for a comprehensive plan map amendment for Rural Working to Commercial Agriculture, a rezone from Agriculture 20 to Commercial Agriculture, and SEPA environmental checklist was received on June 23, 2022 and a revised application on June 29, 2022. This submittal packet was received prior to the June 30th docketing deadline. The application was deemed complete on July 21, 2022. A Notice of Application was issued on August 11, 2018, then an e-mail was re-noticed on August

16, 2022 as the original notice did not get e-mailed out correctly due to a clerical error. 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.

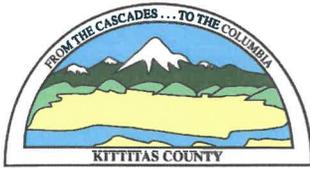
9. Based upon review of the submitted application materials including an environmental checklist, correspondence received during this comment period and other information on file with Community Development Services, Kittitas County issued a Determination of Non-Significance (DNS) on September 8, 2022 with a 14-day comment period that ended on September 22, 2022 at 5:00 p.m. No comments were submitted for the SEPA DNS and Kittitas County retained the DNS on October 13, 2022. Any appeals of SEPA must be submitted by October 27, 2022 by 5 P.M.
10. 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 or Rural and Resource Lands apply to this proposal: RR-G7, RR-G13, RR-P116, RR-P118 and RR-P121 as well as the designation criteria for lands of long-term commercial significance. This proposal is consistent with the intent of the Rural Areas of Kittitas County.
11. This proposal is consistent with the provisions of Kittitas County Roads and Bridges Title 12.
12. This proposal is consistent with the provisions of KCC 13 Water and Sewers Code.
13. This proposal is consistent with Kittitas County Code Title 14 for Building and Construction.
14. This proposal is consistent with the Kittitas County Zoning Code Title 17, more specifically KCC 17.31.
15. This proposal is consistent with Kittitas County Code Title 17A Critical Areas.
16. This proposal is consistent with Kittitas County Code Title 20 Fire Life Safety.
17. The following agencies provided comments: Snoqualmie Tribe, Kittitas Valley Fire & Rescue (KVFR), and Kittitas County Public Works (KCPW).
18. No public comments were received during the comment period.

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.



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

Affidavit of Mailing & Publication

PROPOSAL NAME: 2022 Annual Docket Amendments

NOTIFICATION OF: Notice of Planning Commission Public Hearing

NOTIFICATION MAIL DATE: October 27, 2022

I certify that the following documentation:

- Notice of Planning Commission Public Hearing for 2022 Annual Docket Amendments

has been mailed and/or emailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.

Signature

Jeremiah Cromie
Community Development Services Planner II
County of Kittitas
State of Washington

Subscribed and sworn to before me this 27th day of October, 2022



Stephanie Mifflin
Notary Public for the State of Washington residing
in Ellensburg.

My appointment expires: 12-23-25



KITTTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships -- Building Communities"

2022 Kittitas County Annual Docket Amendments – Planning Commission Public Hearing

Notice is hereby given that the Kittitas County Planning Commission will conduct an open record public hearing to consider annual amendments to the Kittitas County Comprehensive Plan and changes to Kittitas County Code (Including 5 rezone petitions). The public hearing will be held:

**Tuesday, November 8, 2022
6:00 p.m. at the Kittitas County Courthouse – Room 201
205 W. 5th Avenue Ellensburg, WA 98926**

**The public hearing may also be accessed online via Webex video conferencing at
<https://kittitascounty.webex.com/kittitascounty/j.php?MTID=e75c80575c6466fac26926fcfc664b226>,
or by phone 1-408-418-9388
Access Code: 2497 628 0782
Password: Planning**

The public is invited to testify at the hearing on any of the proposals. Written comments on any of the proposals may be submitted to Community Development Services prior to the hearing or may be provided at the hearing. Please visit Kittitas County Community Development Services webpage for a complete list of the proposed amendments:

<https://www.co.kittitas.wa.us/cds/comp-plan/default.aspx>

Mail your comments on this project to the Kittitas County Community Development Services, 411 North Ruby Avenue, Suite 2, Ellensburg, WA 98926 or e-mail to cds@co.kittitas.wa.us. Please reference the docket number (found on the webpage) with your correspondence. Please contact Community Development Services at (509) 962-7506 or cds@co.kittitas.wa.us if you have any questions.

Copies of the staff report(s) can be obtained by visiting the website listed above or hard copies may be obtained upon request.

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mlong@kittitasconservationtrust.org

From: [Jeremiah Cromie](#)
To: ["randy@fioritobrothers.com"](#); ["josh@browerlawps.com"](#); ["aaron@centralpavingllc.com"](#); ["jslothower@lwhsd.com"](#); ["andy@wardrugh.com"](#); ["bala.ce@gmail.com"](#); ["jiewington18@gmail.com"](#); ["bala.ce@gmail.com"](#); Kelee Hodges; Candie Leader; Rich Elliott; ["delvoj@kvfr.org"](#); ["prevention@kvfr.org"](#); ["Kcfd1@fairpoint.net"](#); PublicHealth Inspectors; Holly Erdman; ["cid@fairpoint.net"](#); ["steve@snoqualmietribe.us"](#); ["dahp@snoqualmietribe.us"](#); ["adam@snoqualmietribe.us"](#); ["westsideirrigationco@gmail.com"](#); ["lriegelfarm@gmail.com"](#); Toni Berkshire; ["pdempsey@hnw.law"](#); ["aaznar@hnw.law"](#); ["fudaczi@gmail.com"](#); ["boitanoeri@hotmail.com"](#); ["kflaccus@yahoo.com"](#); ["suemeck@gmail.com"](#); ["econoforester@msn.com"](#); ["scienceandmedicine@gmail.com"](#); ["rivers@dnr.wa.gov"](#); ["brenda.young@dnr.wa.gov"](#); ["luke.warthen@dnr.wa.gov"](#); ["SEPACENTER@dnr.wa.gov"](#); ["Garren.Andrews@dnr.wa.gov"](#); ["MARTIN.MAUNEY@dnr.wa.gov"](#); ["Jacob.Prilucik@wsdot.wa.gov"](#); ["SCPlanning@wsdot.wa.gov"](#); ["Scott.Downes@dfw.wa.gov"](#); ["Jennifer.Nelson@dfw.wa.gov"](#); ["Elizabeth.Torrey@dfw.wa.gov"](#); ["tebu461@ecy.wa.gov"](#); ["lowh461@ECY.WA.GOV"](#); ["FormerOrchards@ecy.wa.gov"](#); ["wendy.neet@ecy.wa.gov"](#); ["crosepa@ecy.wa.gov"](#); ["crosepacoordinator@ecy.wa.gov"](#); ["enviroreview@yakama.com"](#); ["corrine_camuso@yakama.com"](#); ["jessica_lally@yakama.com"](#); ["noah_oliver@yakama.com"](#); ["casey_barney@yakama.com"](#); ["kozi@yakamafish-nsn.gov"](#); ["mati@yakamafish-nsn.gov"](#); ["barh@yakamafish-nsn.gov"](#); ["mlong@kittitasconservationtrust.org"](#)
Cc: [Dan Carlson](#); [Kelly Bacon \(CD\)](#); [Chace Pedersen](#)
Subject: 2022 Annual Amendments to Comprehensive Plan and Changes to Kittitas County Code (Including 5 Rezone Petitions) - Notice of Planning Commission Public Hearing
Date: Thursday, October 27, 2022 3:44:48 PM
Attachments: [2022 Docket PC Hearing Notice.pdf](#)

