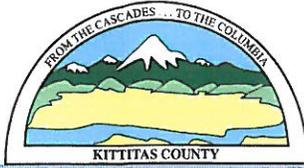


PROJECT NAME: Sierra Group Holdings Rezone Z-06-39)

<p style="text-align: center;">Index #</p> <p style="text-align: center;"><small>*Numbers in lower right hand corner</small></p>	<p style="text-align: center;">Document Name</p>
1	Rezone Application & SEPA Checklist
2	Notice of Application and Legal
3	Comments from the City of Roslyn
4	Comments from the Department of Ecology
5	Comments from the Department of Transportation
6	Comments from David Gerth
7	Comments from Peg Bryan, RIDGE president
8	SEPA MDNS & Legal
9	Comments from Futurewise
10	Memorandum from Public Works
11	Planning Commission Staff Report
12	Letter from DNR/presented by David Gerth
13	Powerpoint Presentation to Planning Commission
14	PC Minutes
15	Map from Deidra Link
16	Letter from David Taylor
17	Planning Commission Minutes
18	Planning Commission Minutes
19	Planning Commission Findings of Fact
20	BOCC Closed Record Staff Report
21	Resolution 2007-52
22	Notice of Decision



KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

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Fax (509) 962-7682

"Building Partnerships – Building Communities"

STAFF REPORT SIERRA GROUP HOLDINGS REZONE

TO: Kittitas County Hearing Examiner
FROM: Kittitas County Community Development Services Staff
RE: Sierra Group Holdings Rezone (Z-06-39)
DATE: June 24, 2010

I. GENERAL INFORMATION

Requested Action: Sierra Group Holdings, LLC and Collins Investments, LLC, landowners, submitted an application for a zone change from Forest & Range to Rural-3 of approximately 60.00 acres.

Location: The site is located east of SR-903 and north of the City of Roslyn and is access via R & R Heights Drive, Roslyn, WA, within a portion of Section 8, T20N. R15E., WM. in Kittitas County. Assessor's map numbers 20-15-08000-0002 & 0003.

Background: The Sierra Rezone Application was submitted to Kittitas County Community Development Services on September 18, 2006. The Kittitas County Planning Commission recommended denial of the Sierra Rezone Application on January 23, 2007, and the Kittitas County Board of Commissioners denied the Sierra Rezone Application on May 15, 2007. On June 5, 2007, the owners of the Sierra Rezone Application property filed a Complaint and Land Use Petition seeking, among other things, judicial review of denial of the Sierra Rezone Application. A copy of that Complaint and Land Use Petition is attached to the Hearing Examiner's packet. Kittitas County Superior Court on March 20, 2008, entered a Stipulated Order, which has been attached to the Hearing Examiner's packet, that reversed the Kittitas County Board of Commissioners' denial of the Sierra Rezone Application. The Sierra Rezone Application has been remanded to Kittitas County for consideration pursuant to the Sierra Stipulated Order.

II. SITE INFORMATION

Total Project Size:	60 acres
Existing zoning	Forest & Range
Proposed zoning	Rural-3
Domestic Water:	Community water system
Sewage Disposal:	Community septic system.
Power/Electricity:	Puget Sound Energy
Fire Protection:	Kittitas County Fire District #7
Irrigation District:	N/A

Site Characteristics:

North: Vacant
South: Vacant
East: Vacant
West: Vacant

Access: The proposed project will have access from R & R Heights Drive. All required roadway improvements will be the responsibility of the developer. A second access route is not required.

Zoning and Development Standards: The subject property is currently located within the Forest & Range zoning district. The applicant is proposing a rezone to Rural-3. The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands

Permitted Uses in the Rural-3 Zone include the following:

1. Single-family homes, mobile homes, cabins;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. Home occupations which do not produce noise, such as accounting, photography, etc.;
6. Cluster subdivision, when approved as a platted subdivision;
7. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located within an established mining district

III. ADMINISTRATIVE REVIEW

Rezoning Application: Application for a rezone from Forest & Range to Rural-3 was received on August 21, 2006. A Notice of Application was issued on September 29, 2006. Said notice was mailed to all neighbors within 300 feet and to interested state agencies.

IV. COMPREHENSIVE PLAN

The Kittitas County Comprehensive Plan designates the subject property as Rural. Kittitas County has established the following goals and policies to guide future housing developments. These goals and policies were developed in response to existing housing conditions and identified needs within the county, and support the County Wide Planning Policies:

- GPO 2.5: "Kittitas County should encourage residential and economic growth that will minimize the costs of providing public utilities and services."
- GPO 2.49 "Planned Unit Developments, which reserve substantial portions of land as open space or recreation area, are preferred over conventional subdivisions"
- GPO 2.94a: "A consideration for all future development should be the adaptability of a proposal to both public and private utilities such as municipal water and sewer systems."
- GPO 3.1 Provide a sufficient number of housing units for future populations in rural areas of Kittitas County.
- GPO 3.6 Provide for future populations while protecting individual property rights.
- GPO 3.17 Provide a sufficient number of housing units for future populations while maintaining the rural character of Kittitas County.
- GPO 3.18 Provide sufficient housing units while maintaining environmental quality.
- GPO 8.5 Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on Rural Lands.

GPO 8.46 Residential development in rural lands must be in areas that can support adequate private water and sewer systems.

V. REZONE CRITERIA

The applicant must demonstrate that the following criteria are met

- 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 change in use of the subject property shall not adversely impact irrigation water deliveries to other properties.

The applicant responds to the above criteria with the following:

- A. The proposed amendment is compatible with the comprehensive plan.

The subject property is designated as Rural under the Kittitas County Comprehensive Plan Land Use Map. The Comprehensive Plan describes rural lands as having a residential density ranging from three (3) to twenty (20) acres per residential unity. The proposed rezone is consistent with the Rural land use designation and compatible with existing development in the area.

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

The proposed rezone will allow future development to occur at densities which support community water and community septic systems. Community water systems reduce the overall number of wells being drilled into the aquifer and provide greater well head protection. Community septic systems reduce the number of septic tanks and drain fields in a given area. In addition, both systems are regulated by the State Department of Health.

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

If approved, the proposed rezone will allow for higher and better use on the subject property. As the number of potential uses and density increases, the value increases. Kittitas County and junior taxing districts in the area will benefit through the increase in taxable value.

- 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.

The proposed rezone will allow for reasonable development of the subject property at densities which support the development of community water and septic systems. The subject property was identified in 1994 as a transitional area between the City of Roslyn and property designated as Commercial Forest to the north. Over the past twelve (12) years, development has occurred in the vicinity of the property at densities similar to that being proposed by the rezone. The proposed rezone will allow development to

occur at densities consistent with traditional "transition areas".

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

The subject property is suitable for development in conformance with the zoning standards applicable to Rural -3 zoning. In general, the property is capable of supporting a variety of uses and densities. Approval of the proposed rezone will allow the property owners to plan subsequent development based upon market conditions (i.e. lots ranging from 3 to 10 acres in size).

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

The proposed rezone will not be materially detrimental to the use of properties in the immediate vicinity of the subject property. The subject property is located in an area characterized by rural densities (i.e. lots 3 to 20 acres in size) and the propose rezone is consistent with the character of the area.

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

Because the subject property is not located in the service area of an Irrigation District/Company; the rezone will not adversely affect delivery of irrigation water...

V. ENVIRONMENTAL REVIEW

Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this comment period and other information on file with our office, a Mitigated SEPA Determination of Non-Significance (MDNS) was issued by Community Development Services Department on December 19, 2006. The SEPA appeal deadline was January 8, 2007. There were no appeals filed.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies have been given the opportunity to review this proposal. Agency comments have been included as Exhibits in the Hearing Examiner packet.

Public comments were submitted on this proposal and have been included as exhibits in the Hearing Examiner packet.

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. The proposed subdivision will be adequately served by rural levels of service.

Agency Comments:

The following agencies provided comments during the comment period: Department of Ecology, Department of Transportation and City of Roslyn. These comments have been included as conditions of approval to address these agency concerns.

Public Comments:

Public Comments were received from adjacent landowners and the issues raised therein were considered when making the conditions of the SEPA MDNS.

VIII. RECOMMENDATION

As conditioned below, the application does not appear to be detrimental to the general public health, safety or welfare and meets the basic intent and criteria associated with Kittitas County Code and the Kittitas County Comprehensive Plan. Staff recommends **approval** of the Sierra Group Holdings Rezone (Z-06-39) subject to the following findings of fact and conditions:

Suggested Findings of Fact

1. Sierra Group Holdings, LLC and Collins Investments, LLC, landowners, has submitted an application for a zone change from Forest & Range to Rural-3 of approximately 60.00 acres. .
2. The site is located east of SR-903 and north of the City of Roslyn and is access via R & R Heights Drive, Roslyn, WA, within a portion of Section 8, T20N. R15E. WM. in Kittitas County. Assessor’s map numbers 20-15-08000-0002 & 0003.
3. Site Information:

Total Project Size:	60 acres
Existing zoning	Forest & Range
Proposed zoning	Rural-3
Domestic Water:	Community water system
Sewage Disposal:	Community water system
Power/Electricity:	Puget Sound Energy
Fire Protection:	Kittitas County Fire District #7
Irrigation District:	N/A
4. Site Characteristics: The area is forested and with moderate slopes. There is evidence that the land has been logged in the past 10-years.
5. Surrounding Property:
 - North: Vacant
 - South: Vacant
 - East: Vacant
 - West: Vacant
6. The Comprehensive Plan designation is Rural.
7. The subject property is zoned Forest & Range, which allows for a 20 acre minimum lot size, Rural 3 zoning allows for a 3 acre minimum lot size.
8. Application for a rezone from Forest & Range to Rural-3 was received on August 21, 2006. A Notice of Application was issued on September 29, 2006. Said notice was mailed to all neighbors within 500 feet and to interested state agencies.

9. Based on the review of the submitted application materials correspondence received during this comment period and other information on file with our office, a Mitigated SEPA Determination of Non-Significance (MDNS) was issued by Community Development Services Department on December 19, 2006. The SEPA appeal deadline was January 8, 2007. There were no appeals filed.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. The proposed subdivision will be adequately served by rural levels of service. The lots will be served by the Community water and on-site sewer systems. Staff has conducted an administrative critical area review in accordance with KCC 17A and found a small areas of steep slopes on site.
11. The following agencies provided comments during the comment period: Department of Ecology, Department of Transportation and City of Roslyn. These comments have been included as conditions of approval to address the agency concerns.
12. Public Comments were received from adjacent landowners and the issues raised therein were considered when making the conditions of the SEPA threshold determination.

Suggested Conclusions:

1. As conditioned, the development 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 17 Zoning, Title 17A Critical Areas, and Title 15 Environmental.

Suggested Conditions of Approval:

1. The project shall proceed in substantial conformance with the plans and application materials which were deemed complete on August 21, 2006 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
3. All current and future landowners must comply with the International Fire Code and its Appendices.
4. Based on the comments received during the public comment period and other information submitted with this project permit application, a SEPA Mitigated Determination of Nonsignificance (MDNS) was issued by Community Development Services on December 19, 2006. The following are the mitigations contained within the MDNS and shall be conditions of approval:

I. Transportation

- A. The project is not adjacent to state highway 903, but access to the site is via SR 903. Access to the project will be via the existing private gravel road.
- B. Any future subdivision or development of the properties involved will be subject to review by WSDOT for their impacts to the WSDOT system. Impacts that are determined to be significant will require

mitigation, and it is anticipated that all costs will be borne by the development(s). WSDOT may require that a traffic impact analysis (TIA) be performed by the developer. WSDOT may require improvements to include left or right turn lanes, or both.

- C. Any future subdivision or development of the properties involved within this rezone will result in the enactment of road standards review and will require road improvements to be made that comply with all applicable agency standards including Kittitas County road standards (see Kittitas County road standards, as adopted 9/06/05). Kittitas County department of public works suggests a “maximum build-out” plan be discussed in a pre-applicant meeting with the applicant to clarify some of these issues.
- D. At the time of a project action, the applicant shall submit a stamped traffic analysis from a licensed engineer in the State of Washington considering among other factors, intersection spacing, sight distances, traffic volumes, load bearing capacity of soils, pavement thickness design, etc. Reference current Kittitas County road standards.

II. Water

- A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES construction stormwater permit issued by the department of ecology prior to start of construction. This permit requires the preparation of a stormwater pollution prevention plan.
- B. Storm water and surface runoff generated by this project must be retained and treated on site in accordance with regulating agencies’ standards, and not be allowed to flow onto WSDOT rights-of-way.
- C. Withdrawals of groundwater on the subject property will be subject to the rules & regulations adopted and administrated by the Washington state Department of Ecology.

III. SEPA review

- A. Any future subdivision or development of the properties involved within this rezone will be subject to additional SEPA review.



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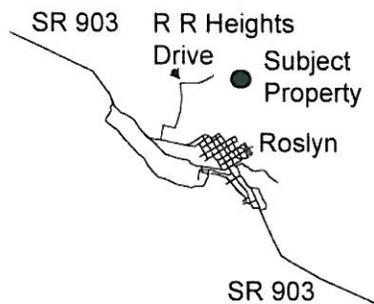
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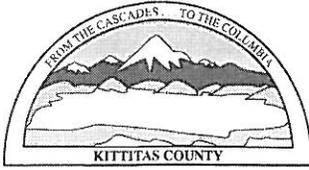
Notice of Public Hearing Sierra Holdings, LLC Rezone

Notice is hereby given that the Kittitas County Hearing Examiner will be conducting an open record public hearing to consider the Sierra Holdings LLC Rezone Z-06-39, a rezone from Forest and Range to Rural 3 of approximately 60 acres. Proponent: Collins Investments, LLC, landowners. Location: east of SR-903 and north of R & R Heights Dr, Roslyn, WA, within a portion of Section 8, T.20N., R.15E., W.M. in Kittitas County. Assessor's map number(s) 20-15-08000-0002 & 0003.

An open record hearing will be held before the Kittitas County Hearing Examiner on June 24, 2010 at 6:00pm, Kittitas County Courthouse, 205 W. 5th Avenue, Ellensburg, WA in the Commissioner's Auditorium. The Hearing Examiner at said public hearing will consider written and oral testimony. Interested persons are encouraged to attend.

