



STAFF REPORT

Teanaway Ridge Non-Project Rezone (CP-22-00004 & RZ-22-00004) – Docket Item 22.04

I. GENERAL INFORMATION

Requested Action:

Teanaway Ridge LLC is proposing a comprehensive plan land use map amendment from Rural Working to Rural Residential and a rezone of 2 parcels, equaling 86.58 acres, from Forest & Range and Rural 5 to Rural 5 to match adjacent properties. The rezone will allow the current use of the property to be consistent and compatible with the zoning code, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-22-00004), rezone application (RZ-22-00004), 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 subject property has a current land use application in process with Kittitas County. The project, CU-15-00002, SD-15-00001 and SP-15-00001 - Yakima River Campground, includes a zoning conditional use permit application, shoreline substantial development permit application, and a 2-lot short plat application to operate a new campground/RV park on the approximate 26 acres. Staff has verified that the zoning designation of Rural 5 proposed in the docket item allows for a campground through the Conditional Use process.

Location: Tax Parcel numbers 346534 and 19132 located south of Highway 10, approximately 0.2 miles southeast of the junction of Highway 10 and State Route 970, in Section 4, Township 19, Range 16, bearing Assessor’s Map numbers 19-16-04020-0002 and 19-16-04050-0401, in Kittitas County.

II. SITE INFORMATION

Total Proposal Size:	86.58 acres
Number of Lots:	2
Domestic Water:	Existing Group A Water System
Sewage Disposal:	Existing on-site septic systems installed
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	N/A

Site Characteristics: The site is residential, recreational, and undeveloped shoreline and tributaries of the Yakima River.

Surrounding Property:

North: Some residential and Highway 10 corridor

South: Mostly residential

East: Mostly undeveloped forest/shoreline land

West: Mostly undeveloped forest/shoreline land

Access: The proposal is accessed off Highway 10.

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

Zoning and Development Standards: The subject property is currently located within mostly Forest & Range Zoning with a small portion of the property in Rural 5 zoning. Rural 5 zoning is being requested for the properties.

The purpose and intent of the Forest & Range zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged.

The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands.

Forest & Range has a 20-acre minimum lot size while Rural 5 has a 5-acre minimum lot size. The two lots in the proposal are 0.6 acres and 85.98 acres respectively. Forest & Range has setback requirements of 25 feet for front lot lines, and 10 feet for side and rear lots line. Rural 5 has setback requirements of 25 feet for front lot lines, and 15feet for side and rear lot lines.

III. ADMINISTRATIVE REVIEW

Complete Annual Comprehensive Plan Docket Application: Application for a comprehensive plan map amendment, rezone from Forest and Range to Rural 5, and SEPA environmental checklist was received on June 30, 2022. This submittal packet was received prior to the June 30th docketing deadline. The application was deemed complete on July 29, 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 August 1, 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. The proposed land use designation is Rural Residential. Under the 2021 Comprehensive Plan, Kittitas County has established the following goals and policies to guide future development through a 20-year planning window. These goals and policies were developed to ensure consistency and coordination with County Wide Planning Policies:

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

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

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

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

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

V. REZONE CRITERIA

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

- a) The proposed amendment is compatible with the comprehensive plan; and
- b) The proposed amendment bears a substantial relation to the public health, safety or welfare; and
- c) The proposed amendment has merit and value for Kittitas County or a sub-area of the county; and
- d) The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property; and
- e) The subject property is suitable for development in general conformance with zoning standards for the proposed zone; and
- f) The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property; and
- g) The proposed change in use of the subject property shall not adversely impact irrigation water deliveries to other properties; and
- h) The proposed amendment is in full compliance with KCC 17.13 Transfer of Development Rights.

The 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: *“This Project's relationship and compatibility with the Kittitas County Comprehensive Plan is consistent with the goals and policies outlined within Exhibit 3 & 4 of this proposal along with the additional goals and policies listed below*

H-G 1: Support strategies that increase and maintain the availability of affordable housing for all incomes levels throughout the county.