Good afternoon,

Please see the attached Planning Commission Public Hearing notice for the 2022 Annual Amendment to the Kittitas County Comprehensive Plan and changes to Kittitas County Codes. This includes public hearings on the following comprehensive plan amendments and rezones:

1. **RZ-22-00001 & CP-22-00001 Fiorito Brothers**
2. **RZ-22-00002 & CP-22-00002 Thorp Landing**
3. **RZ-22-00003 & CP-22-00003 Flying A Land**
4. **RZ-22-00004 & CP-22-00004 Teanaway Ridge**
5. **RZ-22-00005 & CP-22-00005 Mardee Lake**

We are currently working with our IT department to get the staff reports uploaded to the website and anticipate that being fixed within the next few days.

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

From: [Megan Breckenridge](#)
To: [Jeremiah Cromie](#)
Subject: Re: Ad: 295966 / 2022 Annual Docket Amendments
Date: Monday, October 24, 2022 9:46:22 AM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Thanks so much for your final approval, Jeremiah!

Enjoy the day,

Megan Breckenridge

Advertising Assistant
Ellensburg Daily Record
Office: (509) 925-1414, ext. 570253
Direct Dial: (509) 204-8250
mbreckenridge@kvnews.com / legals@kvnews.com
[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Monday, October 24, 2022 9:35 AM
To: Megan Breckenridge <mbreckenridge@kvnews.com>; Dawn Megles <dmegles@kvnews.com>
Subject: RE: Ad: 295966 / 2022 Annual Docket Amendments

CAUTION, this email originated from outside the organization.

Megan,

This looks fine and I give approval.

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

From: Megan Breckenridge <mbreckenridge@kvnews.com>
Sent: Monday, October 24, 2022 9:19 AM
To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>; Dawn Megles <dmegles@kvnews.com>
Subject: Re: Ad: 295966 / 2022 Annual Docket Amendments

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Good morning Jeremiah,

I am back in the office and have attached your most recent proof for review. This legal is scheduled to run on October 27 and November 3.

Please let me know if you approve or would like any changes made by our 10:30am deadline on October 26.

Thank you and have a great day!

Megan Breckenridge

Advertising Assistant
Ellensburg Daily Record
Office: (509) 925-1414, ext. 570253
Direct Dial: (509) 204-8250
mbreckenridge@kvnews.com / legals@kvnews.com
[MY OFFICE HOURS: MON-FRI: 8:00am-4:00pm]

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Monday, October 24, 2022 9:11 AM
To: Dawn Megles <dmegles@kvnews.com>; KVNews Legals <legals@kvnews.com>; Megan Breckenridge <mbreckenridge@kvnews.com>
Subject: RE: Ad: 295966, 2022 Annual Docket Amendments

CAUTION, this email originated from outside the organization.

Hello,

We have had a room change for the meeting and need to updated the notice Please see updated notice to publish in lieu of the last one I sent.

Let me know if there are questions.

**Kittitas County Planning Commission –
2022 Kittitas County Annual Docket Amendments**

Notice is hereby given that the Kittitas County Planning Commission will conduct an open record public hearing to consider annual amendments to the Kittitas County Comprehensive Plan and changes to Kittitas County Code (Including 5 rezone petitions). The public hearing will be held:

**Tuesday, November 8, 2022
6:00 p.m. at the Kittitas County Courthouse
205 W. 5th Avenue, Room 201, Ellensburg**

**The public hearing may also be accessed
online via Webex video conferencing at [https://
kittitascounty.webex.com/kittitascounty/j.
php?MTID=e75c80575c6466fac26926fcfc664b226](https://kittitascounty.webex.com/kittitascounty/j.php?MTID=e75c80575c6466fac26926fcfc664b226),
or by phone 1-408-418-9388
Access Code: 2497 628 0782
Password: Planning**

The public is invited to testify at the hearing on any of the proposals. Written comments on any of the proposals may be submitted to Community Development Services prior to the hearing or may be provided at the hearing. Please visit Kittitas County Community Development Services webpage for a complete list of the proposed amendments:
<https://www.co.kittitas.wa.us/cds/comp-plan/default.aspx>

Mail your comments on this project to the Kittitas County Community Development Services, 411 North Ruby Avenue, Suite 2, Ellensburg, WA 98926 or e-mail to cds@co.kittitas.wa.us. Please reference the docket number (found on the webpage) with your correspondence. Please contact Community Development Services at (509) 962-7506 or cds@co.kittitas.wa.us if you have any questions.

Copies of the staff report(s) can be obtained by visiting the website listed above or hard copies may be obtained upon request.

PUBLISH: NKC Tribune: October 27, 2022 and November 3, 2022

PUBLISH: Daily Record October 27, November 3, 2022
LEGAL #295966

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926
Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

From: Dawn Megles <dmegles@kvnews.com>
Sent: Friday, October 21, 2022 6:56 AM
To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Subject: Re: Ad: 295966, 2022 Annual Docket Amendments

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Hi Jeremiah,

I noticed that yesterday right after I sent the notice. It has been corrected!

Have a fabulous day/weekend!

Dawn

From: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Sent: Thursday, October 20, 2022 3:07 PM
To: Dawn Megles <dmegles@kvnews.com>
Subject: RE: Ad: 295966, 2022 Annual Docket Amendments

CAUTION, this email originated from outside the organization.

Can you bold the "T" in Tuesday, otherwise, no changes needed.

Jeremiah Cromie
Planner II
Kittitas County
Community Development Services
411 N. Ruby Street; Suite 2
Ellensburg, WA 98926

Office: 509-962-7046
jeremiah.cromie@co.kittitas.wa.us

From: Dawn Megles <dmegles@kvnews.com>
Sent: Thursday, October 20, 2022 2:26 PM
To: Jeremiah Cromie <jeremiah.cromie@co.kittitas.wa.us>
Subject: Fw: Ad: 295966, 2022 Annual Docket Amendments

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

Hi Jeremiah,

Attached is a proof of the notice. I have it scheduled to run 10/27 and 11/3 for a total of \$249.52.

Please let me know if any changes are needed!