Project documents may be viewed during normal business hours at Kittitas County Community Development Services (CDS) Office, 411 N. Ruby Street, Ellensburg, WA 98926. Please do not hesitate to contact CDS at (509) 962-7506 with any questions you might have. Contact: Dan Valoff, CDS Staff Planner.





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MEMORANDUM

TO: Applicant
Interested Parties (KCC 15A.06)

FROM: Scott Turnbull, Planner II

DATE: May 26, 2007

SUBJECT: Notice of Decision
Sierra Group Holdings Rezone (Z-06-39)

Pursuant to RCW 36.70B, and KCC 15A.06, notice is hereby given that on May 15, 2007 the Kittitas County Board of Commissioners signed Resolution No. 2007-52 denying the zone change from Forest & Range to Rural -3 of the property known as the Sierra Group Holdings Rezone (Z-06-39) and described as 60.00 acres within Section 08 of T.20N, R.15E, W.M. in Kittitas County, tax parcel number(s) 20-15-08000-0002 & 0003.

Copies of the Kittitas County Board of Commissioners Resolution 2007-52 (see attached) and related file documents may be examined at the Kittitas County Community Development Services Department, 411 N. Ruby Suite 2, Ellensburg, WA 98926. (509) 962-7506.

Issuance of this land use decision may be appealed by parties with standing, by filing a land use petition in Superior Court, and serving said petition on all required parties pursuant to RCW 36.70C and KCC 15A.08, within twenty-one days.

If you have any questions, please do not hesitate to contact our office at (509) 962-7506.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

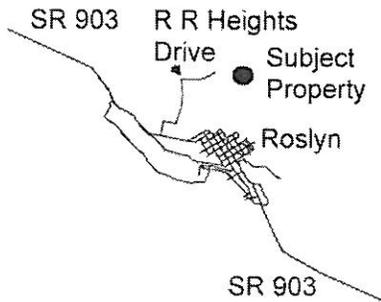
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Notice of Decision

Sierra Group Holdings (Z-06-39)

Pursuant to RCW 36.70B, and KCC 15A.06, notice is hereby given that on May 15, 2007 the Kittitas County Board of Commissioners signed Resolution No. 2007-52 denying the zone change from Forest & Range to Rural -3 of the property known as the Sierra Group Holdings Rezone (Z-06-39) and described as 60.00 acres within Section 08 of T.20N, R.15E, W.M. in Kittitas County, tax parcel number(s) 20-15-08000-0002 &0003. Copies of the Kittitas County Board of Commissioners Resolution 2007-52 and related file documents may be examined at the Kittitas County Community Development Services Department, 411 N. Ruby Suite 2, Ellensburg, WA 98926. (509) 962-7506 Issuance of this land use decision may be appealed by parties with standing, by filing a land use petition in Superior Court, and serving said petition on all required parties pursuant to RCW 36.70C and KCC 15A.08, within twenty-one days. If you have any questions, please do not hesitate to contact our office at (509) 962-7506.



**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

RESOLUTION NO. 2007-51

**SIERRA GROUP HOLDINGS REZONE (Z-06-39)
IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS
FOR A PORTION OF SECTION 08, TOWNSHIP 20 N., RANGE 15 E., FROM
FOREST & RANGE TO RURAL-3**

WHEREAS, according to Kittitas County Code Chapter 17, relating to the zoning of land, adopted pursuant to RCW 58.17, a closed record hearing was held by the Kittitas County Board of Commissioners on April 3, 2007 for the purpose of considering a rezone from Forest & Range to Rural-3 known as the Sierra Group Holdings Rezone and described as follows:

General rezone of 60.00 acres from Forest & Range to Rural-3 (File No. Z-06-39). Proponent: Sierra Group Holdings and Collins Investments, LLC, landowners. Location, east of SR-903 and north of Mountain Ridge Dr, Roslyn, WA 98941, within a portion of Section 8, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number 20-15-08000-0002 & 0003; and

WHEREAS, due notice of the hearing had been given as required by law, and the necessary inquiry has been made into the public interest to be served by such change of zone; and,

WHEREAS, the following FINDINGS OF FACT have been made concerning said proposed rezone:

1. The Board of County Commissioners finds that Sierra Group Holdings and Collins Investments, LLC, landowners, submitted a complete application requesting a zone change of approximately 60.00 acres from Forest & Range to Rural-3 to Community Development Services on September 18, 2006. The applicant's address is 19900 144th Ave NE, Woodinville, WA 98072.
2. The Board of County Commissioners finds that Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on September 19, 2006. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
3. The Board of County Commissioners finds that a SEPA Mitigated Determination of Non-Significance was issued by Community Development Services on December 19, 2006. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the official newspaper of record as required by State Statute and County Code.
4. The Board of County Commissioners finds that an open record hearing was held by the Planning Commission on January 9, 2007, the meeting was continued to

January 23, 2007 to consider this general rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the official county paper of record as required by State Statute and County Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest to be served by this non-project action. The Planning Commission recommended denial of said proposed rezone in a 6-0 decision(one member absent).

5. The Board of County Commissioners finds that a closed record hearing was held on April 3, 2007 for the purpose of considering a rezone from Forest and to Rural-3 known as the Sierra Group Holding Rezone. A motion was made and seconded that the rezone request be **denied**. The motion carried with a vote of 3-0.
6. The Board of County Commissioners finds that the applicant failed to provide proof that the proposed Rural-3 zoning would contribute to the health safety and welfare of the surrounding zone.
7. The Board of County Commissioners finds that the proposed requested zone change **does not** meet all seven criteria as listed in KCC 17.98.020 (E):
 1. The proposed amendment does not bear a substantial relation to the public health, safety or welfare;
 - a. *The Board of County Commissioners finds that the access to the property is in question. The Board of County Commissioners further finds that the slope of the access exceeds the minimum for fire safety.*
 2. The proposed amendment does not have merit and value for Kittitas County or a sub-area of the County.
 - a. *The Board of County Commissioners finds that the burden of proof has not been met by the applicant regarding merit and value for Kittitas County or a sub area of the County.*
 3. The subject property is not suitable for development in general conformance with zoning standards for the proposed zone.
 - a. *The Board of County Commissioners finds that the access is steep and not suitable for reasonable development.*
 4. The proposed amendment will be materially detrimental to the use of properties in the immediate vicinity of the subject property.
 - a. *The Board of County Commissioners finds that the proximity of the proposed rezone would be detrimental to the Urban Forest zone and could be detrimental to the historic City of Roslyn.*

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Kittitas County, Washington, after due deliberation and in the best interest of the public, does

hereby deny said zone change of 60.00 acres, from Forest & Range to Rural-3, known as the Sierra Group Holdings Rezone.

ADOPTED this 15th day of May 2007.

BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON

[Signature]
Alan A. Crankovich, Chairman

[Signature]
David B. Bowen, Vice Chairman

[Signature]
Mark McClain, Commissioner



ATTEST:
CLERK OF THE BOARD

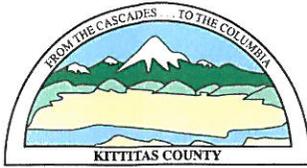
[Signature]

Julie A. Kjorsvik
Clerk of the Board

Deputy

APPROVED AS TO FORM:

Greg Zempel, Prosecuting Attorney
WSBA#12686



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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Office (509) 962-7506

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AGENDA DATE: May 1, 2007

ACTION REQUESTED: Continue the Closed Record Hearing on the Sierra Group Holdings Rezone (Z-06-39).

BACKGROUND:

Sierra Group Holdings, LLC and Collins Investments, LLC, landowners, has submitted an application for a zone change from Forest & Range to Rural-3 of approximately 60.00 acres.

The subject property is located east of SR-903 and north of Mountain Ridge Dr, Roslyn, WA 98941, within a portion of Section 8, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number 20-15-08000-0002 & 0003.

The Kittitas County Comprehensive Plan's Land Use Element designates the subject property as rural and the current zoning is Forest and Range.

Community Development Services issued a Notice of Application, pursuant to KCC 15A.03, on September 29, 2006.

Kittitas County Community Development Services issued a SEPA Mitigated Determination of Non-Significance (MDNS) on December 19, 2006. Deadline to appeal was January 8, 2006. No appeals were filed for this rezone.

On January 9, 2007 the Kittitas County Planning Commission held an open record hearing to consider the Sierra Group Holdings Rezone (Z-06-39), the hearing was continued to January 23, 2007 where testimony was received. The Planning Commission passed a motion by a vote of 6-0 (one member absent) to forward a recommendation of **denial** for the Sierra Group Holdings Rezone and directed staff to prepare findings of fact for the February 27, 2007 Planning Commission Meeting. The Planning Commission had issue with the steep slope accessing the property and the location of the rezone relative to the historic City of Roslyn's urban forest.

The Board of County Commissioners did on March 20, 2007 set a closed record hearing for the April 3, 2007.

RECOMMENDATION:

Take action on the Planning Commission recommendation to **deny** the Sierra Group Holdings Rezone (Z-06-39) and direct staff to prepare enabling documents on Board Signature at the May 15, 2007 agenda.

ATTACHMENTS:

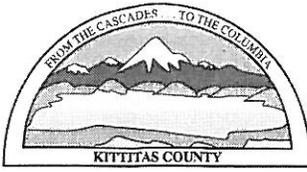
Staff Report
Written Record
Planning Commission Minutes

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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Office (509) 962-7506

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AGENDA DATE: April 3, 2007

ACTION REQUESTED: Conduct Closed Record Hearing for the Sierra Group Holdings Rezone (Z-06-39).

BACKGROUND: Sierra Group Holdings, LLC and Collins Investments, LLC, landowners, has submitted an application for a zone change from Forest & Range to Rural-3 of approximately 60.00 acres.

The subject property is located east of SR-903 and north of Mountain Ridge Dr, Roslyn, WA 98941, within a portion of Section 8, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number 20-15-08000-0002 & 0003.

The Kittitas County Comprehensive Plan's Land Use Element designates the subject property as rural and the current zoning is Forest and Range.

Community Development Services issued a Notice of Application, pursuant to KCC 15A.03, on September 29, 2006.

Kittitas County Community Development Services issued a SEPA Mitigated Determination of Non-Significance (MDNS) on December 19, 2006. Deadline to appeal was January 8, 2006. No appeals were filed for this rezone.

On January 9, 2007 the Kittitas County Planning Commission held an open record hearing to consider the Sierra Group Holdings Rezone (Z-06-39), the hearing was continued to January 23, 2007 where testimony was received. The Planning Commission passed a motion by a vote of 6-0 (one member absent) to forward a recommendation of **denial** for the Sierra Group Holdings Rezone and directed staff to prepare findings of fact for the February 27, 2007 Planning Commission Meeting. The Planning Commission had issue with the steep slope accessing the property and the location of the rezone relative to the historic City of Roslyn's urban forest.

The Board of County Commissioners did on March 20, 2007 set a closed record hearing for the April 3, 2007.

RECOMMENDATION: Take action on the Planning Commission recommendation to **deny** the Sierra Group Holdings Rezone (Z-06-39) and direct staff to prepare enabling documents for Board Signature at the May 1, 2007 agenda.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

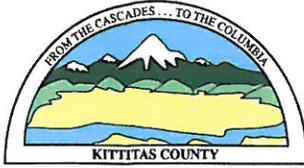
COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

ATTACHMENTS:

Staff Report
Written Record
Planning Commission Minutes
Planning Commission Audio Tapes Available on Request

LEAD STAFF:

Scott Turnbull, CDS Planner II



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

FINDINGS OF FACT SIERRA GROUP HOLDINGS REZONE Z-06-39

THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY COMMUNITY DEVELOPMENT SERVICES STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL. HOWEVER, ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.

- 1) Sierra Group Holdings, LLC and Collins Investments, LLC, landowners, submitted an application for a zone change from Forest & Range to Rural-3 of approximately 60.00 acres. The site is located east of SR-903 and north of Mountain Ridge Dr, Roslyn, WA 98941, within a portion of Section 8, T.20N., R.15E., W.M. in Kittitas County. Tax parcel numbers 20-15-08000-0002 & 0003.
- 2) The subject property is fairly flat. The surrounding area is composed of a mixture of uses which include residential, urban forest and commercial forest.
- 3) The zoning surrounding the subject parcels is currently Forest and Range and Commercial Forest. The minimum lot size for Forest and Range is 20 acres. The subject property is close to the UGA of Roslyn.
- 4) Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on September 19, 2006. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
- 5) Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this comment period and other information on file with CDS, A Mitigated SEPA Determination of Non-Significance was issued by Community Development Services on December 19, 2006. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code.
- 6) An administrative site analysis was completed by the staff planner in compliance with Title 17A. The subject property does not have any critical areas.
- 7) An open record hearing was held by the Planning Commission on January 9, 2007 to consider this rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest to be served by this non-project action.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

19

- a) The Planning Commission finds that the requested zone change **is** consistent with the Rural land use designation of the Kittitas County Comprehensive Plan.
- 8) The Planning Commission finds that the proposed rezone **does not** meet all seven criteria of Kittitas County Code 17.98.020(E) as outlined below:

A. The proposed amendment is compatible with the comprehensive plan.

The Planning Commission finds that the current comprehensive plan land use designation is Rural, which provides for the Rural-3 zone classification. Chapter 8 of the Kittitas County Comprehensive Plan contains the rural land elements, including Goals, Policies and Objectives thereof. See 8.5(E) *Residential Uses*.

RCW 36.70A.030(15): “Rural Development” refers to development outside the urban growth area and outside agricultural, forest and mineral resources lands designed pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

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

The Planning Commission finds that the Comprehensive Plan and Zoning standards were developed specifically to preserve the public health, safety and welfare of Kittitas County. The Planning Commission finds that the easement to the proposed rezone is in question. The Planning Commission finds that without adequate access, services provided by neighboring districts would put an unfair burden on those districts and would adversely effect the health safety and welfare for the surrounding area.

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

The Planning Commission finds that the proposed rezone has the potential to adversely effect the historic City of Roslyn. The Planning Commission further finds that the applicant has identified additional tax revenue as being of benefit to the county, however the applicant introduced nothing into the record that would indicate that additional tax revenue would be generated as a result of the rezone alone. Therefore the burden of the applicant has not been met.

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.

The Planning Commission finds that the proposed rezone has not met the criteria for changed circumstances. The Planning Commission finds that the need for additional property was not demonstrated. Finally, the Planning Commission finds that because of the issue of the access the proposed rezone is not appropriate for reasonable development.