This zone change will allow for additional housing to be built in the future with domestic water provided by Group A water system. Housing units needed for future populations, per the comprehensive plan, is projected to be 8,611 units by the year 2037.

H-G 3: Provide equitable housing options to allow residents with supported living needs to live as independently as possible throughout the County.

The proposal will create the possibility for new homes to be built in the future which will provide future home ownership.

H-G7: Provide a sufficient number of housing units for future populations in rural areas of Kittitas County while maintaining environmental corridors and quality habitats.

This proposal will provide additional housing units while maintaining the environmental corridors and quality habitats consistent with the surrounding development of adjacent lands. This proposal will also provide additional housing in the upper county as it will provide for land that is served with a community water system and adequate water rights to serve the area and number of units allowed by the new zoning.

H-G8: Provide for future populations while protecting individual property rights.”

Staff Response: This project proposes to rezone the land to a higher density to provide the possibility of more housing availability in Kittitas County. The proposal is consistent with the portions of the Comprehensive Plan referenced above.

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

Applicant Response: *“The proposed amendment must bear a substantial relation to only one of the following: public health, safety or welfare and this proposal benefits county residents in all three categories.*

Kittitas County Population Growth: The Kittitas County Conference of Governments (COG) made a recommendation to the Board of County Commissioners to adopt the Office of Financial Management's (OFM) numbers and distribution of populations projections through 2037. These projections are intended to guide in the development of Kittitas County. This recommendation included a population projection of 65,967 residents within Kittitas County by the year 2037. Using this projection, the 20-year population allocation for Kittitas County is anticipated to increase by 23,297 people. This proposal provides for the possibility of housing that will add to the greater mix of residential housing types that will assist in meeting the carrying capacity that the county is required to provide for in the Kittitas County Comprehensive Plan. By changing this zone of this property to Rural-5 and within the boundaries of a community water system that has the ability to obtain water rights to serve this property bears a substantial relation to the public health, safety and/or welfare; and

Public Health:

In 2016 Kittitas County had the availability of new domestic water supplies greatly reduced as the Department of Ecology has determined that the water in the upper Yakima River basin has been over allocated. In addition, the Department of Ecology has found that there is a connection between surface and ground water in the Upper Yakima River Basin and has determined that there will be no new water rights (surface or ground) issued for any use unless mitigated by an existing senior water right. Since this decision Kittitas County came into compliance with the adoption of their comprehensive plan along with the continued development on how to provide water for domestic purposes. One example is that Kittitas County has purchased water rights and developed an over the county water program to meet the domestic needs of Kittitas County. Furthermore, private water banks were developed, with approval from WA ST. Dept. of Ecology, to also allow for the ability to provide domestic water for new and future residential uses. This proposal will be served by these options along with being served by a local community water system. The Applicant also owns senior water rights and has used some of these water rights to create a private water bank that is used as mitigation water for current and future domestic purposes. By providing private senior water rights and a community water system this amendment bears a substantial relation to the public health; and

The Merriam-Webster dictionary defines "welfare" as "the state of doing well especially in respect to good fortune, happiness, well-being, or prosperity ". Home ownership intermixed with recreation activities are specifically designed to provide happiness and well-being. The property is located adjacent to other properties in the same area all destined to be used for Rural home ownership. The current densities within the surrounding area are currently nonconforming lot sizes within the current forest and range zone and don't fit the purpose and intent of that zone. With easy and local access to wide variety of recreational opportunities for both summer and winter seasons this proposal also provides new opportunities that bears a substantial relation to welfare; and

The Merriam-Webster dictionary defines "safety" as "the condition of being safe from undergoing or causing hurt, injury, or loss". This property can use a community water system, with the ability to using a private water bank, or the Kittitas County over the county water program for future domestic water meets the safety requirement. The change in the zone from Forest & Range - 20 to Rural-5 will provide a similar environment for the continued and growing rural population and recreation uses that are already surrounding this property. The proposal is already being encircled by surrounding smaller densities therefore larger forestry operations cannot exist and more importantly not meeting the intent of the forest and range zoning district. The purpose and intent of the forest and range zone states the following: "the purpose and intent of this zone is to provide for areas of Kittitas County wherein resource management is the highest priority and where the subdivision and development of land is for uses and activities incompatible with resource management are discouraged. The existing zoning on this property is not safe as you have smaller densities surrounding this proposal at the same time this property is not resource timber land. This proposal also contains access permits by WA St. Dept of Transportation and Burlington Northern Santa Fe Railroad crossing permit, which all provides for a safe and immediate access to HWY