Thank you,

Dawn Megles
Daily Record
541-885-4446

From: dawnmegles@hjnews.com <dawnmegles@hjnews.com>
Sent: Thursday, October 20, 2022 2:24 PM
To: Dawn Megles <dmegles@kvnews.com>
Subject: Ad: 295966, 2022 Annual Docket Amendments

CAUTION, this email originated from outside the organization.

Dawn Megles
Daily Record
dmegles@kvnews.com

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message id: 38eb45916c6dcbdac24bb8719d004a14

From: [Jana Stoner \(NKC Tribune\)](#)
To: [Jeremiah Cromie](#)
Cc: [NKC Tribune Advertising Department](#)
Subject: Re: 2022 Annual Docket Items (Publishing) - Notice of Public Hearing Planning Commission
Date: Monday, October 24, 2022 5:37:03 PM

CAUTION: This email originated from outside the Kittitas County network. Do not click links, open attachments, fulfill requests, or follow guidance unless you recognize the sender and have verified the content is safe.

CONFIRMATION OF RECEIPT.

We will update that legal notice before publishing.

Jana E. Stoner - Publisher / CEO
jana@nkctribune.com

(509) 674-2511 ext. 7206
P.O. Box 308 | 807 W. Davis St., suite 101A
Cle Elum, WA 98922

– Northern Kittitas County Tribune
– U.K.C. Builders' Planning Guide
– EXPLORE! Central Cascades Visitor Guide

www.NKCTribune.com

On Oct 24, 2022, at 9:11 AM, Jeremiah Cromie
<jeremiah.cromie@co.kittitas.wa.us> wrote:

FIORITO BROTHERS

**COMPREHENSIVE PLAN AMENDMENT (CP-22-00001)
AND REZONE (RZ-22-00001)**

NOVEMBER 8, 2022

2022 Kittitas County Annual Docket Planning Commission
Public Hearing

Fiorito Brothers (CP-22-00001 and RZ-22-00001)

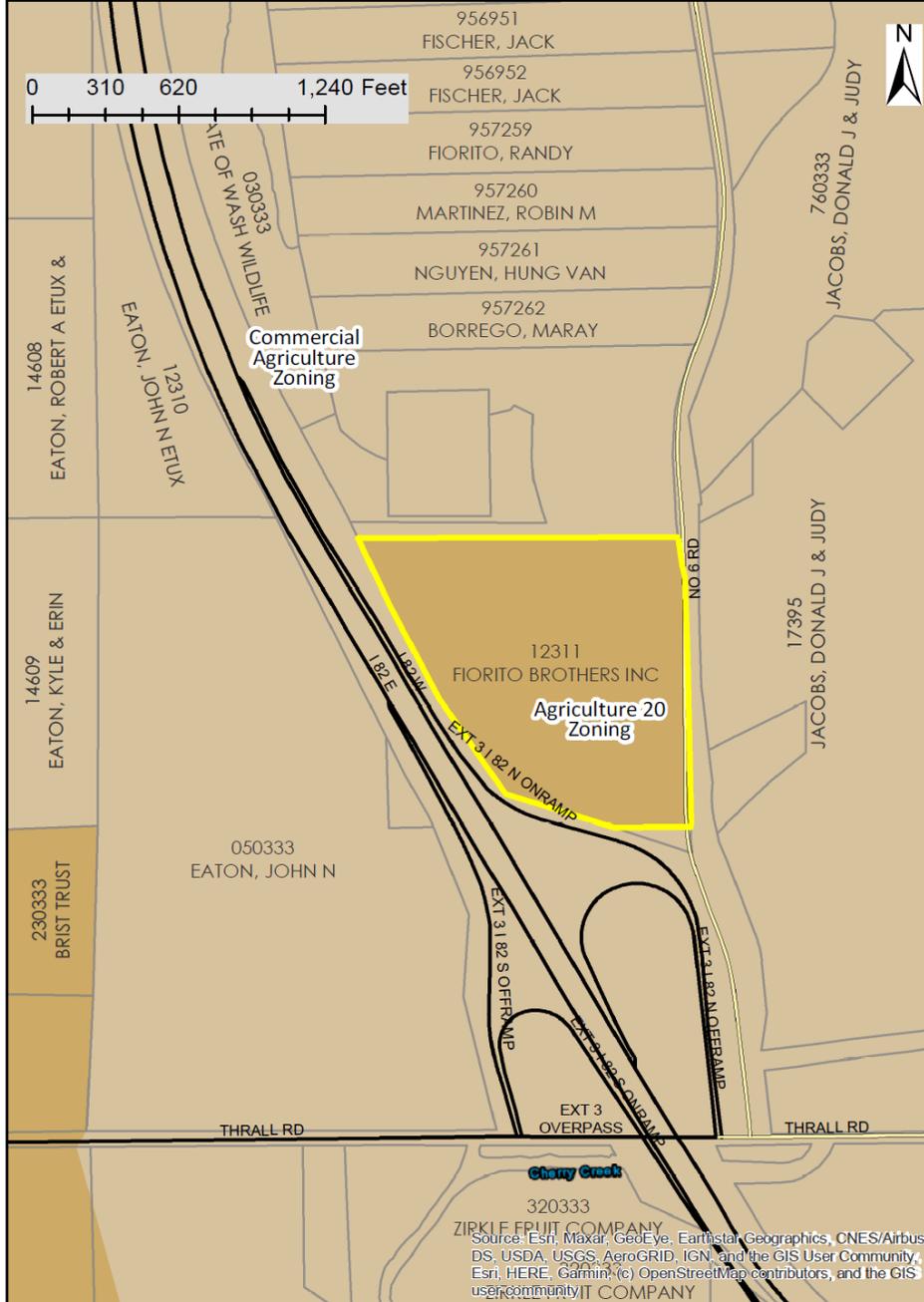
Project Description

Fiorito Brothers Inc is proposing to rezone their 27.20-acre (Parcel 12311) piece of property currently zoned Agricultural 20 to Commercial Agriculture and do a comprehensive land use plan map amendment from Rural Working to Commercial Agriculture to match the surrounding properties.

A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet prior to the June 30th 5pm docketing deadline

Processing of this Map Amendment and Non-Project Rezone follow the Annual Docket process pursuant to KCC 15B.