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

The Planning Commission finds that the access is steep and not suitable for reasonable development. The Planning Commission finds that the applicant has failed to meet the burden of proof in that there are steep slopes on the site that would not allow for reasonable development in the zone. Further, the applicant has failed to establish legal access to the property necessary for reasonable development within the zone.

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

The Planning Commission finds that the proximity of the proposed rezone would be detrimental to the Urban Forest zone of the historic City of Roslyn.

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

The Planning Commission finds that no known irrigation water deliveries exist on or near the site and no impacts are anticipated.

12. The Planning Commission finds that additional conditions are not necessary to protect the public's interest. Should the Board of County Commissioner not follow the recommendation of the Planning Commission then additional conditions may be necessary

The Planning Commission motioned to forward the Sierra Group Holdings Rezone (Z-06-39) to the Board of County Commissioners with a recommendation of *denial* by a vote of 6/0.

David Black, Chairman, Kittitas County Planning Commission

Date

**KITTITAS COUNTY PLANNING COMMISSION MEETING
Tuesday, February 27, 2007 @ 6:30 P.M.**

COMMISSIONER'S AUDITORIUM
205 W. Fifth Street, Ellensburg

I. Call to order and introduction of members and staff.

Chairman Black called the meeting to order at 6:30 p.m.

Those present: Chairman David Black, Matt Anderson, Kim Green, Rick Daugherty, Grant Clark, Aaron Langevin.

Also present: CDS Assistant Director Allison Kimball, Staff Planners Noah Goodrich, Scott Turnbull, Mary Rill, Dan Valoff and Mike Elkins, Public Works Planner Randy Carbary, Planning Commission Clerk Trudie Pettit and approximately 12 individuals representing applicants and public interest.

II. Correspondence

Staff Planner **Scott Turnbull** stated a decision needed to be made tonight regarding the Sierra Group Funding and Manna Funding Rezones.

Chairman **Black** stated the board is unanimous and the hearing will not be reopened and the projects will be sent forward to the Board of County Commissioners with a recommendation of denial.

III. Approval of Minutes

Daugherty stated on page 3 of the minutes under the Annis project applicant testimony should read septic system not well system.

Daugherty moved to approve the minutes as corrected. **Green** seconded and the motion carried with all in favor.

IV. Old Business

A. Sierra Group Holdings Rezone (Z-06-39)

The Chair opened the hearing to Board approval of Findings of Fact.

Kim Green moved to accept the suggested Findings of Fact as written with an additional finding stating Taylor's letter was taken under consideration. **Grant Clark** seconded and the motion carried with all in favor.

B. Manna Funding Rezone (Z-06-46)

The Chair opened the hearing to Board approval of Findings of Fact.

Rick Daugherty moved to approve the suggested Findings of Fact as written. **Kim Green** seconded and the motion carried with all in favor.

C. Minor Rezone (Z-06-40)

The Chair opened the hearing to Board approval of Findings of Fact.

Rick Daugherty moved to approve the suggested Findings of Fact. **Kim Green** seconded and the motion carried with all in favor.

D. Storkson Preliminary Plat (P-06-44)

The Chair opened the hearing to Board approval of Findings of Fact.

Daugherty stated #9 in the Findings of Fact should state conditions are not necessary.

Rick Daugherty moved to approve the suggested Findings of Fact as corrected. **Grant Clark** seconded and the motion carried with all in favor.

E. Annis Plat (P-06-40)

The Chair opened the hearing to Board approval of Findings of Fact.

Kim Green moved to approve the suggested Findings of Fact. **Rick Daugherty** seconded and the motion carried with all in favor.

F. Kenzie Corner Plat (P-06-39)

The Chair opened the hearing to Board approval of Findings of Fact.

Rick Daugherty moved to approve the suggested Findings of Fact. **Kim Green** seconded and the motion carried with all in favor.

G. Whitaker Rezone (Z-06-41)

The Chair opened the hearing to Staff Presentation.

Staff Planner, **Noah Goodrich** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

Black asked if the surrounding parcels are zoned Agriculture-20.

Goodrich stated yes.

The Chair opened the hearing to Applicant Testimony.

Jeff Slothower, 201 W 7th Avenue, Ellensburg, WA, representing the applicant, stated he agrees with the staff report and presented a short presentation showing how this application meets the requirements of a rezone.

Daugherty asked about the comment in **Slothower's** letter stating the Whitaker's are not making money on the parcel now and that is the reason why they have applied for a rezone.

Slothower stated a rezone would allow the applicant use the property for other uses other than the 3 acre density and this is non project action.

The Chair opened the hearing to Public Testimony.



Shirley Dawson, 2611 Vantage Hwy, Ellensburg, WA, representing herself, stated she owns the property next to the subject property and is in opposition of this rezone. **Dawson** stated her concerns are septic, well, fire protection, power shortage, roads and sheriff patrolling and asked if the property is in open space.

Black stated the application states the parcel is in open space.

Jan Sharar, 390 Cattail Road, Ellensburg, WA, representing herself, stated approving this rezone would create an island in this area and read into the record a letter and submitted that letter into the record as **Exhibit A**.

Harry Whitaker, 3411 Look Road, Ellensburg, WA, applicant, stated he does not have any plans for this application and their intent is to preserve their options and have the parcels grandfathered into the current code.

Jeff Slothower, stated he does not know what the future holds for this property and the property will have to adhere to the SEPA MDNS requirements if future development occurs.

Daugherty stated the reality is that the property could be divided into 3 acre lots and sold.

Slothower stated multiple steps would have to be done to create 3 acre lots.

Jan Sharar clarified the challenge of the comp plan.

The Chair opened the hearing to Planning Commission Deliberation.

Green asked why the application was for 3 acre and not 5 acre, which would be more appropriate for the area.

Black stated the applicant decides how.

Daugherty stated he has a problem changing the zone to 3 acres because it would be creating an island.

Green asked if any parcels surrounding the property are zoned 3 acres.

Clark stated he agrees with **Daugherty** in that this would not be consistent with the neighborhood.

Rick Daugherty made a motion to pass the Whitaker Rezone (Z-06-41) forward to the Board of County Commissioners with a recommendation of denial. Grant Clark seconded and the motion carried with a 6/0 poll of the board.

Findings of fact will be brought to the March 13, 2007 meeting for approval.

V. New Business

A. Turf Trails Plat (P-06-30)

The Chair opened the hearing to Staff Presentation.

Clark stated he lives close to this property and that he would like to abstain from voting on this hearing.

Staff Planner **Scott Turnbull** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

Daugherty asked why the additional 4 lots were not included in this application and who is responsible for monitoring the wells.

Turnbull stated the Group B requires satellite monitoring.

The Chair opened the hearing to Applicant Testimony.

Jeff Slothower, 201 W 7th Ave, Ellensburg, WA, representing the applicant, discussed the requirements of the well system, irrigation and the access issues.

Daugherty asked how the roads will be connected.

Slothower stated the road will connect to Mt. Daniels Drive and Quartz Mountain Drive in Grasslands.

Green asked who controls the water.

Slothower stated Department of Health and Department of Ecology; an application is required to be updated yearly and the population the water serves will trigger federal guidelines and regulations.

Green asked how water is controlled if a property owner is using more water than allowed.

Slothower stated the Department of Ecology would be the enforcement.

The Chair opened the hearing to Public Testimony. No public testimony.

The Chair opened the hearing to Planning Commission Deliberation.

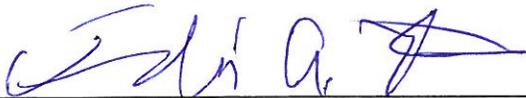
Randy Carbary, Public Works Planner, stated road network is a concern and putting a Finding of Fact stating the road would connect to Grasslands would clear up the issue.

Kim Green made a motion to pass the Turf Trails Preliminary Plat (P-06-30) forward to the Board of County Commissioners with a recommendation of approval. Matt Anderson seconded and the motion carried with a 5/0/1 poll of the board with Grant Clark abstaining.

Findings of fact will be brought to the March 13, 2007 meeting for approval.

The Planning Commission meeting was adjourned at 7:58 p.m.

The next scheduled meeting is March 13, 2007 at 6:30 p.m. in the Commissioner's Auditorium.



Trudie Pettit, Planning Commission Clerk

**KITTITAS COUNTY PLANNING COMMISSION MEETING
Tuesday, February 13, 2007 @ 6:30 P.M.**

COMMISSIONER'S AUDITORIUM
205 W. Fifth Street, Ellensburg

I. Call to order and introduction of members and staff.

Chairman Black called the meeting to order at 6:30 p.m.

Those present: Chairman David Black, Matt Anderson, Kim Green, Rick Daugherty

Also present: Staff Planners Noah Goodrich and Scott Turnbull, Public Works Planner Christina Wollman, Planning Commission Clerk Trudie Pettit and approximately 5 individuals representing applicants and public interest.

II. Correspondence

Staff Planner Scott **Turnbull** stated CDS Director Darryl **Piercy** would like to schedule hearings the second week of April to discuss the Development Code Update.

Black asked how many meetings would be required.

Turnbull stated 3 or 4 and they would be at the fairgrounds or Hal Holmes.

Pettit submitted 2 letters from **David Taylor** regarding Sierra Group Holdings and Manna Funding rezones into the record as **Exhibits A and B**.

Black read the letters into the record.

Black stated the first three items on the agenda will be continued to February 27, 2007.

III. Approval of Minutes

Rick Daugherty moved to approve the minutes as written, **Matt Anderson** seconded and the motion carried with all in favor.

IV. Old Business

A. Whispering Spirits Plat (P-06-41)

The Chair opened the hearing to Board approval of Findings of Fact.

Daugherty moved to accept the suggested Findings of Fact as written. **Green** seconded and the motion carried with all in favor.

B. Misty Mountain Rezone and Plat (Z-06-49, P-06-42)

The Chair opened the hearing to Board approval of Findings of Fact.

Daugherty moved to approve the suggested Findings of Fact for the rezone and plat as written, **Green** seconded and the motion carried with all in favor.

Black moved to authorize the clerk to sign the Findings of Fact on the chairman's behalf. Motion carried with all in favor.

V. New Business

A. Storkson Preliminary Plat (P-06-44)

The Chair opened the hearing to Staff Presentation.

Staff Planner Scott **Turnbull** presented his staff report by reading portions of it into the record and submitted a map into the record as **Exhibit A**. Attached hereto and incorporated herein is a full copy of that Staff Report.

Daugherty asked about surrounding properties.

The Chair opened the hearing to Applicant Testimony.

Dave Nelson, Encompass Engineering and Surveying, representing the applicant, presented a power point presentation explaining the proposed plat and submitted a copy of that presentation into the record as **Exhibit B**.

Green asked about the access road.

Nelson stated the road would be a private road within the plat.

Anderson asked if **Nelson** had comments on the conditions CDS has placed on the project.

Nelson stated the area is mostly natural grasses, and water could be used to water flowers.

The Chair opened the hearing to Public Testimony.

Larry Fuller, 500 Hawk Haven Road, Cle Elum, WA, stated he has no problem with the project but questioned the Class B Well because it is now in the hands of the State. **Fuller** also stated his concerns with the Comprehensive Plan being under review and that all the projects being heard tonight could be reversed.

Black stated we could wait a long time for the review of the Comprehensive Plan.

The Chair opened the hearing to Planning Commission Deliberation.

Green stated she does not have a problem with the project.

Daugherty stated this is one of the better projects he has seen.

Rick Daugherty made a motion to pass the **Storkson Preliminary Plat (P-06-44)** forward to the Board of County Commissioners with a recommendation of approval. **Kim Green** seconded and the motion carried with a 4/0 poll of the board.

Black stated he would like to see the comment from **Fuller** on the Comprehensive Plan added as an additional Finding of Fact.

Findings of fact will be brought to the February 27, 2007 meeting for approval.

B. Annis Plat (P-06-40)

The Chair opened the hearing to Staff Presentation.

Staff Planner Scott **Turnbull** presented his staff report by reading portions of it into the record and submitted a map into the record at **Exhibit A**. Attached hereto and incorporated herein is a full copy of that Staff Report.

Anderson asked what made this project exempt from SEPA.

Turnbull stated this project is 2 lots and the threshold is 9.

The Chair opened the hearing to Applicant Testimony.

Mark Kirkpatrick, Encompass Engineering and Surveying, representing the applicant, presented a power point presentation explaining the project and submitted into the record a copy of the presentation as **Exhibit B**.

Daugherty asked if the septic system was going to be pump or gravity.

Kirkpatrick stated most of the systems in this area are pressure.

Black asked about the Public Works comments on the amount of lots on Morgan Creek Road.

Kirkpatrick stated Public Works does not limit the amount of tax lots to 40 lots but when the lots exceed 40 there must be a secondary access.

The Chair opened the hearing to Public Testimony. No public testimony.

The Chair opened the hearing to Planning Commission Deliberation.

Black asked Public Works staff planner **Christina Wollman** about the comment Public Works made about the amount of tax lots on Morgan Creek Road.

Wollman stated **Kirkpatrick** is correct.

Kim Green made a motion to pass the **Annis Plat (P-06-40)** forward to the Board of County Commissioners with a recommendation of approval. **Matt Anderson** seconded and the motion carried with a 4/0 poll of the board.

Findings of fact will be brought to the February 27, 2007 meeting for approval.

C. Kenzie Corner Plat (P-06-39)

The Chair opened the hearing to Staff Presentation.

Staff planner Scott **Turnbull** presented his staff report by reading portions of it into the record and submitted 2 maps into the record as **Exhibit A** and **B**. Attached hereto and incorporated herein is a full copy of that Staff Report.

The Chair opened the hearing to Applicant Testimony.

Dave Nelson, Encompass Engineering and Surveying, representing the applicant, presented a power point presentation explaining the plat and submitted a copy of that presentation into the record as **Exhibit C**.

Daugherty asked if any feasibility studies have been done.

Nelson stated the city made no comment regarding this project.

Staff planner Noah **Goodrich**, stated he was the planner on the Kenzie project and the city has no plans to bring this area into the city or upgrading to the roads anytime soon.

The Chair opened the hearing to Public Testimony. No public testimony.

The Chair opened the hearing to Planning Commission Deliberation.

Green stated she has no concerns with the project.

Nelson stated the owner has talked about putting in a paved road.

Daugherty asked how many of the surrounding properties are going to be platted.

Nelson stated the Kendrick project which has already been completed.

