



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

STAFF REPORT

Gibson Non-Project Rezone (RZ-24-00003) – Docket Item 13

I. GENERAL INFORMATION

Requested Action:

Kristin Gibson, is proposing a rezone to one parcel (280533) currently zoned Agriculture 20 with a Rural Working Land Use, rezoned to Forest and Range zoning. The rezone will remain consistent and compatible with the zoning code of rural recreation, as well as allow future expansion of existing uses. A comprehensive plan amendment rezone (CP-24-00003), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2024 Annual Comprehensive Plan Docket process.

Location: Tax parcel 280533, located on Parke Creek Road north of Vantage Hwy Section 8, T.17N, R.20E, W.M.; Kittitas County parcel map numbers 17-20-08010-0006.

II. SITE INFORMATION

Total Proposal Size:	approximately 42.4 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 District #2
Irrigation District:	Kittitas Reclamation District

Site Characteristics: The site is an active gravel pit and vacant land.

Surrounding Property:

North: Quilomene Wildlife Area
South: Sparse residential, larger parcels of farmland
East: Vacant sageland
West: Sage land and sparse residential development

Access: The proposal has access from Parke Creek Road.

Zoning and Development Standards: The subject property is currently zoned Agriculture 20 with a Rural Working Land Use. The application is to amend the zoning to Forest and Range. A primary goal and intent in siting F&R zones will be to promote 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 proposed rezone has the potential to allow for future recreational/residential/resource activity consistent with surrounding properties.

III. ADMINISTRATIVE REVIEW

Complete Annual Comprehensive Plan Docket Application: Application for a comprehensive plan map amendment, rezone from Rural Working Land Use and Agriculture 20 Zoning to Rural working land use, Forest and Range Zoning, and SEPA environmental checklist was received on June 28, 2024. This submittal packet was received prior to the June 30th docketing deadline. The application was deemed complete on July 26, 2024. A

Notice of Application was issued on August 15, 2024. These notices were published in the official county paper of record and were mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.

IV. COMPREHENSIVE PLAN

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

RR-G22: Provide preservation of agriculture activities where producers can live and work on their own lands separate from Resource Lands.

RR-G23: Support the continuation, whenever possible, of agriculture, timber and mineral uses on lands not designated for long-term commercial significance.

RR-G24: Provide some buffer between rural residential lands and resource lands.

RR-G25: Provide areas of low intensity land use activities within the agriculture and forest activities

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.

Applicants Response: *"The proposed amendment is compatible with the Comprehensive Plan. The proposed amendment is compatible with the comprehensive plan as the land use designation is currently listed as rural working. The Rural working designation has two zoning options: Agriculture 20 and Forest and Range. The review for the compatibility of these zones was done when the land use designation was originally set. The rezone would therefore comply with the comprehensive Plan."*

Staff Response: This project proposes to change only the Zoning designation which is compatible with the County's Comprehensive Plan. Both Ag-20 and Forest & Range are listed as compatible uses in the Rural Working Land Use Section.

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

Applicants Response: *"The suitability of the Rural Working land use designation for due consideration of public health, safety and welfare was already considered and approved when this land use designation was originally approved for the subject site.*

Additionally, any future permits would be reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action. At this time, the review for due regard to public health, safety, and welfare would be reviewed as it relates to any specific proposal.

Staff Response: This amendment will not be detrimental to the health, safety, or welfare of the public as the proposal is currently a non-project specific application. Of the Allowed potential uses listed in the allowed use table for the Forest and range zone they are similar to the previously permitted mining activity that will not pose a health safety or welfare concern. The property is located in the vicinity of a wide array of outdoor recreational opportunities.

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

Applicants Response: *"Individual properties best support the community when they can develop in a manner appropriate for the natural conditions instead of pursuing significant alteration that would have a greater likelihood of disrupting or impacting the natural environment and surrounding properties, and therefore impacting the rural lifestyle the Comprehensive Plan strives to protect.*

Staff Response: CDS staff recognizes the value and merit of changing the zoning to allow a use consistent with the physical use of the property which has previously been permitted by conditional use. The area is sparsely populated and fits the character of the area.

- 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.

Applicants Response: *"The proposed amendment is appropriate because the proposed zone is appropriate for reasonable development of the subject property. The subject site does not have water rights or water service. The soils on the site are coarse gravelly, and are not suitable for farming or grazing.*

Staff Response: CDS staff finds that the proposal is appropriate for reasonable development of the subject property to continue the use that is already permitted on the site.

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

Applicants Response: *"The Forest & Range zoning offer several permitted uses that are more compatible with the subject site than the AG-20 zoning. Fewer alterations to the site will be required when future permits are reviewed for impacts and/or mitigation measures under the applicable regulations in effect at the time of the permit action.*

Staff Response: The existing zoning designation is Ag - 20 and the proposed zoning designation is

Forest & Range. The Ag-20 and Forest & Ranges zones are both compatible with the Rural Working land use designation of the Comprehensive Plan.

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

Applicants Response: *“All properties in the immediate vicinity of the subject site have the same Rural Working land use designation. Trying to develop the subject site under the current Ag-20 zoning would be more impactful to surrounding properties than changing the zone to Forest & Range.”*

Staff Response: CDS staff finds that the proposed will not likely be detrimental to the use of property owners within the immediate vicinity of the subject property as both zones are consistent with the comprehensive plan.