The property is currently zoned Agriculture 20. The request is to change the zoning to Commercial Agriculture

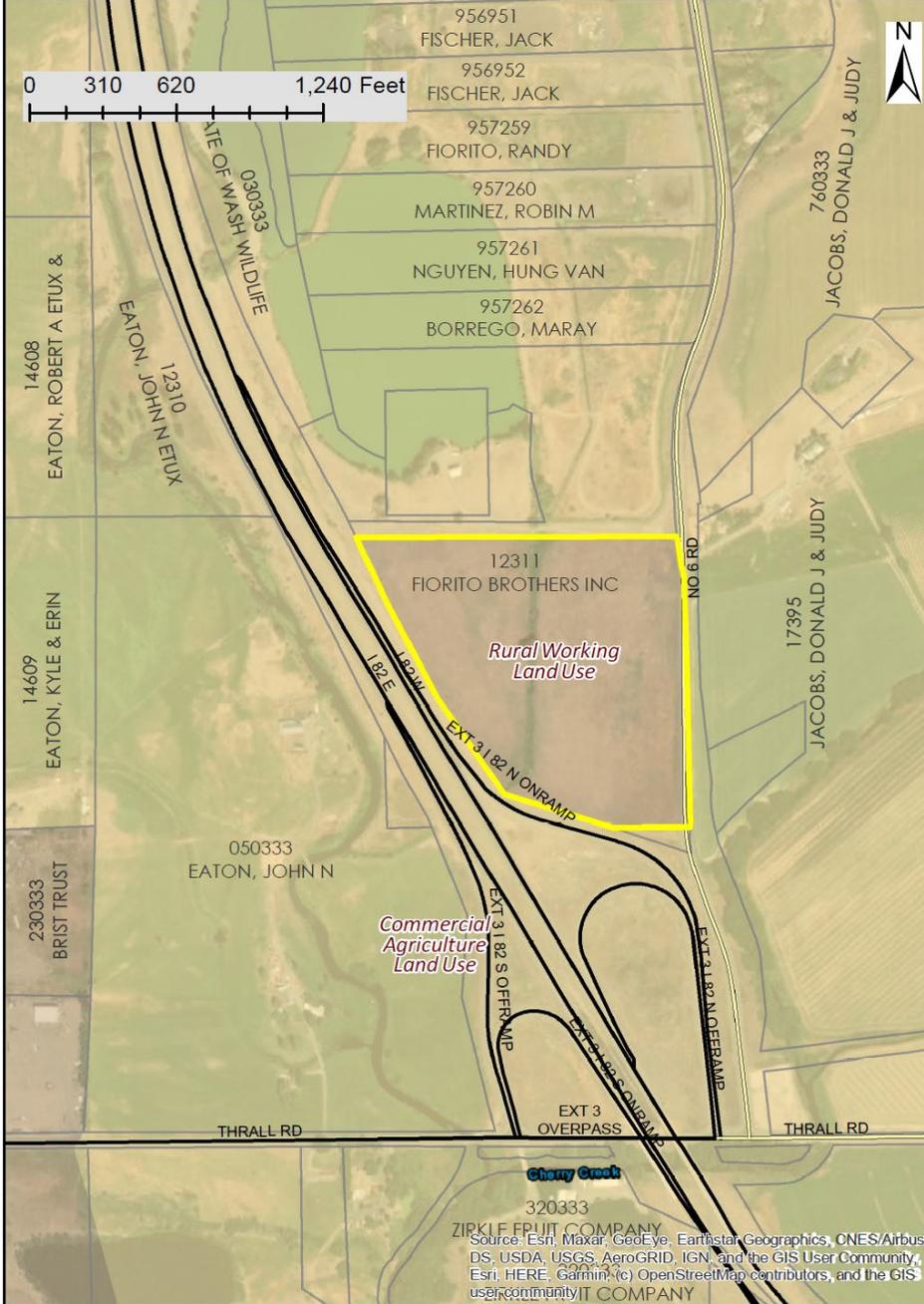


RZ-22-00001/CP-22-00001
Fiorito Brothers

Zoning

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

The property is currently designated as a Rural Working land use. The request is to change the land use to Commercial Agriculture



<p>RZ-22-00001/CP-22-00001 Fiorito Brothers</p>	<p>Land Use</p>
--	------------------------

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

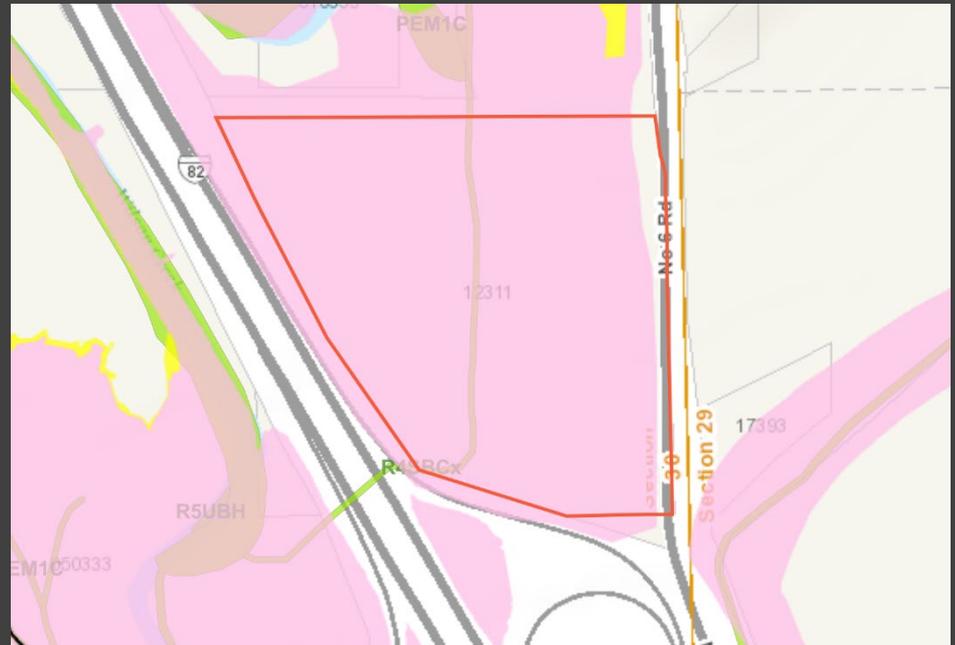
2021 Aerial View



0.2mi

Fiorito Brothers (RZ-22-0001 & CP-22-00001)

- A critical areas review identified an irrigation stream and floodplain on the property
- Staff found that as this Comprehensive Plan Map Amendment and Rezone application are non-project specific, and any proposed land use activity would require additional Critical Areas Review.
- Kittitas County issued a SEPA Determination of Non-Significance (DNS) on September 8, 2022
- A Notice of SEPA DNS Retention was issued on October 13, 2022 with an appeal period ending on October 27, 2022.
- No Appeals Were Filed.



Fiorito Brothers (RZ-22-0001 & CP-22-00001)

Comprehensive Plan



According to the Comprehensive Plan, Commercial Agriculture can only be designated if it is prime and unique farmland soils as mapped by the United States Department of Agriculture. According to the web soil survey and soil data access from the USDA, the property has both farmland of statewide importance and prime farmland if irrigated.

Staff finds that this is sufficient to consider this property to be designated for Commercial Agriculture.