10. *By up zoning these parcels for innovated techniques to occur for residential development, new housing opportunities, with a safe water supply, safe access in a safe environment proves this amendment bears a substantial relation to safety.*”

Staff Response: This amendment will not be detrimental to the health, safety, or welfare of the public.

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

Applicant Response: *“The Merriam-Webster dictionary defines "merit" as "a good quality or feature that deserves to be praised" and/or "the quality of being good, important, or useful".*

Protection of the existing and surrounding land: With the concept of protecting land, this proposal is not good forestry land. This property contains mainly ponderosa pine, and cotton wood. These types of woods are not marketable timber. The soil is extremely rocky and not conducive to forestry. All the surrounding land has been continually developed into smaller parcels (non-conforming lot sizes) making it even more difficult to continue with any sort of resource practices allowed under the Forest & Range zone. By changing the land use designation and zoning designation allows for the continued rural residential lifestyle to occur at the same time directing growth away from larger tracts of timber resource ground. By doing this the amendment and rezone has merit and value for the county.

Protection of Yakima River: The Yakima River is located on portions of this proposal. By directing this rural residential growth, to more buildable grounds, away from the Yakima River and its associated flood plain and wetlands provides merit and value for the county.

Water Availability: This amendment and rezone will also allow any future development to use of a community water system for domestic uses along with the applicant's senior water rights. By doing this the amendment has merit and value for the county.”

Staff Response: The proposed amendment claims that it will direct residential growth away from the Yakima River Shoreline and associated wetlands. The proposal also claims that the trees are not marketable timber and the ground is very rocky, therefore, the land is not conducive to a resource land use and would better serve the county as rural residential land use.

- 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 proposed amendment needs to be found appropriate because one of the following (i) because of changed circumstances (ii) because of a need for additional property in the proposed zone (iii) because the proposed zone is appropriate for reasonable development of the subject property. As stated above the amendment for the proposal needs to meet only one of these criteria.*

Because of Changed Circumstances: There has been a minimum of two changes in circumstances shown as follows:

1. One major change that has occurred is the newly adopted land use designations. When these designations occurred, for the County to be compliant, the boundaries were not clearly thought out. For example, this proposal contains a Rural Residential and Rural Working land use designations (two different land use designations). This inadvertent change created inconsistencies in applying the county's comprehensive plan polices and development regulations to parcels within this proposal. See Exhibit 5.

2. This proposal and the surrounding areas have also been through numerous changes due to the continued development of the surrounding area. Under the County's zoning the purpose and intent is to continue and protect the resource management. As the parcel map shows there is continued development to the west, north, & east of smaller densities, of which are all nonconforming lots within the forest and range zoning. As you can see from past land use and zoning designation changes, this area has changed and developed into a more rural residential area.

Because of a need for additional property in the proposed zone:

This proposal meets the needs for additional property within this rural residential land use designation, based off the Kittitas County Population Growth: The Kittitas County Conference of Governments (COG) made a recommendation to the Board of County Commissioners to adopt the Office of Financial Management's (OFM) numbers and distribution of populations projections through 2037. These projections are intended to guide in the development of Kittitas County. This recommendation included a population projection of 65,967 residents within Kittitas County by the year 2037. Using this projection, the 20-year population allocation for Kittitas County is anticipated to increase by 23,297 people or by 8,611 units.

Because the proposed zone is appropriate for reasonable development of the subject property because. The property is uniquely suited for rural residential development as it is in an area that has permitted access to SR 10 (Hwy 10) and access to a community water system along with additional water rights to provide for domestic uses.