Rick Daugherty moved to pass the Kenzie Corner Plat (P-06-39) forward to the Board of County Commissioners with a recommendation of approval. Kim Green seconded and the motion carried with a 4/0 poll of the board.

Findings of fact will be brought to the February 27, 2007 meeting for approval.

The Planning Commission meeting was adjourned at 7:45 p.m.

The next scheduled meeting is February 27, 2007 at 6:30 p.m. in the Commissioner's Auditorium.



Trudie Pettit, Planning Commission Clerk



Exhibit No. A
Hearing: Sierra Holdings
Date: 2/13/07
Submitted by: David Taylor

February 12, 2007

Mr. Scott Turnbull
Kittitas County Community Development
Services Department
411 North Ruby, Suite 2
Ellensburg, WA 98926

RECEIVED
FEB 12 2007
KITTITAS COUNTY
CDS

RE: Sierra Holdings Rezone Application – Motion for Reconsideration

Mr. Turnbull:

As you know, the Kittitas County Planning Commission recommended denial of the Sierra Holdings et. al. rezone. As part of our ongoing research into the issues raised by the public and Planning Commission members, we have identified instances in which erroneous information was presented to the Planning Commission by members of the public. The Planning Commission's reliance on this inaccurate information, while formulating their recommendation, appears to have created a bias against the applicant and the project.

To that end, we respectfully request the Planning Commission to set a public hearing to reconsider the Sierra Holdings et. al. Rezone application based on the erroneous information and testimony. Please let me know if you have any questions and the Planning Commission's decision on this request for reconsideration.

Respectfully Submitted,
Taylor Consulting Group

David V. Taylor, Senior Consultant/Owner

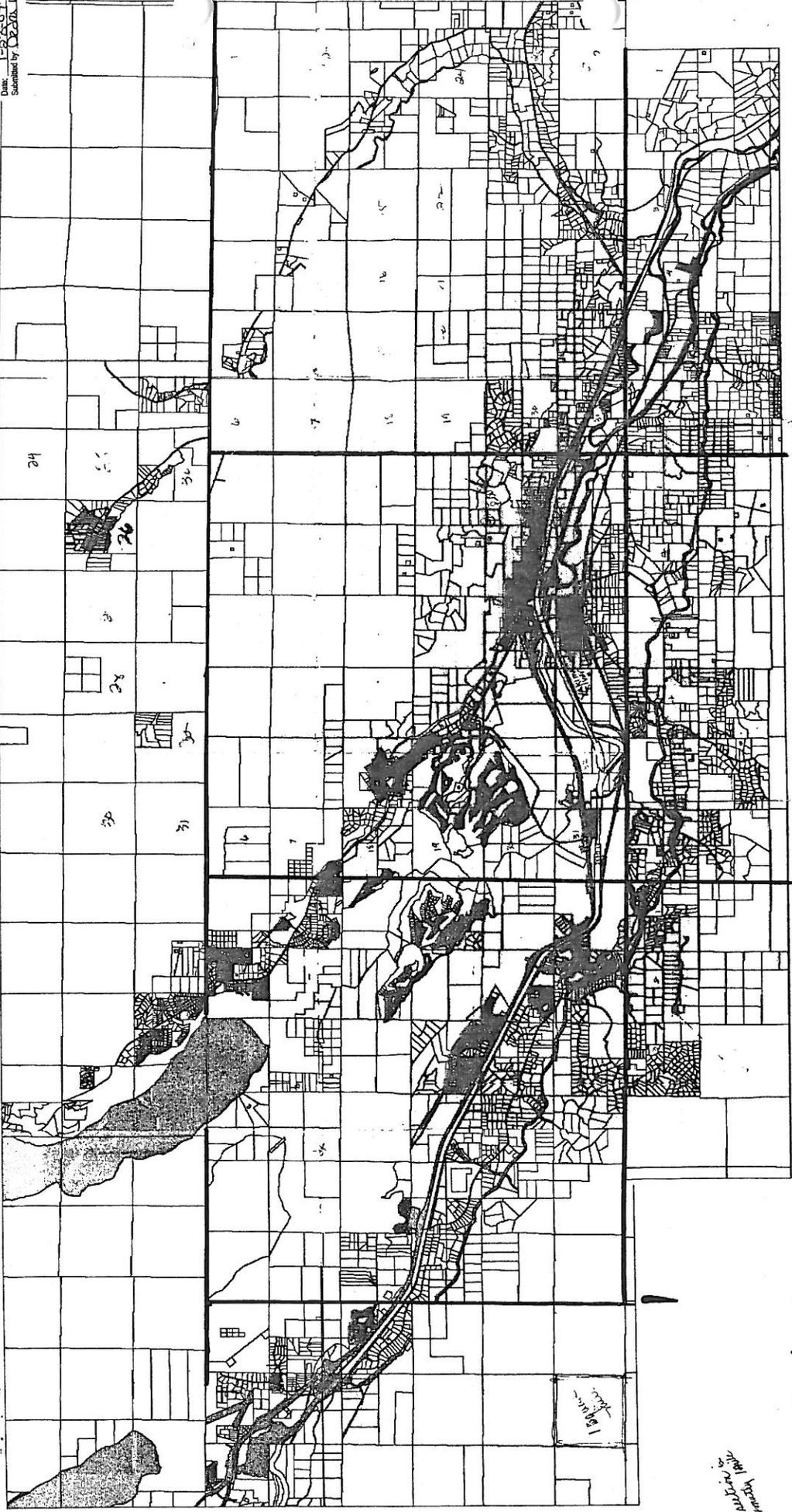
CC: Roger Collins, Client
Steve Holzkecht, Client
File

Exhibit No. 1
Hearing: 1/20/20
Date: 1/20/20
Submitted by: David Link

T 21 N

T 20 N

T 19 N



R 16

R 15

R 14

R 13

with reference to
the plat of 1/20/20

**KITTITAS COUNTY PLANNING COMMISSION MEETING
Tuesday, January 23, 2007 @ 6:30 P.M.**

COMMISSIONER'S AUDITORIUM
205 W. Fifth Street, Ellensburg

I. Call to order and introduction of members and staff.

Chairman Black called the meeting to order at 6:30 p.m.

Those present: Chairman David Black, Grant Clark, Scott Perna, Matt Anderson, Kim Green, Rick Daugherty

Also present: Staff Planners Noah Goodrich, Scott Turnbull and Dan Valoff, CDS Director Darryl Piercy, CDS Assistant Director Allison Kimball, Public Works Planners Christina Wollman and Randy Carbary, Planning Commission Clerk Trudie Pettit and approximately 23 individuals representing applicants and public interest.

II. Correspondence-No Correspondence.

III. Approval of Minutes

Rick Daugherty moved to approve the minutes as written, **Kim Green** seconded and the motion passed with all in favor.

IV. Old Business

A. Meadow Ridge Performance Based Cluster Plat (P-06-14)

The Chair opened the hearing to Board approval of Findings of Fact.

Black stated he would like to make some suggestions regarding the suggested Findings of Fact.

Piercy stated that since this is the first time through this process, we would like to go through each project individually and make the suggested changes. **Piercy** asked the Planning Commission to move the Whitaker Rezone to the February 27, 2007 meeting and will be the first item on the agenda after the Findings of Fact in Old Business.

Black stated he would like to have the title of the project and the board decision on the top of all the findings of fact.

David Black moved to accept the suggested findings of fact as written. **Grant Clark** seconded and the motion passed with all in favor.

Black asked if the findings needed to have his signature.

Piercy stated yes or with approval the clerk can sign.

B. Three Sons LLC Rezone (Z-06-17)

The Chair opened the hearing to Board approval of Findings of Fact.

Black asked to have the findings to look more like the Freeman Rezone.

Rick Daugherty moved to approve the suggested findings of fact as written with changes. Grant Clark seconded and the motion passed with all in favor.

C. DJ Cattle and Land Rezone (Z-06-38)

The Chair opened the hearing to Board approval of Findings of Fact.

Black asked to shorten the verbage in the findings.

Piercy asked that this is what the board will be seeing in the future because they would support the Planning Commission recommendations as they move forward to the Board of County Commissioners.

Grant Clark moved to approve the suggested findings of fact as written. Scott Perna seconded and the motion passed with all in favor.

D. Freeman Rezone (Z-06-43)

The Chair opened the hearing to Board approval of Findings of Fact.

Grant Clark moved to approve the suggested findings of fact as written. Scott Perna seconded and the motion passed with all in favor.

E. Worley Rezone (Z-06-36)

The Chair opened the hearing to Board approval of Findings of Fact.

Black would like to have an expansion of the 7 criteria.

Perna stated there should be an 11th finding, the minority report states all 7 conditions were met.

Scott Perna moved to approve the suggested findings of fact as written with the additions. Matt Anderson seconded and the motion passed with all in favor.

F. Drebaum Rezone (Z-06-47)

The Chair opened the hearing to Board approval of Findings of Fact.

Black asked to have a finding stating the reasons why 2 members voted against the project.

Goodrich asked to have the board look at finding number 12, it states that water and access are an issue.

Black stated they would accept that finding.

Kim Green moved to approve the suggested Findings of Fact as written. Grant Clark seconded and the motion passed with all in favor.

G. Sierra Group Holdings Rezone (Z-06-39)

The Chair opened the hearing to Staff Presentation.

Staff Planner Scott **Turnbull** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

Black asked about the roads in the area.

Turnbull stated they were put in by Plum Creek.

Black asked if the 200 foot buffer does anything to the zoning.

Turnbull stated no building can be done in that 200 foot buffer.

Black asked about the zoning surrounding the subject property.

The Chair opened the hearing to Applicant Testimony.

David Taylor, 1661 Beane Road, Moxee, WA, representing the applicant, stated this application meets the 7 criteria for a rezone and presented reasons to support the project. Taylor stated there are letters in the packet to show there is potable water on the property and legal access to the property could be an issue in the future if development occurs.

Daugherty asked about the access easement to the property.

Taylor stated R & R Heights own the first part of the road and Plum Creek owns the rest that accesses the property.

The Chair opened the hearing to Public Testimony.

David Girth, 205 Alaska Ave, Roslyn, WA, representing himself, stated he submitted a written letter and would like to publicly speak regarding this application. **Girth** stated this property is 300 acres of protected property and putting a 3 acre density into the forest would not meet the 7 criteria of a rezone. **Girth** submitted into the record a letter from the Forest Practice District Manager as **Exhibit A**.

Deidre Link, 560 Hawk Haven Road, Cle Elum, WA, representing herself, stated she agrees with David **Girth** and expressed her concerns with this rezone and submitted a map into the record as **Exhibit B**.

Jan Sharar, 390 Cattail Road, Ellensburg, WA, representing herself, stated she supports the previous speakers and that Forest and Range 20 is the appropriate zone between the city and forest.

Black stated the Board will accept the public testimony for both the Sierra Group Holdings and Manna Funding Rezones.

Virginia Lund, Peoh Point, Cle Elum, WA, representing herself, stated she has a question about 20 acre sprawl and her concerns with water.

Black stated the applicant must prove they have potable water before they are allowed to build.

The Chair opened the hearing to Planning Commission Deliberation.

Taylor, stated the Savoy and Sierra Group holdings are not the same owner. **Taylor** stated the city has been buffered by 310 acres that can not be developed and 20 acre lots can create rural sprawl.

Black questioned the letter from Henderson vs. Kittitas County, and that the letter states health, welfare and safety would be issue.

Taylor stated public health, safety and welfare will be satisfied.

Green asked about the letter from the City of Roslyn and their concerns with the water on the property.

Taylor stated these are 2 issues that will be dealt with at time of future development.

Anderson asked if there is a protocol about 2 rezones being submitted side by side.

Black stated they are 2 separate applications and will have opportunity to look at the application again if they apply for a plat and it is approved.

Daugherty questioned the access to the property.

Black stated traditionally we request legal access.

Anderson asked if Urban Forest is a city zone.

Turnbull stated the zoning to the south in the City of Roslyn is Urban Forest.

Anderson asked if Roslyn was a historic district and the SEPA checklist states that there is no cultural significance and he believes that this is an issue that needs to be looked at.

Turnbull stated yes the city is designated historic district in the Comprehensive Plan.

Daugherty asked where the issue of cohop.

Piercy stated we can not answer that question correctly at this time, staff can research this issue and bring the answer back to the next Planning Commission meeting.

Daugherty stated he has an access issue.

Piercy stated he is not sure of the easement to the subject property and would have to research with the Public Works Department and SEPA.

Daugherty stated if there are issues with this application the same issues will come up in the Manna Funding application.

The board went through the 7 criteria for a rezone to see if the application meets the criteria.

Pernaa states he believes the application does not meet the health, safety and welfare criteria.

Green stated it puts a tremendous burden on the City of Roslyn.

Anderson stated he has issues with the historic district.

Piercy stated the increased tax revenue was the reason for the merit of this application and that the public testimony heard tonight states there will be no increase in tax revenue but will actually not create additional tax revenue.

Daugherty stated this area is rather steep and questioned the suitability for development.

Clark stated the access concerns would mean it is not suitable for development because they don't have access.

Green stated her concerns with the amount of homes that could be developed.

Black stated there is no irrigation water on the subject property.

Kim Green made a motion to pass the Sierra Group Holdings Rezone (Z-06-39) forward to the Board of County Commissioners with a recommendation of denial. Rick Daugherty seconded and the motion carried with a 6/0 poll of the board.

Findings of fact will be brought to the February 13, 2007 meeting for approval.

H. Manna Funding Rezone (Z-06-46)

The Chair opened the hearing to Staff Presentation.

Staff Planner Scott **Turnbull** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

The Chair opened the hearing to Applicant Testimony.

David Taylor, 1661 Beane Road, Moxee, WA, representing the applicant, stated the application is nearly identical to the previous application. **Taylor** stated there is access to this property according to the title report.

The Chair opened the hearing to Public Testimony.

David Girth, 205 Alaska Ave, Roslyn, WA, representing himself, stated his issues with the impact to the forest land, City of Roslyn and Kittitas County.

Black stated the comments from the previous application will be used for this application.

The Chair opened the hearing to Planning Commission Deliberation.

Pernaa stated the property has forest surrounding the land.

Green stated the access is much cleaner.

Daugherty asked where the easements come through the subject property.

Taylor stated the easments are recorded down to road 903.

The board went through the 7 criteria for a rezone.

Black stated there is no irrigation water for this property.