WA	WA637	Kittitas County Area, Washington	77011	586	Vanderbilt ashy loam, moderately wet, 0 to 2 percent slopes	Prime farmland if irrigated
WA	WA637	Kittitas County Area, Washington	77027	601	Brickmill gravelly ashy loam, 0 to 2 percent slopes	Prime farmland if irrigated
WA	WA637	Kittitas County Area, Washington	77158	789	Deedale clay loam, 0 to 2 percent slopes	Farmland of statewide importance

Fiorito Brothers (RZ-22-0001 & CP-22-00001)

Comprehensive Plan

Some of the goals and policies for Commercial Agriculture Land Uses in the Kittitas County Comprehensive Plan include things like:

1. Preserving the Rural Character of Kittitas County (RR-G7)
2. Preserving Agricultural Lands in the County (RR-P118)
3. Enhancing Agriculture uses in the County. (RR-P116)

As there is no structures and the property is already being used for farming uses, staff believes this proposal meets the intent of the Commercial Agriculture Land Use and likely will protect agricultural land into the future. A full review can be found In the staff report.

Fiorito Brothers (RZ-22-0001 & CP-22-00001)

Rezone

For a rezone to be met, it has to meet the following 8 criteria (KCC 17.98.020.6):

1. Compatibility with the comprehensive plan,
2. Substantial relation to public health, safety and welfare,
3. Provide merit and value for the county
4. Needed because of changed circumstances or additional property in zone
5. In general conformance with zoning standards for proposed zones
6. Not detrimental to use of properties in the immediate vicinity
7. Won't negatively impact irrigation water deliveries
8. Amendment in compliance with Transfer of Development Rights (TDR).

Staff finds that the rezone is consistent with the 8 eight rezone criteria. It is compatible with the comprehensive plan as shown above, fixes a spot zone that provides merit to the county, is in conformance with the zoning standards of Commercial Agriculture as the property is over 20 acres, would not be detrimental to the properties in the vicinity as there are few uses other than farming in the area. It won't negatively affect irrigation deliveries and does not involve TDR's. A full review of the rezone criteria can be found in the staff report.

Fiorito Brothers (RZ-22-0001 & CP-22-00001)

Comments Received

Comments were received from Snoqualmie Tribe, Kittitas Valley Fire and Rescue and Kittitas County Public works. No public comments were received. None of the comments were substantive and comments would be dealt with at a future time on the property if it were to ever be developed. No public comments were received. A review of comments can be found in the staff report and all comments can be found in the master file.

Fiorito Brothers (RZ-22-0001 & CP-22-00001)

- CDS staff recommends that the Planning Commission recommend approval of the Fiorito Brothers rezone and map amendment to Commercial Agriculture (RZ-22-0001 & CP-22-00001)



KITTTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

Affidavit of Mailing

PROPOSAL NAME: 2022 Annual Docket Amendments

NOTIFICATION OF: Notice of Board of County Commissioners Public Hearing

NOTIFICATION MAIL DATE: November 10, 2022

I certify that the following documentation:

- Notice of Board of County Commissioners Public Hearing for 2022 Annual Docket Amendments

has been mailed and/or emailed to the attached list of persons and participants.

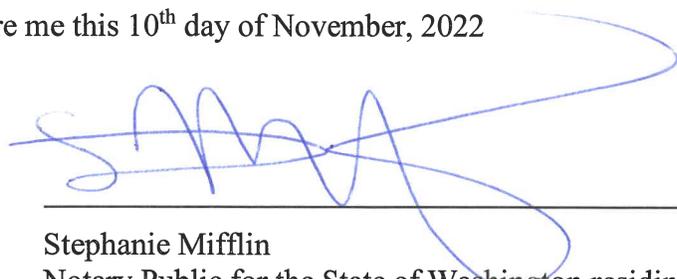


Signature

Jeremiah Cromie
Community Development Services Planner II
County of Kittitas
State of Washington

Subscribed and sworn to before me this 10th day of November, 2022





Stephanie Mifflin
Notary Public for the State of Washington residing
in Ellensburg.

My appointment expires: 11.23.25



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

“Building Partnerships – Building Communities”

2022 Kittitas County Annual Docket Amendments – Board of County Commissioners Public Hearing

Notice is hereby given that the Kittitas County Board of County Commissioners will conduct an open record public hearing to consider annual amendments to the Kittitas County Comprehensive Plan and changes to Kittitas County Code (Including 5 rezone petitions). The public hearing will be held:

Tuesday, November 29, 2022

6:00 p.m. at the Kittitas County Courthouse Commissioner’s Auditorium

205 W. 5th Avenue, Room 109, Ellensburg

The public hearing may also be accessed online via Webex video conferencing. Please find information related to the WebEx at the following link:

<https://www.co.kittitas.wa.us/boc/view-meeting-details.aspx?agendaID=10779>

The public is invited to testify at the hearing on any of the proposals. Written comments on any of the proposals may be submitted to Community Development Services prior to the hearing or may be provided at the hearing. Please visit Kittitas County Community Development Services webpage for a complete list of the proposed amendments:

<https://www.co.kittitas.wa.us/cds/comp-plan/default.aspx>

Mail your comments on this project to: Kittitas County Community Development Services, 411 North Ruby Avenue, Suite 2, Ellensburg, WA 98926 or e-mail to cds@co.kittitas.wa.us. Please reference the docket number (found on the webpage) with your correspondence. Please contact Community Development Services at (509) 962-7506 or cds@co.kittitas.wa.us if you have any questions.

Applicants

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prevention@kvfr.org
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Ellensburg, WA 98926

Kittitas County Fire District #1
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Cascade Irrigation District cid@fairpoint.net

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Non-Agency Commenters

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barh@yakamafish-nsn.gov

Kittitas Conservation Trust
mlong@kittitasconservationtrust.org

Kittitas County Solid Waste Programs
lisa.lawrence@co.kittitas.wa.us
patti.stacey@co.kittitas.wa.us

Conservation NW
Laurel Baum
1829 10th Ave W
Seattle, WA 98119
(mailed)