The surrounding land is no longer used as resource-based land. This land is not used as resource/forestry lands and is more reasonable as rural residential development and recreational lands. The proposed rezone for the property provides for the reasonable development of the land for rural residential uses as well as recreational uses.

As stated above this proposed amendment is appropriate because of changed circumstances and because of a need for and because the proposed zone is appropriate for reasonable development of the subject property.”

Staff Response: The proposed rezone is appropriate for reasonable development of the subject property. This rezone to Rural 5 will rectify the split-zoned nature of the parcels. Population growth in Kittitas County does also create the need for additional housing.

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

Applicant Response: *“Chapter 17.30A R-5 RURAL 5 ZONE
17.30A.010 Purpose and intent.*

The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low-density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. (Ord. 2005-05, 2005)

As pointed out throughout this proposal the uses (smaller hobby farms, densities (1 and 3 acre lots), etc.) that are surrounding the subject parcels are already limiting the ability to operate larger resource management such as forestry under the current zoning of Forest & Range-20. With respect to the uses allowed (permitted & conditional uses) within the existing zone and compared to the proposed zone to R-5 are extremely similar if not the same (See Exhibit 9).

Within the Forest & Range -20 zone, the current zoning of this proposal, there are certain uses such as interpretative centers, Agricultural enhance uses, shooting ranges, taverns, forest product processing, mini warehouse, refuse disposal/recycle, recreational vehicle storage, convalescent home, and forest product sales that are allowed within this zone. These types of uses should be located away from rural residential development and located on larger tracts of land.

The surrounding land, the surrounding uses of the property, the changing uses of the land to rural residential, the available of water through a community water system and legal access show that the property is suitable for development in general conformance with zoning standards for the proposed zone.”

Staff Response: The existing zoning designation is Forest & Range and the proposed zoning designation is Rural 5. This proposed zone change will bring the current split-zoned parcel into conformance with the Rural 5 zoning standards.

- 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 rezone of the property will enhance the properties in the immediate vicinity of the subject property. Under the land use and zoning of Forest & Range-20, the R-5 and the Ag-20 zone are very similar except that Forest & Range -20 allows for certain uses such as interpretative centers, Agricultural enhance uses, shooting ranges, taverns, restaurant, retail sales, forest product processing, mini warehouse, refuse disposal/recycle, recreational vehicle storage, convalescent home, and forest product sales. By rezoning this property, will not be materially detrimental to the use of the properties in the immediate vicinity of the subject property and would be more protective to the properties in the immediate vicinity as the proposed zone would not allow these types of uses therefore not being materially detrimental to the use of properties in the immediate vicinity of the subject property.”*

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

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

Applicant Response: *“This proposal will not adversely impact irrigation water deliveries to other properties.”*

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

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

Applicant Response: *“According to KCC 17.13 Transfer of Development Rights, specifically 17 .14.080 2. the transfer of development rights is not a precondition for any amendment to the Comprehensive Plan, Zoning Map, or proposed rezone to be approved.
KCC 17.13.080.2.*

a. The tender of density credits is not a precondition for any amendment to the Comprehensive Plan, Zoning Map or proposed development to be approved. The density credits are required before the County issues final plat approval or permits, if no land division is involved, for any development of the additional units in the Comprehensive Plan amendment. The developer must submit the density credits when applying for the permit.

*b. The ordinance granting each Comprehensive Plan Amendment shall condition the approval upon the applicant's compliance with the requirement of development credits.
There are no Transfer of Development Rights needed at this time for this proposal.”*

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 and Retained on October 13, 2022. The appeal period ended on October 27, 2022 at 5:00 p.m. There were no appeals filed at the time of writing this staff report.

VI. AGENCY AND PUBLIC COMMENTS

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

Agency Comments: Department of Natural Resources – Shane Early, Snoqualmie Tribe, Department of Natural Resources – Luke Warthen, Kittitas County Public Health, Kittitas County Public Works, Washington State Department of Transportation, and Washington State Fish and Wildlife.