Rick Daugherty made a motion to pass the Manna Funding Rezone (Z-06-46) forward to the Board of County Commissioners with the recommendation of denial. Kim Green seconded and the motion carried with a 6/0 poll of the board.

Findings of Fact will be brought to the February 13, 2007 meeting for approval.

Chairman Black called for a break.

I. Minor Rezone (Z-06-40)

The Chair opened the hearing to Staff Presentation.

Staff Planner Scott **Turnbull** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

The Chair opened the hearing to Applicant Testimony.

John Ufkes, 200 E 3rd, Ellensburg, WA, representing the applicant, stated that the applicant was working tonight and if the board had questions for the applicant to continue the hearing to the next meeting. **Ufkes** described the surrounding areas and stated the road infrastructure is already in place and this would be positive tax revenue for the city. **Ufkes** stated the area surrounding the property has changed drastically in the past few years and that smaller lots are already in the area of the subject property and submitted into the record **Exhibit A**.

Daugherty asked about the surface water on the property and questioned the flood issues with the Wilson Creek and KRD canal.

Ufkes stated there are areas that have been developed off Wilson Creek and there are requirements that have to be met and that the property is at a higher level.

Black asked about the surrounding lots and who owns them.

Ufkes stated the lands are owned by a Minor.

Green asked if anyone surrounding the parcel have signed a right to farm.

Ufkes stated he has seen them before but not for this property.

The Chair opened the hearing to Public Testimony.

Betsy Billeter, 390 Bar 14 Road, Ellensburg, WA, representing herself, stated her concerns with rezones being a non project action and submitted into the record **Exhibit B**.

William Theler, 7300 Wilson Creek Road, Ellensburg, WA, representing himself, stated his concerns with irrigation and questions the issue of non tillable land. **Theler** stated the area is open range and the area is not prepared for this amount of traffic.

Vernon Stokes, 9720 Wilson Creek Road, Ellensburg, WA, representing himself, stated the land is farmable because he worked on that land 30 years ago, and he agrees with the previous speakers. **Stokes** stated the issues with the ground water and the requirements DOE has on creeks that run through the subject property.

Daugherty asked what the issue was with the Department of Ecology.

Stokes stated they are trying to keep animals 30 feet from the creek and public from working within 30 feet.

Theler stated anyone living on Wilson Creek must have a water flow meter and must report monthly to the DOE how much usage they take out of that creek.

Jim Jenkins, 851 Bar 14 Road, Ellensburg, WA, representing himself, stated his concerns with the access to the property, and the traffic problems it would cause.

Pricilla Wood, 350 Bar 14 Road, Ellensburg, WA, stated she feels the rezone is not appropriate because of access issues and open range issue. **Wood** also stated she believes the area should be changed from open range to closed stock land and submitted into the record **Exhibit C**.

Anderson asked how far open range goes.

Wood stated all the way up Wilson Creek Road north to Brick Mill Road and east past Fairview Road.

Jan Sharar, 390 Cattail Road, Ellensburg, WA, stated her concerns with the rezone and submitted into the record **Exhibit D**.

Ken and Terry Niles, 231 Alford Road, Ellensburg, WA, submitted into the record **Exhibit E**.

Ufkes, discussed the conditions that would be required if future development occurred and that there are 2 available accesses.

The Chair opened the hearing to Planning Commission Deliberation.

Anderson stated there is a larger issue that needs to be addressed and this looks like a spot rezone and this is not the last time we are going to see this, wanted to know if the board has a plan to deal with these issues in the future.

Black stated each application will have to be looked at on an individual basis.

The board went through the 7 criteria for a rezone.

Green stated her issues with the ground water and well.

Anderson asked about the number of accidents on that portion of the road.

Randy Carbarry, Public Works Planner, stated in depth studies have not been done and access would be addressed at project stage.

Anderson stated the open range is a big issue for this area and is an issue for public health, safety and welfare.

David Black made a motion to pass the Minor rezone (Z-06-40) forward to the Board of County Commissioners with a recommendation of denial. Matt Anderson seconded and the motion carried with a 6/0 poll of the board.

Black asked **Carbarry** to present accident numbers for the intersection with the findings of fact.

Findings of fact will be brought to the February 13, 2007 meeting for approval.

V. New Business

A. Whispering Spirits Plat (P-06-41)

The Chair opened the hearing to Staff Presentation.

Staff Planner Noah **Goodrich** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

Green asked why this application is exempt from SEPA review.

Goodrich stated anything 9 lots and under do not require SEPA review.

Daugherty asked if a 200 foot buffer would be required around the subject property.

Green asked about the seasonal runoff.

Goodrich stated there is a critical area ordinance.

Clark asked what the fire district chose to do.

Piercy stated the areas outside the urban growth area are under the Urban Wildlife Interface Code. The code has requirements based on the category the property falls under. Some of the requirements could be creating a defensible space, building types and exterior type, onsite storage of water, and fire sprinklers. Piercy stated the fact of the plat would state what requirements they would have to meet.

The Chair opened the hearing to Applicant Testimony.

Mark Kirkpatrick, 108 East 2nd St., Cle Elum, WA, Encompass Engineering and Surveying, representing the applicant, presented a powerpoint presentation and submitted a copy of that presentation into the record as **Exhibit A**. **Kirkpatrick** described the surrounding areas and the proposed well and septic designs.

Black asked if Morgan and Grandview roads are privately owned.

Kirkpatrick stated yes and they have an agreement for keeping the roads clear in the winter time.

Black asked about the well system.

Kirkpatrick stated he recommends a Class B well system.

Black asked how much water the test well provided.

Kirkpatrick stated the current well gets 7-10 gallons a minute on the air test and that could serve up to 5 lots.

Black asked about the community septic system.

Kirkpatrick stated they would have individual septics.

The Chair opened the hearing to Public Testimony. No public testimony.

The Chair opened the hearing to Planning Commission Deliberation.

Daugherty asked **Carbary** if the roads meet the private road standards.

Carbary stated that the road improvements would have to be met before a building permit would be issued.

Black asked about the access driveway off of Bear Grass Road.

Carbary stated they do have access.

Rick Daugherty made a motion to pass the **Whispering Spirits Plat (P-06-41)** forward to the Board of County Commissioners with a recommendation of approval. **Kim Green** seconded and the motion carried with a 6/0 poll of the board.

Findings of fact will be brought to the February 13, 2007 meeting for approval.

B. Misty Mountain Rezone and Plat (Z-06-49, P-06-42)

The Chair opened the hearing to Staff Presentation.

Staff Planner Noah **Goodrich** presented his staff report by reading portions of it into the record. Attached hereto and incorporated herein is a full copy of that Staff Report.

Green asked about the BPA easement through the property.

Goodrich stated there is a recorded easement.

Daugherty asked about the total acreage of the property.

Goodrich stated 21 acres, but the rezone request is only for 10 acres.

The Chair opened the hearing to Applicant Testimony.

Mark Kirkpatrick, 108 East 2nd St., Cle Elum, WA, Encompass Engineering and Surveying, representing the applicant, presented a powerpoint presentation and submitted into the record a copy of that presentation as **Exhibit A**.

Anderson asked if the Group B well had been approved.

Kirkpatrick stated the county and the state are in limbo and don't have any design issues but have not approved it yet.

Black stated that is a requirement and would have to be done before approval.

Clark asked about the secondary access requirement.

Kirkpatrick stated there is a 60 foot easement available to provide the secondary access.

Daugherty asked how many lots the plat is asking for 7 or 9.

Kirkpatrick stated 7 lots.

The Chair opened the hearing to Public Testimony.

Deidre Link, 560 Hawk Haven Road, Cle Elum, WA, stated her concerns with the diversity in the area, water issues, number of wells being drilled in the area and submitted maps into the record as **Exhibit B** and **Exhibit C**.

The Chair opened the hearing to Planning Commission Deliberation.

Black asked how much water the well is producing.

Kirkpatrick stated one well will be serving all the lots.

Piercy stated the Group B well system must be put online and approved prior to final approval.

Black stated his concerns with the 3350 Road.

Carbary stated the road has been improved, and is up to forest service standards and widened to 28 feet. Public Works is waiting for certification.

Daugherty asked about the interconnectivity of the roads.

Carbary stated they have options for secondary access.

Anderson thanked the applicant for presenting a project along with the rezone.

The board went through the 7 criteria for a rezone.

Scott Perna made a motion to pass the Misty Mountain Rezone (Z-06-49) forward to the Board of County Commissioners with a recommendation of approval. Grant Clark seconded and the motion carried with a 6/0 poll of the board.

Scott Perna made a motion to pass the Misty Mountain Preliminary Plat (P-06-42) forward to the Board of County Commissioners with a recommendation of approval. Grant Clark seconded and the motion carried with a 6/0 poll of the board.

Findings of fact will be brought to the February 13, 2007 meeting for approval.

Chairman Black read **Scott Perna's** letter of resignation.

The Planning Commission meeting was adjourned at 10:30 p.m.

The next scheduled meeting is February 13, 2007 at 6:30 p.m. in the Commissioner's Auditorium.



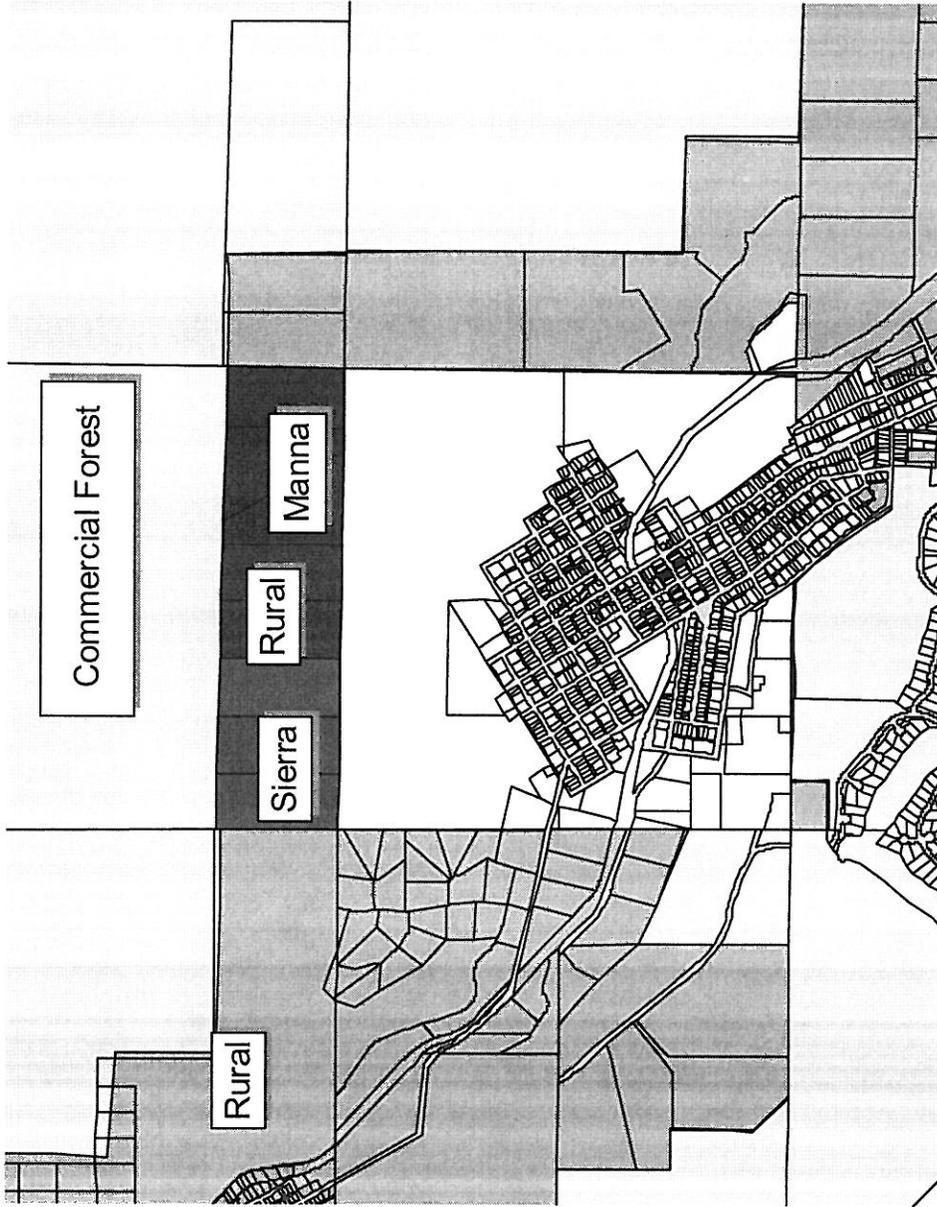
Trudie Pettit, Planning Commission Clerk