From: [Jeremiah Cromie](#)
To: ["randy@fioritobrothers.com"](#); ["josh@browerlawps.com"](#); ["aaron@centralpavingllc.com"](#); ["jlothower@lwhsd.com"](#); ["andy@wardrugh.com"](#); ["bala.ce@gmail.com"](#); ["ilewington18@gmail.com"](#); ["bala.ce@gmail.com"](#); Kelee Hodges; Candie Leader; Rich Elliott; ["delvoj@kvfr.org"](#); ["prevention@kvfr.org"](#); ["Kcfd1@fairpoint.net"](#); PublicHealth Inspectors; Holly Erdman; ["cid@fairpoint.net"](#); ["steve@snoqualmietribe.us"](#); ["dahp@snoqualmietribe.us"](#); ["adam@snoqualmietribe.us"](#); ["westsideirrigationco@gmail.com"](#); ["1riegelfarm@gmail.com"](#); Toni Berkshire; ["pdempsey@hnw.law"](#); ["aaznar@hnw.law"](#); ["fudaczj@gmail.com"](#); ["boitanoeri@hotmail.com"](#); ["kflaccus@yahoo.com"](#); ["suebeck@gmail.com"](#); ["econoforester@msn.com"](#); ["scienceandmedicine@gmail.com"](#); ["willardis@gmail.com"](#); ["rivers@dnr.wa.gov"](#); ["brenda.young@dnr.wa.gov"](#); ["luke.warthen@dnr.wa.gov"](#); ["SEPACENTER@dnr.wa.gov"](#); ["Garren.Andrews@dnr.wa.gov"](#); ["MARTIN.MAUNEY@dnr.wa.gov"](#); PublicHealth Inspectors; ["Jacob.Prilucik@wsdot.wa.gov"](#); ["SCPlanning@wsdot.wa.gov"](#); ["Scott.Downes@dfw.wa.gov"](#); ["Jennifer.Nelson@dfw.wa.gov"](#); ["Elizabeth.Torrey@dfw.wa.gov"](#); ["tebu461@ecy.wa.gov"](#); ["lowh461@ECY.WA.GOV"](#); ["FormerOrchards@ecy.wa.gov"](#); ["wendy.neet@ecy.wa.gov"](#); ["crosepa@ecy.wa.gov"](#); ["crosepaordinator@ecy.wa.gov"](#); ["enviroreview@yakama.com"](#); ["corrine_camuso@yakama.com"](#); ["jessica_lally@yakama.com"](#); ["noah_oliver@yakama.com"](#); ["casey_barney@yakama.com"](#); ["kozi@yakamafish-nsn.gov"](#); ["matj@yakamafish-nsn.gov"](#); ["barh@yakamafish-nsn.gov"](#); ["mlong@kittitasconservationtrust.org"](#); Lisa Lawrence; Patti Stacey
Cc: [Dan Carlson](#); [Kelly Bacon \(CD\)](#); [Chace Pedersen](#)
Subject: 2022 Annual Amendments to Comprehensive Plan and Changes to Kittitas County Code (Including 5 Rezone Petitions) - Notice of Board of County Commissioners Public Hearing
Date: Thursday, November 10, 2022 12:32:03 PM
Attachments: [2022 Docket BOCC Hearing Notice.pdf](#)

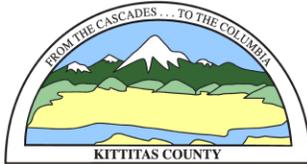
Good afternoon,

Please see the attached Board of County Commissioners Public Hearing Notice for the 2022 Annual Amendments to the Kittitas County Comprehensive Plan and changes to Kittitas County Codes. This includes public hearings on the following comprehensive plan amendments and rezones:

1. RZ-22-00001 & CP-22-00001 Fiorito Brothers
2. RZ-22-00002 & CP-22-00002 Thorp Landing
3. RZ-22-00003 & CP-22-00003 Flying A Land
4. RZ-22-00004 & CP-22-00004 Teanaway Ridge
5. RZ-22-00005 & CP-22-00005 Mardee Lake

More information on the docket items and hearing can be found on Kittitas County's website here: <https://www.co.kittitas.wa.us/cds/comp-plan/default.aspx>

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STAFF REPORT

Fiorito Brothers Non-Project Rezone (CP-22-00001 & RZ-22-00001) – Docket Item 22.21

I. GENERAL INFORMATION

Requested Action:

Fiorito Brothers Inc. is proposing a comprehensive plan land use map amendment from Rural Working to Commercial Agriculture and a rezone of 27.20 acres from Agricultural 20 to Commercial Agriculture to match surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process.

Location: Tax parcel # 12311, located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003.

II. SITE INFORMATION

Total Proposal Size:	27.20 acres
Number of Lots:	1
Domestic Water:	None requested/proposed at this time.
Sewage Disposal:	None requested/proposed at this time.
Fire Protection:	Fire District 2 (Kittitas Valley Fire and Rescue)
Irrigation District:	Bull Ditch/Ellensburg Water

Site Characteristics: The site is relatively flat land with mostly agricultural uses at this time.

Surrounding Property:

North: Lake/Sparse Residential/Farming

South: I-82 Thrall Rd Interchange

East: Mostly Farming Uses

West: I-82

Access: The proposal will have access from No. 6 Road.

History of Zoning: This parcel was rezoned in 1978 from Agricultural to General Commercial. The parcels remained General Commercial until 2013. In 2013, the property was 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.

Zoning and Development Standards: The subject property is currently located within Agricultural 20 zoning district. Commercial Agricultural zoning is being requested for the properties.

The purpose and intent of the Agricultural 20 zone is an area wherein farming, ranching and rural life styles are dominant characteristics. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses; and protect the rights and traditions of those engaged in agriculture.

The purpose and intent of the Commercial Agriculture zone is to provide for an area wherein farming and

ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture.

Agricultural 20 has a 20-acre minimum lot size and Commercial Agriculture also has a 20-acre minimum lot size. The lot is currently above the 20-acre minimum. Both zones have the same building setbacks for most structures (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 from Rural Working to Commercial Agriculture, rezone from Agricultural 20 to Commercial Agriculture, and SEPA environmental checklist was received on June 23, 2022 with an updated application on June 29, 2022. This submittal packet was received prior to the June 30th docketing deadline. The application was deemed complete on July 21, 2022. A Notice of Application was issued on August 11, 2022. 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.

Posting of Site: The signed Affidavit of Posting was returned to CDS on July 25, 2022 indicating that the site had been accurately posted with the “Land Use Action” signs as provided by CDS and required per KCC 15A.03.110.

IV. COMPREHENSIVE PLAN

The current land use designation is Rural Working. Uses within this designation generally encourage farming, ranching and storage of agriculture products, and some commercial and industrial uses compatible with the rural environment and supporting agriculture and/or forest activities. Areas in this designation often have low population densities with larger parcel sizes compared to Rural Residential areas. Rural Working land use designations can include the following zoning districts: Agricultural 20 and Forest & Range.

The proposed land use designation is Commercial Agriculture. Commercial Agriculture lands are those that have been identified as lands with soils and location characteristics that suggest that they will be used for commercial agriculture use in perpetuity and are considered a resource to the economy. The purpose and intent of this designation is to comply with the requirements of the GMA to guide adoption of regulations which assure that use of lands adjacent to agricultural lands of long-term significance will not interfere with continued use of that land for agricultural purposes [RCW 36.70A.060]. In classifying and conserving the agriculture resource lands in Kittitas County, it has considered the minimum guidelines found in WAC 365-190 including:

- Lands not characterized by urban growth;
- Lands capable of being used for agricultural production based primarily on physical and geographic characteristics;
- Lands having long-term significance for agriculture which takes into account, among other things, the proximity to urban growth areas, public facilities and services, intensity of nearby uses and other things which might contribute to potential revision of use based upon marketing factors

It is the County’s intent to meet these agricultural resource requirements by establishing a “Commercial Agricultural” designation. Based on the review criteria established by Kittitas County, land located in the Commercial Agricultural Zone has been formally designated as “Agricultural Lands of Long-term Commercial Significance.”