Washington Department of Natural Resources (DNR)- Shane Early and Luke Warthen:

DNR provided comment that future landowners should be aware that they would need a Forest Practices Application (FPA) prior to any timber harvest or conversion of the land to non-forestry and that landowners will need to engage with DNR and/or WDFW to create access roads with appropriate stream crossing structures.

Snoqualmie Tribe:

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

Kittitas County Public Health:

KCPH provided comments stating that at this time they have no comments or concerns due to the project being a rezone and at this point will not be withdrawing ground water or discharging wastewater at this stage.

Kittitas County Public Works:

KCPW submitted comments in regards to the proposed rezone eventually increasing the number of homes at significant flood risk, the parcels involved in the rezone having significant flood way designation by FEMA and residential development being prohibited outright within the floodway, and the approximate 27.6 acres located outside of the floodway being located within the 100 year floodplain and also being at high risk of flooding, any structures on the property required to follow the guidelines within KCC 14.08, and the property being identified as within the Channel Migration Zone.

Washington State Department of Transportation:

WSDOT provided comments concerning the proposed rezone project has the potential to increase the average annual daily traffic in this location during weekdays by 300%, as development are proposed they will be subject to review for their impacts to the WSDOT system and mitigation will be required for those development determined to be significant, possible future requirements for an Traffic Impact Analysis, future need for any proposed developments to obtain an updated railroad crossing permit from BNSF and updated access connection permit from WSDOT, the area being next to SR 10 and BNSF railroad and the noise associated with both, outdoor advertising or motorist signing needing to comply with state criteria, and stormwater and surface runoff generated by the project needing to be retained and treated on site and not being allowed to flow onto WSDOT rights-of-way.

Washington State Department of Fish and Wildlife

WDFW provided comments concerning the rezone to Rural 5 allowing for more density within the property, the need to preserve the important critical areas and shorelines consistent with the goals and policies within section 11.7.3 Natural Environment in Kittitas county's Comprehensive Plan and the Forest and Range zone being the vast majority of the parcel and more consistent with the Natural Environment Goals and Policies of the Comprehensive Plan as well as the Best Available Science for protection of the Shorelines and Critical Areas.

Public Comments: No Public Comments were received for this project.

Applicants Response: Please see Addendum A

Planning Commission Public Hearing – Public Comments:

Washington State Department of Fish and Wildlife – Jennifer Nelson:

Jennifer Nelson stated that WDFW disagrees with staff’s recommendation to approve the project and that the project is inconsistent with portions of the Comprehensive Plan. The Comprehensive Plan incorporates by reference the Critical Areas Ordinance and the Shoreline Master Program to ensure the goals and policies of the natural environment will be achieved. The subject property is not only located within Shoreline Jurisdiction, but within Shoreline Jurisdiction of State-Wide Significance. The property contains all five critical areas: 1) Geological Hazards – Tier 1 risk for channel migration, 2) CARA – level 1 risk for negative impacts to the critical aquifer recharge area, 3) Wetlands – high quality wetlands, 4) Fish and Wildlife Conservation Habitat areas – there are multiple , including critical habitat for all life stages of anadromous fish, ocean-going salmon steel head. Policy 2 in the Natural Environment section specifically states special consideration will be given to conservation and protection of these anadromous fish, 5) Frequently Flooded Areas – nearly the entire property is located within a special flood hazard area, much of which is floodway – the most dangerous part of the river with the highest and fastest flows. The WDFW believes that the current land use designation is consistent with the adjacent land use, that it best protects the natural resources, and that it maintains lower densities within this sensitive and dangerous environment.

VII. PROJECT ANALYSIS

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

Comprehensive Plan Consistency:

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

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

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

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

This proposal is consistent with the Kittitas County Code for Water and Sewers.

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

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

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

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

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

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

Agency Comments:

Comments were received from Department of Natural Resources – Shane Early, Snoqualmie Tribe, Department of Natural Resources – Luke Warthen, Kittitas County Public Health, Kittitas County Public Works, Washington State Department of Transportation, and Washington State Fish and Wildlife.

Public Comments:

No comments have been received from the public.