**SIERRA GROUP HOLDINGS
REZONE**

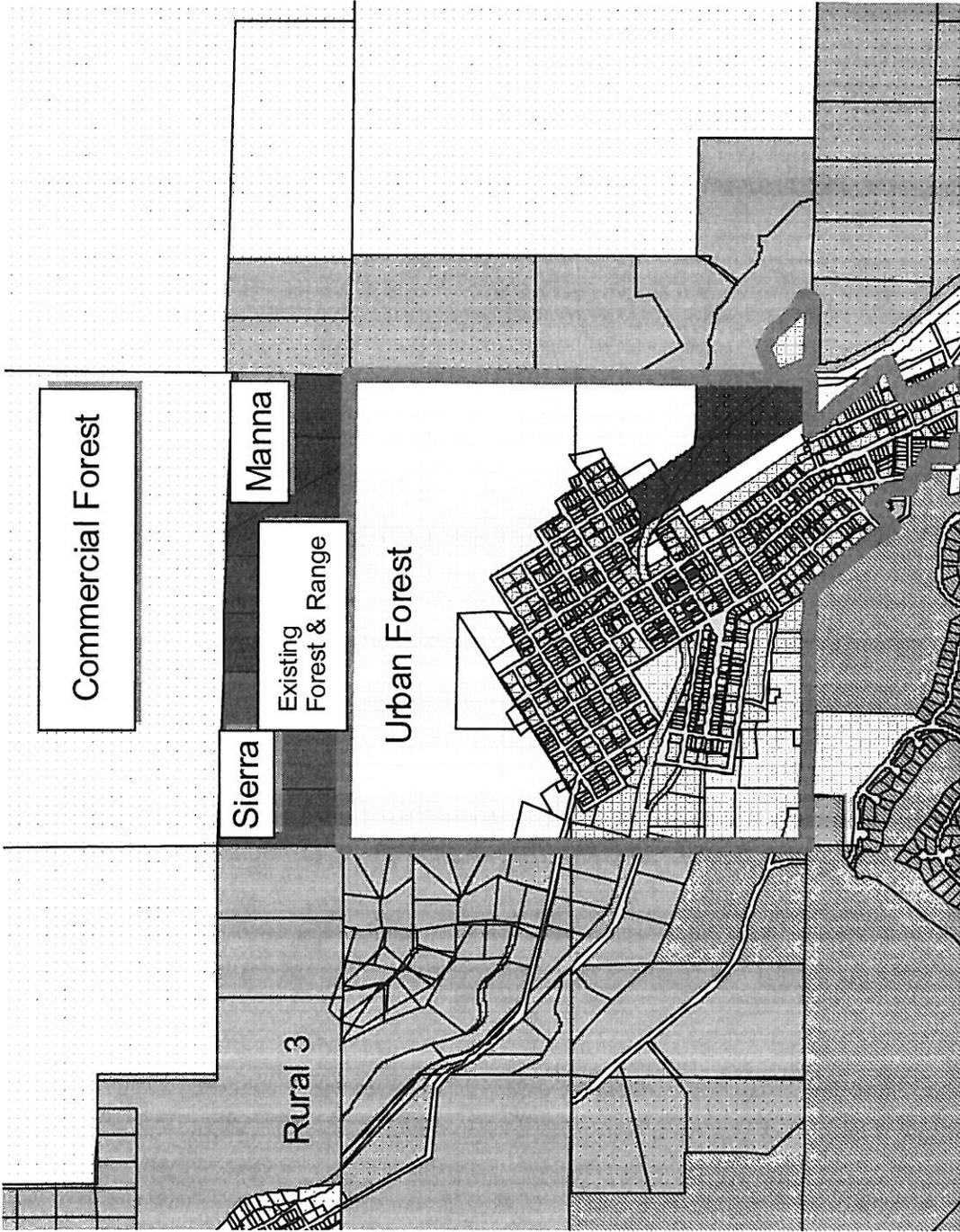
Z-06-39

NOTICES

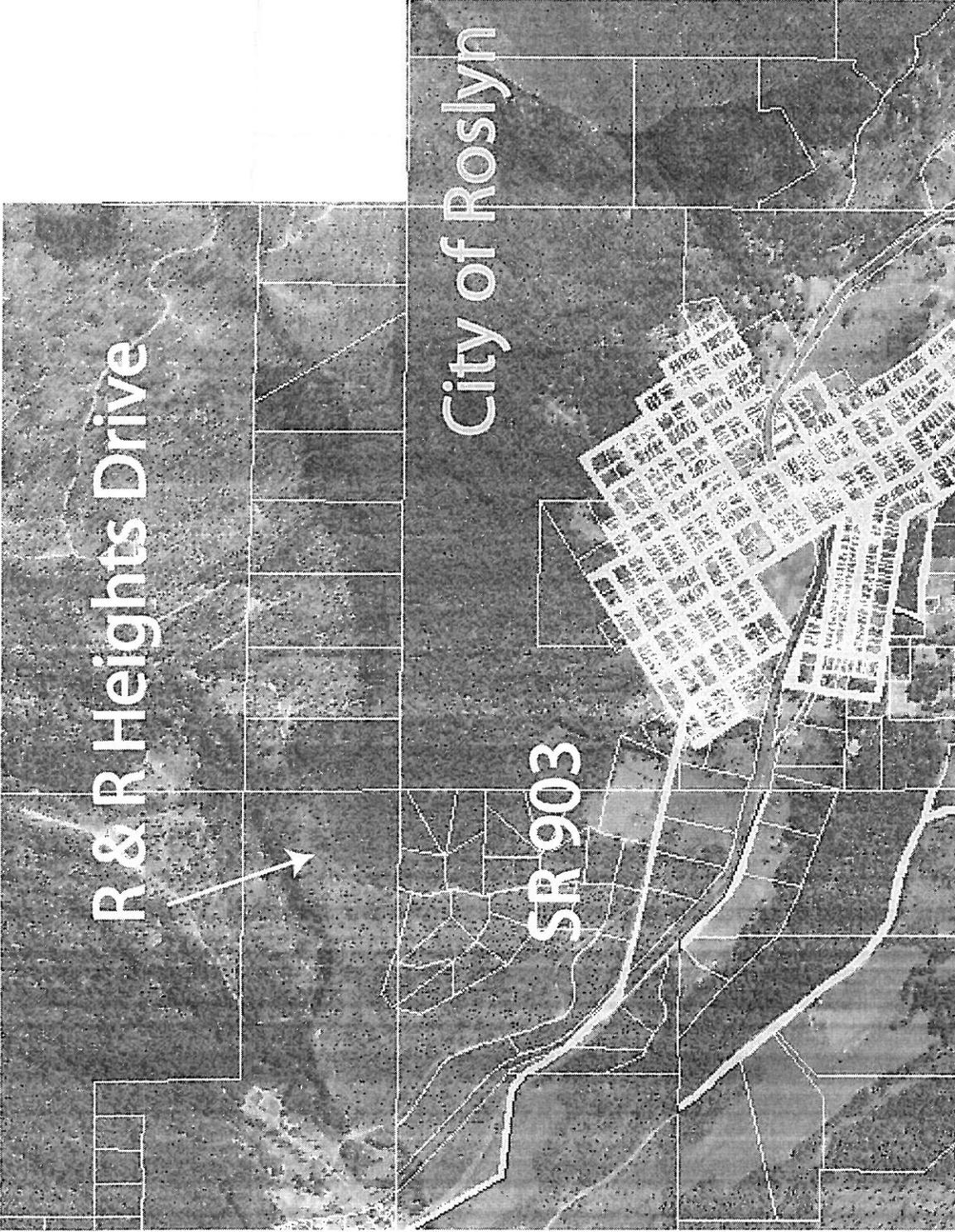
- **NOTICE OF APPLICATION – OCTOBER 20, 2006**
- **COMMENTS RECEIVED FROM DOE, DOT, CITY OF ROSLYN, DAVID GERTH**
- **SEPA – MDNS ISSUED DECEMBER 19TH**
- **NO APPEALS**



Existing Land Use



Zoning



Air Photo of Property

Response to Comments

- Any further development will be subject to further SEPA Review – Cumulative Impacts
- Non Project Action

Exhibit No. A
Hearing: Savory Holdings
Date: 1-23-07
Submitted by: David Gith



WASHINGTON STATE DEPARTMENT OF
Natural Resources

DOUG SUTHERLAND
Commissioner of Public Lands

March 8, 2004

Savory Holdings, LLC
C/O Paul Benton
10020 Main Street, A-327
Bellevue, WA 98004-6064

Dear Mr. Benton:

In recent conversations we have had with Kittitas County, it has come to light that there is a disconnection between DNR and the county process requirements for Conversion Option Harvest Plans (COHP's). Under WAC 222-20-050(2) the Washington State Department of Natural Resources (DNR) may accept an FPA with an attached COHP only after the COHP has been approved by the county. Kittitas County has informed us that they have not approved any of the COHP's that landowners submitted to them; they only accepted them as complete, which is critically different.

Given our current understanding of the county process, the COHP's attached to these FPA's are invalid. These FPA's are forestry FPA's with no conversion option available. Any fieldwork beyond conventional forestry (i.e.- widening roads to a development standard, putting in underground power, clearing home sites, etc.) cannot be allowed under these FPA's. No amendment to FPA's for conversion work is possible because any such revision would be dependent on a COHP that is no longer valid.

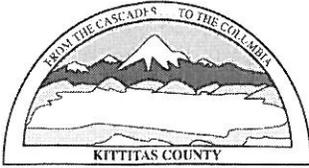
There are two options available for landowners to continue conversion type operations on the properties covered by these FPA's. The first is to apply for a new FPA, a conversion Class IV General FPA, which would be subject to SEPA review. The second is to petition Kittitas County to enact a process to authorize the approval of COHP's.

If work occurs on any of the FPA's with an invalid COHP that is beyond regular forestry operation, DNR will issue an enforcement order to halt the activity. Conversion work would be out of compliance with Forest Practice rules for forestry operations. DNR and Department of Ecology representatives will do field inspections this spring to determine if any erosion control mitigation is needed after snowmelt runoff.

If you have any questions, do not hesitate to call me, at (509) 933-3847, extension #5 or the Kittitas County Planning Department, at (509) 962-7506.

Sincerely

Joseph L. Blazek
Forest Practice District Manager



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

STAFF REPORT

TO: Kittitas County Planning Commission
FROM: Scott Turnbull, Staff Planner
DATE: January 3, 2007 for January 9, 2007 Public Meeting
SUBJECT: **SIERRA GROUP HOLDINGS REZONE (Z-06-39)**
Forest & Range to Rural-3

I. GENERAL INFORMATION

PROPOSAL: Sierra Group Holdings, LLC and Collins Investments, LLC, landowners, has submitted an application for a zone change from Forest & Range to Rural-3 of approximately 60.00 acres. The site is located east of SR-903 and north of Mountain Ridge Dr, Roslyn, WA 98941, within a portion of Section 8, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number 20-15-08000-0002 & 0003.

SITE INFORMATION: The subject property is relatively flat. The surrounding area is composed of a mixture of uses which include residential, and forestry.

The zoning north of the subject parcels is currently Commercial Forest, surrounding the property is Forest and Range, to the south of the project is the Urban Forest zone of the City of Roslyn.

II. POLICY & REGULATORY REQUIREMENTS

COMPREHENSIVE PLAN: The Comprehensive Plan's Land Use Element designates the subject parcel as Rural. Such areas are generally characterized by lands that can support residential development, but also farming, mining and forestry. Consequently, particular precaution must be taken to minimize conflict between new residential developments and natural resource activities. The economy of our rural community has traditionally been based on natural resource activities and Kittitas County encourages and supports their continuation in Rural Lands.

Both the Forest & Range and Rural-3 zoning districts are consistent with the Rural land use designation of the Kittitas County Comprehensive Plan.

ZONING CODE:

The subject property is currently zoned Forest & Range, an area wherein natural resource management is given the highest priority. The Forest & Range Zone requires a 20-acre minimum lot size.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLANS EXAMINATION • ADMINISTRATION • PERMIT SERVICES • INVESTIGATION • ENFORCEMENT • GIS

11

The requested zone is Rural-3, The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands..

The permitted uses and conditional uses allowed in each of the zones are similar except for a few differences. Some of the conditional uses allowed in the Forest and Range zone but not allowed in the Rural-3 zone include all mining, mini-warehouses, and rifle and archery ranges.

The minimum lot size would be reduced from 20 acres to 3 acres. Therefore, the primary difference between these two districts is the density, or potential number of lots. The Forest & Range zone allows one single-family residence per 20 acres. The Rural-3 zone allows one single-family residence per 3 acres.

Required Findings for Rezone: Pursuant to KCC 17.98.020(E), a petition requesting a change on the zoning map from one zone to another must demonstrate that the following criteria are met:

- 1. The proposed amendment is compatible with the comprehensive plan.*
- 2. The proposed amendment bears a substantial relation to the public health, safety or welfare.*
- 3. The proposed amendment has merit and value for Kittitas County or a sub-area of the county.*
- 4. 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.*
- 5. The subject property is suitable for development in general conformance with zoning standards for the proposed zone.*
- 6. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.*
- 7. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.*

CRITICAL AREAS: An administrative site analysis was completed by the staff planner in compliance with Title 17A. The subject property contains some hazardous slope. All future development would need to comply with minimum slope requirements.

III. ADMINISTRATIVE REVIEW

NOTICE OF APPLICATION: A complete application was submitted to the Community Development Services Department and deemed complete on September 18, 2006. A Notice of application was issued on September 29, 2006. This notice was published in the official county paper of record and was mailed to jurisdictional government agencies, adjacent property owners, and other interested parties.

WRITTEN COMMENTS: Written comments were solicited and the final date to submit written comments was on November 2, 2006 by 5:00pm. Written comments were received from the Washington State Department of Ecology, Washington State Department of Transportation, the City of Roslyn and David Gerth.

STATE ENVIRONMENTAL POLICY ACT: Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this comment period and other information on file with our office, a Mitigated SEPA Determination of Non-Significance (MDNS) was issued by Community Development Services Department on December 19, 2006. The SEPA appeal deadline is January 8, 2007.

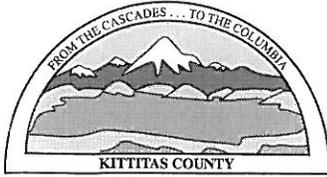
IV. SUGGESTED FINDINGS OF FACT

THE FOLLOWING GENERAL FINDINGS & CONCLUSIONS OF LAW HAVE BEEN PREPARED BY THE KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES STAFF FOR CONSIDERATION BY THE PLANNING COMMISSION IN RENDERING A RECOMMENDATION ON THIS MATTER. ADDITIONAL SPECIFIC FINDINGS MAY ALSO BE NECESSARY.

1. Sierra Group Holdings, LLC and Collins Investments, LLC, landowners, has submitted an application for a zone change from Forest & Range to Rural-3 of approximately 60.00 acres. The site is located east of SR-903 and north of Mountain Ridge Dr, Roslyn, WA 98941, within a portion of Section 8, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number 20-15-08000-0002 & 0003.
2. The subject property is fairly flat. The surrounding area is composed of a mixture of uses which include residential, urban forest and commercial forest.
3. The zoning surrounding the subject parcels is currently Forest and Range and Commercial Forest. The minimum lot size for Forest and Range is 20 acres. The subject property is close to the UGA of Roslyn.
4. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A.03 on September 19, 2006. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
5. Based on the review of the submitted application materials (including an environmental checklist), correspondence received during this comment period and other information on file with CDS, A Mitigated SEPA Determination of Non-Significance was issued by the Community Development Services Department on December 19, 2006. Notice of said determination was provided to all existing parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code.
6. An administrative site analysis was completed by the staff planner in compliance with Title 17A. The subject property does not have any critical areas.
7. An open record hearing was held by the Planning Commission on January 9, 2007 to consider this rezone request. Notice of said public hearing was provided to all parties of record via United States Mail and was published in the Daily Record as required by State Statute and County Code. Testimony was taken from those persons present at said hearing that wished to be heard and the necessary inquiry has been made into the public interest to be served by this non-project action.
8. The Planning Commission finds that the requested zone change **is/is not** consistent with the Rural land use designation of the Kittitas County Comprehensive Plan.
9. The Planning Commission finds that the proposed requested zone change **does/does not** meet all seven criteria as listed in KCC 17.98.020 (E).
 1. *The proposed amendment is compatible with the comprehensive plan*
 2. *The proposed amendment bears a substantial relation to the public health, safety or welfare*
 3. *The proposed amendment has merit and value for Kittitas County or a*

- sub-area of the county*
4. *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*
 5. *The subject property is suitable for development in general conformance with zoning standards for the proposed zone*
 6. *The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property*
 7. *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties*

10. The Planning Commission finds that additional conditions **are/are not** necessary to protect the public's interest.



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Scott Turnbull, Staff Planner, Community Development Services
FROM: Christina Wollman, Planner II *CW*
DATE: January 10, 2007
SUBJECT: Sierra Group Holdings, LLC Rezone Z-06-39

A. Future Subdivision and Development:

Any future land use action or subdivision of the properties involved within this rezone will result in the enactment of road standards review. Certification that road improvements comply with all applicable Kittitas County Road Standards, 9/6/05 edition, is required before any building permits are issued.