Commercial Agricultural land use designations can only have the following zoning district: Commercial Agriculture.

Commercial agriculture lands of Long-term commercial significance have certain designation criteria as seen in Section 8.5.2 of the 2021 Comprehensive Plan.

The first and main criteria for designating land of Agricultural Lands of Long-Term Commercial Significance is Land Grade Consideration. It states that lands of Long-Term Commercial Significance shall be prime and unique farmland soils as mapped by the United States Department of Agriculture Natural Resources Conversation Service (NRCS) and considered capable of agriculture use according to land capability criteria in Agriculture Handbook No. 201 or successor guide adopted by the federal agency.

According to the U.S. Department of Agriculture (USDA) Natural Resources Conversation Service Web Soil Survey¹, this property and nearby vicinity has the following soil types:

1. 5.6 acres of Vanderbilt ashy loam, moderately wet, 0 to 2 percent slopes (Map Unit Symbol 586)
2. 20.7 acres of Birckmill gravelly ashy loam, 0 to 2 percent slopes (Map Unit Symbol 601)
3. 3.7 acres of Deedale clay loam, 0 to percent slopes (Map Unit Symbol 789)

Based on Soil Data Access (SDA) for Prime and other Important Farmlands in Kittitas County from the USDA², Map unit symbols 586 and 601 are prime farmland if irrigated. This land can be irrigated and served by the Ellensburg Water Irrigation District. Map Unit symbol 789 is Farmland of statewide importance.

As the property is currently used for agricultural uses and is surrounded by areas of farming and agriculture lands of long-term significance, this will help maintain the existing farm use and discourage incompatible uses meeting the intent of RCW 36.70A.020(8) in meeting the planning goals for Natural resource industries.

Staff finds that this meets the criteria for being designated Agricultural Lands of Long-Term Significance.

Under the 2021 Comprehensive Plan, Kittitas County has established the following goals and policies to guide future development through a 20-year planning window for Commercial Agricultural Lands. These Commercial Agriculture goals and policies were developed in an effort to ensure consistency and coordination with County Wide Planning Policies:

RR-G7: The County should consistently work to preserve and maintain the rural character of Kittitas County for the benefit of its residents.

Staff Response: With changing the land use and zoning to Commercial Agriculture, it reduces the amount of land uses that can be put on the property and will help in maintaining the rural character of Kittitas County

RR-G13: Preserve and protect non-resource forests and agriculture lands which are dominant in Kittitas County.

Staff Response: With this proposed change, it helps to protect the agricultural land that already exists on the property.

RR-P116: The County will oppose laws and regulations which restrict agriculture and support laws and regulations which enhance agriculture.

Staff Response: This proposal to change to commercial agriculture will likely help and enhance agricultural activities on the property now or in the future.

¹ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

² https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcseprd1338623.html

RR-P118: The County should promote the preservation of agricultural activities through programs that encourage long-term ownership and production on agricultural lands.

Staff Response: With the designation of Agriculture Land of Long-Term Significance, it should help the property to have long term ownership and production on agricultural lands.

RR-P121: The County should encourage development projects whose outcome will be the significant conservation of farmlands.

Staff Response: With the designation of Agriculture Land of Long-Term Significance, it should help the property to likely be a conservation of farmlands.

Staff finds that this proposal complies with Kittitas County’s comprehensive plan.

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 applicant’s and staff response to the above criteria can be found below:

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

Applicant Response: *“The proposed amendment is consistent with the County’s Comprehensive Plan because FBI’s property is surrounded by Commercial Agriculturally zoned property and is not located in an area not of the size to “support Ag, Timber and Mineral Uses not in resource lands” as is the stated overall goal for “Rural Working” classified lands in Table 20-1 of the Comprehensive Plan.*

Instead due to its location and size, FBI’s property is better suited to be zoned for “long-term commercial significance” as stated in Table 2-1. Lastly, rezoning FBI’s property to Commercial Agriculture is consistent with the policies stated in Section 2.5.1 of the Comprehensive Plan to “encourage farming, ranching, and storage of agricultural products and some commercial and industrial uses compatible with rural environment and supporting...agricultural activities.”

Rezoning FBI's property also will make its eventual development consistent with the intensity and character of surrounding uses. The Ag-20 zone is intended for ranching, farming and large lot (i.e. 20-acre) rural life-style development. KCC 17.29.010. Despite this, the surrounding properties are not developed for those types of uses. Instead, the property to the north is largely small lot residential development. And FBI's property is surrounded on its other sides by Interstate 82 and No. 6 Road and the other side of both are properties zoned Commercial Agriculture. Again, rezoning FBI's parcel will make its zoning consistent with the surrounding zoning."

Staff Response: As seen in Section IV of this staff report, the property is consistent with the comprehensive plan and is prime farmland.

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

Applicant Response: *"This requested comprehensive plan amendment bears a substantial relation to the public health, safety and welfare because it will make the zoning in this area consistent, will eliminate an impermissible spot zone, and will permit development of the subject property in a similar manner to the surrounding area."*

Staff Response: This amendment will not be detrimental to the health, safety, or welfare of the public. The proposed rezone will make the parcel consistent with surrounding zoning with similar uses.

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

Applicant Response: *"The proposed amendment has merit and value for Kittitas County because it will make the zoning in this area consistent and eliminate an existing spot zone."*

Staff Response: The proposed amendment will fix a spot zone and make the zoning consistent with the surrounding area providing merit and value to the County.

- 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.

Applicant Response: *"The history of zoning of FBI's property and changed circumstances supports the proposed amendment. In 1978, FBI's property was rezoned from Agriculture to General Commercial. It was rezoned in 2013 from General Commercial to Agriculture 20 as part of the County's Growth Management compliance arising from a court case. By now rezoning it from Ag-20 to Commercial Agriculture would make it fit into the surrounding zoning and keep minimum acreage size at 20 acres. Also, FBI owns an adjacent parcel that is zoned Commercial Agriculture. The proposed rezone would make the zoning in this area consistent and consistent with FBI's adjacent property"*.

Staff Response: The proposed rezone is appropriate for reasonable development of the subject property. This rezone to Commercial Agriculture will make the property in line with adjacent properties on the north, south, and west and east which are already zoned Commercial Agriculture.

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

Applicant Response: *"The subject property is suitable for development because it meets and exceeds the minimum development lot size of 20 acres."*

Staff Response: The existing zoning designation is Agriculture 20 and the proposed zoning designation is Commercial Agriculture; both zoning designations have 20 acre minimums. This proposed zone

change will meet all Commercial Agriculture zoning requirements as seen in KCC 17.31.

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

Applicant Response: *“The proposed amendment will not be materially detrimental to uses of adjacent property because they are already zoned Commercial Agriculture and most are developed with rural-style residential development or rural working uses.”*

Staff Response: As most of the surrounding property is already used for farming and agriculture uses with sparse residential mostly supporting the farming use, changing the zone to Commercial Agriculture will not be materially detrimental to uses of adjacent property.