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

Applicants Response: *“The proposed zoning change from Ag-20 to Forest & Range will not adversely impact irrigation water deliveries to other properties because Forest & Range permitted uses better fit the natural conditions of the subject site.”*

Staff Response: The proposal is not project specific and no alterations are proposed to the current ditches and water rights.

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

Applicants Response: *“KCC 17.98.020.6.h states a petition requesting a zoning change must comply with KCC 17.13 Transfer of Development Rights, if the proposed amendment allows more than one dwelling unit per 20 acres or proposes fewer units than allowed in the zone. This proposal would change the zoning from Ag-20 to Forest & Range, and does not include any changes to density or unit considerations related to the permitted uses allowed in the proposed Forest and Range zoning.”*

Staff Response: Upon review of KCC 17.13 Transfer of Development Rights, staff has determined that TDRs are not required for this rezone proposal.

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 Mitigated Determination of Non-Significance (MDNS) on October 1 which was appealed and subsequently withdrawn and re-issued on October 16, 2024.

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:

Kittitas County Public Health:

KCPH state they have no comments on the proposed rezone.

Kittitas PUD

Kittitas PUD states they have no comments.

Colville Tribe

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

Kittitas County Public Works:

KCPW provided comments solely regarding access, and no transportation concurrency management application would be required for this project. Since this project location is not identified by the Federal Emergency Management Agency as within a Special Flood Hazard Area, a floodplain development permit is not required.

Snoqualmie Tribe

Snoqualmie Tribe stated they had no substantive comments on the proposal based on the APE but reserve the right to modify their current position.

Washington State Department of Fish and Wildlife:

WDFW commented in regards to the concern of Priority Habitat Species program as shrub steppe habitat. WDFW requests that a habitat management plan be developed including plans for future expansion of the operation and their impact to shrub steppe, but also plans for habitat restoration once the current mining areas completed.

Staff Response: Staff shares some of the same concerns as the WDFW, The proposed Rezone and Comprehensive Plan Amendment is not a project specific application. Any future development proposals on the property would require critical areas review.

Five Citizen comments were also received during the comment period.

Hutchinson

Thomas

Cascadia Law

Bosman

Blackmore

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 GPOs apply to this proposal: RR-G22, RR-G23, RR-G24, and RR-G25. This proposal is consistent with the intent of the Rural and Resource Lands 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. 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 17.56, Forest & Range zoning:

This proposal is consistent with the Kittitas County Zoning Code 17.56. The proposal is compatible with KCC 17.56.020 referring to the uses table in KCC 17.15.

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

As this is a non-project specific rezone no critical areas will be affected. The only critical areas identified on-site are the Priority Habitat Species of shrub steppe. 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.

VIII. RECOMMENDATION

Staff recommends approval of the Gibson Non-project Rezone (RZ-24-00001) subject to the following findings of facts and conditions:

Findings of Fact

1. Kristin Gibson, is proposing a rezone to one parcel (280533) currently zoned Agriculture 20 with a Rural Working Land Use, rezoned to Forest and Range zoning. The rezone will remain consistent and compatible with the zoning code of rural recreation, as well as allow future expansion of existing uses. A comprehensive plan amendment rezone (CP-24-00003), and SEPA checklist were submitted as part of the application packet. This project is being processed through the 2024 Annual Comprehensive Plan Docket process.
2. This proposal is located on Tax parcel 280533, located on Parke Creek Road north of Vantage Hwy Section 8, T.17N, R.20E, W.M.; Kittitas County parcel map numbers 17-20-08010-0006.
3.

Total Proposal Size:	approximately 42.4 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 District #2
Irrigation District:	Kittitas Reclamation District
4. Site Characteristics: The site is an active gravel pit and vacant land.
5. Surrounding Property:

North: Quilomene Wildlife Area
South: Sparse residential, larger parcels of farmland
East: Vacant sageland
West: Sage land and sparse residential development

Access: The proposal has access from Parke Creek Road.

6. The Comprehensive Plan designation is Rural Working.
7. The subject property is currently located within the Agriculture 20 zoning district and is within the Rural Working Land Use. Forest and Range Zoning is being requested, which is consistent with land uses to the north and east of the property as well as the uses located in the vicinity, including hiking trails and the Quilomene Wildlife area. 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. A primary goal and intent in siting R-R zones will be to promote rural recreation residential development associated with the many natural amenities found within Kittitas County.
8. Application for a comprehensive plan map amendment, rezone from Rural Working Land Use and Agriculture 20 Zoning to Rural Working land use, Forest and Range Zoning, and SEPA environmental checklist was received on June 28, 2024. This submittal packet was received prior to the June 30th docketing deadline. The application was deemed complete on July 26, 2024. A Notice of Application was issued on August 15, 2024. These notices were published in the official county paper of record and were mailed to jurisdictional government agencies, adjacent property owners within 500 feet and other interested parties.
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 Mitigated Determination of Non-Significance (MDNS) on October 16, 2024.
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 GPOs apply to this proposal: RR-G22, RR-G23, RR-G24, and RR-G25. This proposal is consistent with the intent of the Rural and Resource Lands 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 17.56 Forest & Range.
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. This proposal is consistent with Kittitas County Code (KCC 17.13) Transfer of Development Rights.

18. The following agencies commented on this proposal: Kittitas County Public Health, Kittitas PUD, Kittitas County Public Works, Colville Tribe, Snoqualmie Tribe, Washington State Department of Fish and Wildlife.

19. Five comments from members of the public were received on this proposal.

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.