B. Emergency Access Roads:

The proposed access to this rezone is R & R Heights Drive (Private). Initial calculations using USGS contour lines and Kittitas County GIS show R & R Heights Road has an average grade of over 13%, with one 360' section averaging more than 18%. An approximately 90-degree curve is located at the base of R & R Heights Drive.

The International Fire Code specifies 10% as the maximum grade for emergency access roads, but due to the mountainous terrain in Kittitas County, this requirement has been relaxed to match the 12% maximum grade as specified in Kittitas County Road Standards.

If, during the road certification process, R & R Heights Drive is found to have a grade greater than 12%, the road will not be certifiable or accessible by emergency vehicles, and no building permits will be issued.

C. Full Build-Out Scenario:

Single-family detached housing generates an average of 9.57 trips per day according to the Institute of Transportation Engineers 7th Edition Manual on Trip Generation. Rezoning these parcels to 3-acre zoning results in a potential full build-out of 33 lots (100 acres / 3). Daily traffic counts in this scenario would be 316 ADT.

In a full build-out scenario, R & R Heights Drive will serve more than 40 lots and cross the threshold requiring a second access that is interconnected with a county road.

D. Access Easements:

Current Kittitas County Road Standards would require access roads to be constructed within a 40'-60' wide easement, depending on the size and number of lots being served. The applicant would be responsible for obtaining all necessary legal and physical rights for ingress and egress to the property. This includes any required easements, permits and / or maintenance agreements. Access to this property may be contingent on the applicants' ability to secure an easement.

B. Design Considerations:

Owner/developer shall take into consideration that in the event the land within this rezone is further subdivided, provisions should be made for adequate easements, considering design and construction for cuts and fills, maximum grade requirements, drainage, erosion control and specifics of ingress/egress.

C. Road Maintenance Agreement:

The applicant shall be responsible for facilitating all coordination with the agencies involved in order to obtain all necessary legal and physical rights for ingress and egress to the proposed plat. In addition, the applicant shall be responsible for establishing a Private Road Maintenance Agreement, in which all property owners share in a proportional cost of maintaining the entire road system serving the newly developed properties. Any agreements shall meet all requirements of the agencies involved.



Building communities
Protecting the land

November 20, 2006

Mr. Darryl Piercy
Kittitas County Community Development Services
411 N Ruby ST, Suite 2
Ellensburg WA 98926

Subject: Kittitas County Comprehensive Plan Amendments Z-06-46, Z-06-43, Z-06-44, Z-06-42 and Z-06-41

Dear Mr. Piercy:

Thank you for the opportunity to comment on the proposed Kittitas County comprehensive plan amendments. Futurewise is a statewide citizens' group working to protect working farms, forests and open space, while making cities and towns great places to live. Futurewise has members across Washington State, as well as in Kittitas County.

We appreciate that you are updating your comprehensive plan. The comprehensive plan updates are opportunities for counties to evaluate their plans to make sure we are getting the kind of community Kittitas County residents want. It is also a great opportunity to incorporate the new knowledge of how to make communities better and to make sure the plan is in compliance with the Growth Management Act.

The Growth Management Act, in RCW 36.70A.130(1), requires each city and county in Washington State that fully plans under the Growth Management Act "to take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter" This means that each county and city must review their entire comprehensive plan and development regulations to ensure they comply with the Growth Management Act.¹ If Kittitas County's comprehensive plan or development regulations do not fully comply with the GMA, they must be

¹ 1000 Friends of Washington and Pro-Whatcom v. Whatcom County; Western Washington Growth Management Hearings Board (WWGMHB) Case No. 04-2-0010 Order on Motion to Dismiss p. *7 of 16 (August 2, 2004). The board's decisions can be found on their website:
<http://www.gmhb.wa.gov/western/decisions/index.html>

revised by an ordinance or resolution adopted by the Board of County Commissioners.²

The legislature adopted this requirement in 1997 and the original deadline was September 1, 2002.³ The plans and development regulations were to be updated every five years.⁴ In 2002, the deadline for Kittitas County and the cities in Kittitas County was extended four years to December 1, 2006 and the update interval increased to seven years.⁵

We appreciate that you are undertaking your update. Futurewise however has serious concerns about the proposed plan amendments Z-06-46, Z-06-43, Z-06-44, Z-06-42 and Z-06-41. Z-06-46 proposes rezoning approximately 100.3 acres from Forest and Range 20 to Rural-3 (Manna Funding, LCC Rezone), Z-06-43 proposes rezoning approximately 20 acres from Agricultural-20 to Agricultural-3 (Freeman Rezone), Z-06-44 proposes rezoning approximately 6.3 acres from Forest and Range to Agricultural-3 (Edwards Rezone), Z-06-42 proposes rezoning approximately 150 acres from Forest and Range to Rural-3 (Grandpa's Ranch, LLC) and Z-06-41 proposes rezoning approximately 157.34 acres from Agricultural-20 to Agricultural-3 (Whitaker). All of these proposed rezones are out of compliance with the Growth Management Act, as rural densities of less than one unit per five acres are prohibited in the rural and agricultural zones. We urge you to deny these proposed rezones.

Densities Greater Than One Dwelling Unit per Five Acres are Prohibited in Rural Areas with Limited Exceptions

The Growth Management Act in RCW 36.70A.110(1) prohibits urban growth outside urban growth areas. The Growth Management Act (GMA) created three state agencies to interpret the GMA and to hear appeals alleging that cities, counties, or state agencies are in violation of the GMA. Kittitas County is in the jurisdiction of the Eastern Washington Growth Management Hearings Board.

The Eastern Washington Growth Management Hearings Board, in defining what is urban growth and what is allowable rural development, has held that in rural areas, no more than one

² RCW 36.70A.130(1) & *1000 Friends of Washington and Pro-Whatcom v. Whatcom County*; WGMHB Case No. 04-2-0010 Order on Motion to Dismiss p. *14 of 16 (August 2, 2004).

³ 1997 Session Laws, Chapter 429 § 10.

⁴ *Id.*

⁵ 2002 Session Laws, Chapter 320 § 1.

housing unit per five-acres is allowed.⁶ This decision is based on the requirements of the Growth Management Act (GMA). The GMA prohibits urban growth outside the urban growth area, including rural areas.⁷ The GMA, in RCW 36.70A.030(17), defines urban growth as "... growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. ... When allowed to spread over wide areas, urban growth typically requires urban governmental services."

The Census of Agriculture shows that the average Kittitas County farm in 2002 totaled 248 acres.⁸ The smallest category of farm reported by the Census of Agriculture is farms from one to nine acres in size. In Kittitas County in 2002 there were 120 farms in that category and they consisted 682 acres.⁹ So the average size of these farms was 5.86 acres. This data certainly supports the Eastern Board's holding on rural densities.

Further, the Rural Element of the Comprehensive Plan is required to protect "critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources..."¹⁰ Critical areas include wetlands and streams.¹¹

In a recent review of these studies, Schueler []concludes that "this research, conducted in many geographical areas, concentrating on many different variables, and employing widely different methods, has yielded a surprisingly similar conclusion - stream degradation occurs at

⁶ *City of Moses Lake v. Grant County*, EWGMHB Case No. 99-1-0016 Final Decision and Order pp. *5 - 6 of 11 (May 23, 2000). See also *Diehl v. Mason County*, 94 Wn. App. 645, 655-57, 972 P.2d 543, 547-49 (1999) (Residential densities of one housing unit, or more, per 2.5 acres "would allow for urban-like development" and are prohibited outside urban growth areas including in rural areas).

⁷ RCW 36.70A.110(1), & *Diehl v. Mason County*, 94 Wn. App. 645, 655 - 57, 972 P.2d 543, 547 - 49 (1999).

⁸ U.S. Department of Agriculture National Agricultural Statistics Service, 2002 Census of Agriculture Washington State and County Data Volume 1, Geographic Area Series Part 47 AC-02-A-47 p. 238 (June 2004). Enclosed on the data CD included with this letter.

⁹ *Id.*

¹⁰ RCW 36.70A.070(5)(c)(iv).

¹¹ RCW 36.70A.030(5).

relatively low levels of imperiousness (10-20%)”
[]. Recent studies also suggest that this
threshold applies to wetland health. Hicks []
found a well-defined inverse relationship between
freshwater wetland habitat quality and imperious
surface area, with wetlands suffering impairment
once the imperiousness of their local drainage
basin exceeded 10%.¹²

Densities of one housing unit per acre have 13 percent of
the lot in imperious surfaces.¹³ Three to five acre lots
have impervious surfaces of 8.3 percent.¹⁴ Five acre lots
have impervious surfaces of 5.4 percent.¹⁵

So, impervious surfaces above ten percent adversely affect
streams and wetlands. Over the long-term, a five acre rural
density is the highest density that can effectively maintain
a ten percent effective imperious surface maximum. This is
especially true given that many subbasins will include urban
growth areas with much higher percentages of impervious
surfaces. Indeed, some rural uses, such as agricultural
product processing plants have higher imperious surfaces.
Higher densities, such as one unit per three acre densities,
mean that impervious surfaces will exceed this percentage in
Kittitas County, resulting in significant adverse
environmental impacts and adverse impacts on surface water
quality.

The State of Washington Department of Community, Trade, and
Economic Development (CTED) also recommends against this
type of sprawling, low-density development. The CTED
recommends rural residential densities of one housing unit
per five and 10 acres. For rural agricultural and forest
uses outside of agricultural and forest lands of long-term
commercial significance, CTED recommends densities of one
dwelling unit per 20 acres.¹⁶

¹² Chester L. Arnold, Jr. & C. James Gibbons. Impervious Surface
Coverage: The Emergence of a Key Environmental Indicator, 62 *Journal of
the American Planning Association* 243, p. 248 (1996).

¹³ United States Environmental Protection Agency, *National Management
Measures to Control Nonpoint Source Pollution from Urban Areas* p. I-9
(Publication Number EPA 841-B-05-004, November 2005). Downloaded on
January 3, 2006: <http://www.epa.gov/owow/nps/urbanmm/> and included on the
data CD enclosed with this letter.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Heather Ballash, *Keeping the Rural Vision: Protecting Rural Character
and Planning for Rural Development* pp. 18-19 (Olympia, Washington:
Washington State Department of Community, Trade and Economic Development,
June 1999).

Densities of one dwelling unit per three acres have the following additional adverse impacts:

- Increase costs to taxpayers by allowing land development that will require urban services where they will be expensive to provide.¹⁷
- Put drinking water supplies at risk by allowing high density development in areas that contribute to drinking water for county property owners, residents, and businesses.¹⁸
- Harm the character of Kittitas County by allowing urban style developments in rural areas.
- Increase traffic because more people drive alone and must drive longer distances to work and to meet the needs of their families.¹⁹ Sprawling places are likely to have more traffic fatalities per capita than more compact regions due to higher rates of vehicle use.
- Harms critical areas and other environmentally sensitive areas.²⁰ Sprawl results in fish and wildlife habitat

¹⁷ Robert W. Burchell, Naveed A. Shad, David Listokin, Hilary Phillips, Anthony Downs, Samuel Seskin, Judy S. Davis, Terry Moore, David Helton, and Michelle Gall. *The Costs of Sprawl-Revisited* pp. 50 - 52 (Transit Cooperative Research Program Report 39, Transportation Research Board, National Research Council 1998), hereinafter *The Costs of Sprawl-Revisited*. Available at:

http://gulliver.trb.org/publications/tcrp/tcrp_rpt_39-a.pdf

http://gulliver.trb.org/publications/tcrp/tcrp_rpt_39-b.pdf

http://gulliver.trb.org/publications/tcrp/tcrp_rpt_39-c.pdf

http://gulliver.trb.org/publications/tcrp/tcrp_rpt_39-d.pdf

http://gulliver.trb.org/publications/tcrp/tcrp_rpt_39-e.pdf

http://gulliver.trb.org/publications/tcrp/tcrp_rpt_39-f.pdf

A copy of the report is also included on the data CD included with this letter.

See also Rick Reeder, Dennis Brown, and Kevin McReynolds. *Rural Sprawl: Problems and Policies in Eight Rural Counties* p. 200, Table 1 (United States Department of Agriculture's Economic Research Service).

Downloaded on February 21, 2005 from

<http://www.ers.usda.gov/briefing/Infrastructure/ReederRuralsprawl.pdf>

It is also on the CD in the Rural Sprawl Articles subdirectory with the filename: [ReederRuralsprawl.pdf](#). The report documents the GMA's success in combating these problems in Mason County compared to rural counties in other parts of the country.

¹⁸ Betsy Otto, Katherine Ransel, Jason Todd, Deron Lovaas, Hannah Stutzman and John Bailey, *Paving Our Way to Water Shortages: How Sprawl Aggravates the Effects of Drought* (American Rivers, Natural Resources Defense Council, and Smart Growth America: 2002). Available from: <http://www.americanrivers.org/site/DocServer/sprawlreportfinal1.pdf?docID=595> and included on the data CD enclosed with this letter.

¹⁹ *The Costs of Sprawl-Revisited* pp. 62 - 63.