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

Applicant Response: *“FBI’s property is not currently served by irrigation so the rezoned will not impact irrigation or water deliveries in the area.”*

Staff Response: The proposal is located within the Ellensburg Water irrigation district. While not presently served, it could be in the future, regardless, irrigation will not be impacted.

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

Applicant Response: *“The proposed rezone is consistent with KCC 17.13 because proposed it would not alter the County’s TDR program since the permissible density - 1 unit per 20 acres – would be the same under the current zoning as compared to the proposed new zoning, Commercial Agriculture.”*

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 September 8, 2022 with a 14-day comment period that ended on September 22, 2022 at 5:00 p.m. No comments were submitted for the SEPA DNS and Kittitas County retained the DNS on October 13, 2022. Any appeals of SEPA had to be submitted by October 27, 2022 by 5 PM. No appeals were filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. At the time of writing this staff report, three comments have been received. Comments from Kittitas County Public Works (KCPW), Kittitas Valley Fire & Rescue (KVFR) and the Snoqualmie tribe have been received. A summary of those comments can be seen below:

Kittitas Valley Fire & Rescue (KVFR)

KVFR commented saying they have no comment on the rezone of the FBI parcel.

Snoqualmie Tribe

Snoqualmie Tribe commented saying based on the size of the project and has a moderate probability of encountering cultural resources, they requested an archaeological survey. They realize that these do not cause

ground disturbance at this time but will likely at some point in the future.

Staff Response: The proposal does not include any ground disturbance and certain projects will require additional environmental review before building.

Kittitas County Public Works (KCPW)

Kittitas County Public Works commented that the parcel is in the FEMA 100-year floodplain and any future development within the floodplain would need to go through the floodplain development process.

No public comments were received during the Planning Commission Public Hearing on November 8, 2022.

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 or Rural and Resource Lands apply to this proposal: RR-G7, RR-G13, RR-P116, RR-P118 and RR-P121 as well as the designation criteria for lands of long-term commercial significance. This proposal is consistent with the intent of the Rural Areas of Kittitas County.

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 17.31, Commercial Agriculture zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.31. It meets the purpose and intent for Commercial Agriculture with a zone in an area that farming, and ranching are the priority and protects fertile farmland. The proposal is compatible with KCC 17.31 referring to the uses table in KCC 17.15. The existing use of agriculture lands is permitted in Commercial Agriculture Zoning. The parcel is already over 20 acres meeting the minimum lot size for Commercial Agriculture as seen in KCC 17.31.040.

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 have been received from Snoqualmie Tribe, Kittitas Valley Fire and Rescue (KVFR) and Kittitas County Public Works at time of writing.

Public Comments:

No comments have been received from the public during the comment period or during the Planning Commission Hearing. No comments have been received as of November 18, 2022.

VIII. RECOMMENDATION

Staff recommended **approval** of the Fiorito Brothers Non-project Rezone & Comprehensive Plan Amendment (CP-22-00001 & RZ-22-00001) subject to the following findings of fact and conditions:

Findings of Fact

1. Fiorito Brothers Inc. is proposing a comprehensive land use plan map amendment from Rural Working to Commercial Agriculture and a rezone of 27.20 acres from Agricultural 20 to Commercial Agriculture to match the surrounding properties. A comprehensive plan amendment (CP-22-00001), rezone application (RZ-22-00001), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2022 Annual Comprehensive Plan Docket process.
2. This proposal is located approximately 1400 feet north of the intersection of I-82 and Thrall Road off No. 6 Road in a portion of the SE ¼ of Section 30, Township 17, Range 19, W.M.; Kittitas County parcel map number 17-19-30040-0003. Kittitas County Parcel 12311
3. Total Proposal Size: 27.20 Acres
Number of Lots: 1
Domestic Water: None requested/proposed at this time.
Sewage Disposal: None requested/proposed at this time.
Fire Protection: Kittitas Valley Fire & Rescue
Irrigation District: Bull Ditch/Ellensburg Water
4. Site Characteristics: The site is relatively flat land with mostly agricultural uses currently.
5. Surrounding Property:
North: Lake/Sparse Residential/Farming
South: I-82 Thrall Road Interchange
East: Mostly Farming Uses
West: I-82

Access: The proposal will have access from No. 6 Road.
6. The Comprehensive Plan designation is currently Rural Working with a proposed designation of Commercial Agriculture.
7. The subject property is currently located within an Agriculture 20 zoning district. Commercial Agriculture zoning is being requested, which is an appropriate zoning designation within rural areas of the county. The purpose and intent of this zone is an area wherein farming and ranching are the priority. The intent of this zoning classification is to preserve fertile farmland from encroachment by nonagricultural land uses and protect the rights and traditions of those engaged in agriculture. The proposed zone is consistent with surrounding properties and preserving farmland.
8. An application for a comprehensive plan map amendment for Rural Working to Commercial Agriculture, a rezone from Agriculture 20 to Commercial Agriculture, and SEPA environmental checklist was

received on June 23, 2022 and a revised application on June 29, 2022. This submittal packet was received prior to the June 30th docketing deadline. The application was deemed complete on July 21, 2022. A Notice of Application was issued on August 11, 2018, then an e-mail was re-noticed on August 16, 2022 as the original notice did not get e-mailed out correctly due to a clerical error. 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.

9. 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 September 8, 2022 with a 14-day comment period that ended on September 22, 2022 at 5:00 p.m. No comments were submitted for the SEPA DNS and Kittitas County retained the DNS on October 13, 2022. Any appeals of SEPA had to be submitted by October 27, 2022 at 5 PM. No appeals were filed.
10. 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 or Rural and Resource Lands apply to this proposal: RR-G7, RR-G13, RR-P116, RR-P118 and RR-P121 as well as the designation criteria for lands of long-term commercial significance. This proposal is consistent with the intent of the Rural Areas of Kittitas County.
11. This proposal is consistent with the provisions of Kittitas County Roads and Bridges Title 12.
12. This proposal is consistent with the provisions of KCC 13 Water and Sewers Code.
13. This proposal is consistent with Kittitas County Code Title 14 for Building and Construction.
14. This proposal is consistent with the Kittitas County Zoning Code Title 17, more specifically KCC 17.31.
15. This proposal is consistent with Kittitas County Code Title 17A Critical Areas.
16. This proposal is consistent with Kittitas County Code Title 20 Fire Life Safety.
17. The following agencies provided comments: Snoqualmie Tribe, Kittitas Valley Fire & Rescue (KVFR), and Kittitas County Public Works (KCPW).
18. No public comments were received during the comment period or during the Planning Commission Hearing. No comments have been received as of November 18, 2022.

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.

The Planning Commission recommended 5-0 to approve the Fiorito Brothers Rezone & Comprehensive Plan Amendment at their November 8, 2022 Public Hearing.