VIII. RECOMMENDATION

Staff recommended approval of the Teanaway Ridge Non-project Comprehensive Plan Amendment and Rezone (CP-22-00004 & RZ-22-00004) subject to the following findings of fact and conditions:

Findings of Fact

1. Teanaway Ridge LLC is proposing to rezone their 2 parcels, equaling 86.58 acres, currently zoned Forest & Range and Rural 5 to Rural 5 to match adjacent properties. The rezone will allow the current use of the property to be consistent and compatible with the zoning code, as well as allow future expansion of existing uses. A comprehensive plan amendment (CP-22-00004), rezone application (RZ-22-00004), 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 includes Tax Parcel numbers 346534 and 19132 located south of Highway 10, approximately 0.2 miles southeast of the junction of Highway 10 and State Route 970, in Section 4, Township 19, Range 16, bearing Assessor’s Map numbers 19-16-04020-0002 and 19-16-04050-0401, in Kittitas County.

Total Proposal Size:	86.58 acres
Number of Lots:	2
Domestic Water:	Existing Group A Water System
Sewage Disposal:	Existing on-site septic systems installed
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	N/A

3. Site Characteristics: The site is residential, recreational and undeveloped shoreline and tributaries of the Yakima River.
4. Surrounding Property:
 - North: Some residential and Highway 10 corridor
 - South: Mostly residential
 - East: Mostly undeveloped forest/shoreline land
 - West: Mostly undeveloped forest/shoreline land

Access: The proposal is accessed off Highway 10.

5. The Comprehensive Plan designation is Rural Working.
6. The subject property is currently located within mostly Forest & Range Zoning with a small portion of the property in Rural 5 zoning. Rural 5 zoning is being requested for the properties. The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged. The purpose and intent of the Rural-5 zone is to provide areas

where residential development may occur on a low density basis. A primary goal and intent in siting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. Forest & Range has a 20-acre minimum lot size while Rural 5 has a 5 acre minimum lot size. The two lots in the proposal are 0.6 acres and 85.98 acres respectively. Forest & Range has setback requirements of 25-feet for front lot lines, and 10-feet for side and rear lots line. Rural 5 has setback requirements of 25-feet for front lot lines, and 15-feet for side and rear lot lines.

7. Application for a comprehensive plan map amendment, rezone from Forest and Range to Rural 5, and SEPA environmental checklist was received on June 30, 2022. This submittal packet was received prior to the June 30th docketing deadline. The application was deemed complete on July 29, 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.
8. 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 and Retained on October 13, 2022. The appeal period ended on October 27, 2022 at 5:00 p.m. There were no appeals filed at the time of writing this staff report.
9. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section IV of this staff report, the following Comprehensive Plan goals and policies apply to this proposal: RR-G16, RR-G18, RR-P10, RR-P11, and RR-P32).
10. This proposal is consistent with the provisions of Kittitas County Roads and Bridges Title 12.
11. This proposal is consistent with the provisions of KCC 13 Water and Sewers Code.
12. This proposal is consistent with Kittitas County Code Title 14 for Building and Construction.
13. This proposal is consistent with the Kittitas County Zoning Code Title 17.
14. This proposal is consistent with Kittitas County Code Title 17A Critical Areas.
15. This proposal is consistent with Kittitas County Code Title 20 Fire Life Safety.
16. Comments were received from Department of Natural Resources – Shane Early, Snoqualmie Tribe, Department of Natural Resources – Luke Warthen, Kittitas County Public Health, Kittitas County Public Works, Washington State Department of Transportation, and Washington State Fish and Wildlife.
17. The following agencies and member so the public commented during the Planning Commission meeting held November 8, 2022: Washington State Department of Fish and Wildlife – Jennifer Nelson.

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.

After considering the application and testimony provided at the November 8, 2022 Planning Commission public hearing, the Planning Commission recommended approval of the proposed comprehensive plan amendment and rezone by a vote of 4-0, subject to the following conditions: We need a plan, a public entry into this designated spot and that one more plan that this designated area is held ecologically safe and very beautiful.