²⁰ United States Environmental Protection Agency. *Our Built and Natural Environments: A Technical Review of the Interactions between Land Use, Transportation, and Environmental Quality* p. 19 (EPA 231-R-01-022 January

losses and habitat fragmentation, the separation of habitats by development.²¹ Sprawl's dispersed development pattern leads to the degradation of water quality by increasing runoff volume, altering regular stream flow and watershed hydrology, reducing groundwater recharge, and increasing stream sedimentation.²²

It is important to have a maximum density of one dwelling unit per five acres in the rural areas outside of limited areas of more intense rural development (LAMIRDs) in order to maintain the rural character of Kittitas County, to protect drinking water supplies for both urban and rural residents, to protect water quality, and to protect rural residents.

These densities are out of compliance with the Growth Management Act, and we urge you to deny these rezone requests. To address this and other rural issues, enclosed please find a Futurewise report on *Planning for Sustainable Rural Areas*.

Thank you very much for the opportunity to comment on the proposed rezones. Please include this letter and attachments in the record for the update, and please notify me of any public involvement opportunities and decisions regarding these rezones. You can send those notices by e-mail to Sydney@futurewise.org or to our above mailing address.

If you require additional information, please contact me at 206-343-0681 or Sydney@futurewise.org.

Thank you for considering our comments.

Sincerely,

Sydney McComas
Urban Policy Director

2001) available from: <http://www.epa.gov/smartgrowth/pdf/built.pdf> A copy of the report is also included on the data CD included with this letter.

²¹ *Id.*

²² *Id.*



Planning for Sustainable Rural Areas

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Introduction

One of the principle reasons for the adoption of Washington's Growth Management Act was the loss of working farms, working forests, and salmon streams to sprawl.¹ Washington residents were tired of seeing their beloved rural areas lost because cities and counties lacked the policy guidance and tools to protect them. The Growth Management Act requires

¹ Richard L. Settle & Charles G. Gavigan. *The Growth Management Revolution in Washington: Past, Present, and Future*, 16 U. Puget Sound L. Rev. 867, p. 880 (1993) & *King County v. Central Puget Sound Growth Management Hearings Bd.*, 138 Wn. 2d 161, 166 – 167, 979 P.2d 374, 377 (1999), as amended on denial of reconsideration September 22, 1999.



that rural areas be protected from inappropriate low-density sprawl.² And we are making progress. Between 1982 and 1997, each new resident in Washington used less newly developed land than all but six other states.³ We will need to continue this progress to have truly sustainable rural areas for us to pass on to our children and grandchildren.

The purpose of this summary is to assist those preparing and participating in the update of rural comprehensive plan elements and rural development regulations. It identifies the Washington State policy and requirements that apply to rural areas. While we have tried to carefully summarize the Growth Management Act provisions, they evolve as the legislature amends the Act and the Growth Management Hearing Boards (Growth Boards) and the courts continue to interpret the enactments. Consequently, this paper is not a substitute for legal research and advice.

This paper cites to provisions of the Growth Management Act, published court decisions, and published Growth Board decisions. The Growth Management Act, implementing procedural criteria, and the published decisions of the Washington State Supreme Court and Court of Appeals are all available at Legalwa.org: <http://www.legalwa.org/> The published opinions of the Growth Management Hearings Boards and their excellent digests that summarize and index there opinions are available at: <http://www.gmhb.wa.gov/> Unless otherwise noted or preceded by a Westlaw citation (which includes the year of the decision followed by the abbreviation "WL" and a document reference number), all page numbers are taken from the version available at the Growth Boards' websites.

Holly Stewart contributed to the LAMIRD section of this paper. Tim Trohimovich (AICP, JD) Futurewise Planning Director was lead author of the other parts of this report.

Definitions

Four key terms are used by the Growth Management Act (GMA) in setting rural policy. As the Growth Management Hearings Board's have held, an analysis of the rural provisions starts with the definitions adopted by the Legislature.⁴ This section includes the definitions for these key terms. The first definitions are derived from the GMA. The next three, rural character, rural development, and rural government services are direct quotes from the GMA.

² RCW 36.70A.070(5)(c)(iii).

³ Jeffrey D. Kline. *Comparing States With and Without Growth Management Analysis Based on Indicators With Policy Implications Comment*, 17 Land Use Policy 349, 354 (2000) (Washington used 0.48 acres of new developed land per new resident between 1982 and 1997. This was the seventh lowest rate of land conversion, only six states converted less land per new resident).

⁴ *Panesko, et al. v. Lewis County, et al.*, Western Washington Growth Management Hearings Board (WWGMHB) Case No. 98-2-0011c Final Decision and Order Et Compliance Order, 2001 WL 246707 p. *11 (March 5, 2001).

The rural area is the land located outside the urban growth area and outside resource lands.⁵ Resource lands are agricultural, forest, and mineral lands of long-time commercial significance.⁶

“Rural character” refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.⁷

“Rural development” refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.⁸

“Rural governmental services” or “rural services” include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas.

⁵ RCW 36.70A.070(5), *Whidbey Environmental Action Network v. Island County*, 122 Wn. App. 156, 166, 93 P.3d 885, 890 (2004), & *Panesko, et al. v. Lewis County, et al.*, WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order p. *12 of 43, 2001 WL 246707 p. *11 (March 5, 2001).

⁶ *Id.* & RCW 36.70A.060(1).

⁷ RCW 36.70A.030(14).

⁸ RCW 36.70A.030(15).

Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).⁹

The Growth Board's have held that these definitions include requirements applicable to planning for rural areas.¹⁰ In interpreting these definitions, the Growth Boards have noted the following key points. Reading rural character and rural development definitions together, the Western Board wrote:

Development in the rural area can allow a variety of uses and residential densities including clusters. However, such uses and densities must be only at levels that are:

- a. consistent with rural character (as defined in [RCW 36.70A.030](14)) preservation; AND
- b. consistent with the requirements of [RCW 36.70A.070](5).¹¹

In reading rural governmental services definition, the Western Board also held that:

1. Storm and sanitary services are prohibited [outside of urban growth areas], except to alleviate an existing health or environmental hazard.
2. This definition [of rural governmental services] and the definition of urban services found in [RCW 36.70A.030](19) both include domestic water systems, fire and police protection, and transportation and public transit services. The distinguishing characteristic is that rural services must be "historically and typically delivered at an intensity usually found in rural areas." Urban services are those that are provided "at an intensity historically and typically provided in cities,"¹²

Legislative Findings for Rural Lands

With the adoption of the Growth Management Act in 1990, the Legislature found that uncoordinated and unplanned growth together with a lack of common goals posed "a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state."¹³ The legislature also found that it is in the public interest for citizens, cities and counties, and the private sector work together to prepare and update comprehensive land use plans, and that economic development programs should be shared with communities experiencing inadequate economic growth.¹⁴

⁹ RCW 36.70A.030(16).

¹⁰ *Panesko, et al. v. Lewis County, et al.*, WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 pp. *11 - 12 (March 5, 2001).

¹¹ *Id.* at p. *11 (March 5, 2001) (emphasis in the original).

¹² *Id.* at p. *12.

¹³ RCW 36.70A.010.

¹⁴ *Id.*

In 2002, the Legislature adopted another set of findings for rural lands. They are set out in full here:

The legislature finds that this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences. Rural lands and rural-based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life.

The legislature finds that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Further, the legislature finds that rural counties must have the flexibility to retain existing businesses and allow them to expand. The legislature recognizes that not all business developments in rural counties require an urban level of services; and that many businesses in rural areas fit within the definition of rural character identified by the local planning unit.

Finally, the legislature finds that in defining its rural element under RCW 36.70A.070(5), a county should foster land use patterns and develop a local vision of rural character that will: Help preserve rural-based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; be compatible with the use of the land by wildlife and for fish and wildlife habitat; foster the private stewardship of the land and preservation of open space; and enhance the rural sense of community and quality of life.¹⁵

Findings help guide the interpretation and implementation of the GMA. They are not, however "substantive or even procedural requirement[s] of the" GMA and do not create "a specific local government duty for compliance apart from the subsequent goals and requirements of the Act."¹⁶

The Rural Comprehensive Plan Element & Rural Development Regulations

The core GMA requirements for sustainable rural areas are for each county fully planning under the Growth Management Act to prepare and adopt a rural comprehensive plan

¹⁵ RCW 36.70A.011.

¹⁶ *Litowitz, et al., v. City of Federal Way*, CPSGMHB Case No. 96-3-0005 Final Decision and Order p. *14 (July 22, 1996).

element and then development regulations to implement the rural element.¹⁷ This section will discuss the procedural and substantive requirements for the rural element and the development regulations that implement it.

The term “element” refers to topic areas that must be addressed in the comprehensive plan. “Development regulations” are “... controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances and” amendments.¹⁸ Incorporated cities and towns do not adopt rural elements because their jurisdiction does not include rural areas.¹⁹

County Discretion in Planning for Rural Areas

In addressing the level of discretion that counties have in planning for rural areas, the Western Board has held that:

The Legislature recognized in [RCW 36.70A.070](5)(a) that local circumstances are an important consideration “in establishing patterns of rural densities and uses.” This provision is consistent with the wide discretion allowed to local government under the GMA. RCW 36.70A.3201.

However, that discretion was not intended by the Legislature to be unbridled. RCW 36.70A.3201 involves discretion that is “consistent” with the goals and requirements of the Act. [RCW 36.70A.070](5)(a) requires a county (through a written record) to “harmonize the goals” and “meet the requirements” of the GMA. The language of [RCW 36.70A.030] (14), (15), and (16), emphasize that the patterns of uses and densities must be those which are “historical” and “typical” to rural areas. The Legislature did not say that whatever existed in a particular county on June 30, 1990, automatically became the existing rural character of that county. The Legislature has clearly said that the rural element must have parameters involving generalized historical and traditional “lifestyles” and “visual compatibility,” as well as the predominance of the natural environment, compatibility with wildlife and fish, protection of waters and the reduction of “sprawling, low-density development.”²⁰

¹⁷ RCW 36.70A.070(5), RCW 36.70A.040(3), & RCW 36.70A.040(4).

¹⁸ RCW 36.70A.030(7).

¹⁹ RCW 36.70A.110(1).

²⁰ *Panesko, et al. v. Lewis County, et al.*, WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. *12 (March 5, 2001), accord the Washington Supreme Court in *King County v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 142 Wn.2d 543, 561, 14 P.3d 133, 142 (2000) (“Local governments have broad discretion in developing [comprehensive plans] and [development regulations] tailored to local circumstances.” *Diehl v. Mason County*, 94 Wn. App. 645, 651, 872 P.2d 543 (1999). Local discretion is bounded, however, by the goals and requirements of the GMA.”)

Requirements

- “Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.”²¹ While this written record could be a part of the rural element, what is required is an explanation of how the element meets the goals and complies with the GMA requirements not a listing of what has been done or just the rural element itself.²²

Rural Uses

- “The rural element shall permit rural development, forestry, and agriculture in rural areas.”²³ Rural development is defined in the definitions section of this paper.
- “The rural element shall provide for a variety of rural ... uses and [] essential public facilities.”²⁴ “Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.”²⁵
- “[P]roposed uses that meet the definition of urban growth will be prohibited in a rural area unless ... the use, by its very nature, is dependent upon being in a rural area and is compatible with the functional and visual character of rural uses in the immediate vicinity”²⁶ Generally there are two categories of these uses:
 - Certain uses require rural sites, such as sawmills that mill timber from the rural area and resources lands.²⁷
 - “Likewise, localized commercial or public facility uses that serve a rural population or other activities in the rural area are dependent upon a rural location close to their constituencies.”²⁸

²¹ RCW 36.70A.070(5)(a).

²² *Citizens for Good Governance, 1000 Friends of Washington, and City of Walla Walla v. Walla Walla County*, Eastern Washington Growth Management Hearings Board (EWGMHB) Case No. 01-1-0015c & Case No. 01-1-0014cz Final Decision and Order p. *7 of 62 (May 1, 2002).

²³ RCW 36.70A.070(5)(b).

²⁴ RCW 36.70A.070(5)(b) & *Vashon-Maury v. King County*, Central Puget Sound Growth Management Hearings Board (CPSGMHB) Case No. 95-3-0008 Final Decision and Order p. *69 (October 23, 1995).

²⁵ RCW 36.70A.200(1).

²⁶ *Vashon-Maury v. King County*, CPSGMHB Case No. 95-3-0008 Final Decision and Order p. *69 (October 23, 1995) and followed by *Timberlake Christian Fellowship v. King County*, 114 Wn. App. 174, 184 – 185, 61 P.3d 332, 337 – 338 (2002).

²⁷ *Id.*

- Major industrial developments that meet the requirement of RCW 36.70A.365(2) may be approved outside an urban growth area, which includes the rural area.²⁹ “Major industrial development’ means a master planned location for a specific manufacturing, industrial, or commercial business that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multitenant office parks.”³⁰ To establish a process for these developments, the county must consult with the cities in the county.³¹ Final approval of a major industrial development designates the site as an urban growth area.³²
- In addition to the major industrial developments authorized by RCW 36.70A.365, many, but not all, of the counties fully planning under the GMA in consultation with the cities in the county may establish a process for designating up to two master planned locations for major industrial activity outside the urban growth area.³³ The county must meet certain eligibility requirements and the locations must meet certain standards.
- New or existing master planned resorts may also be allowed in rural areas if they meet certain standards.³⁴ They are briefly described in a separate section below.
- Parts of a town or district that has been designated a national historic landmark by the United States secretary of the interior under 16 U.S.C. § 461 *et seq.* “may include the types of uses that existed at times during its history and is not limited to those present at the time of the historic designation.”³⁵ This can include residential, commercial, industrial, tourist, and waterfront uses that were historically found in the town or district. These historic towns and districts may even constitute urban growth in the rural area.³⁶ The county comprehensive plan must meet certain standards to use these provisions.
- In areas used for more intense purposes, limited areas of more intense rural development (LAMIRDs) may be used to provide for these preexisting types of uses. LAMIRDs are more fully discussed in their own section below.

²⁸ *Id.*

²⁹ RCW 36.70A.365.

³⁰ RCW 36.70A.365(1).

³¹ RCW 36.70A.365.

³² RCW 36.70A.365(3).

³³ RCW 36.70A.367.

³⁴ RCW 36.70A.360 & RCW 36.70A.362.

³⁵ RCW 36.70A.520(2).

³⁶ RCW 36.70A.520.

- While rural development must be permitted in the rural area, urban growth is prohibited.³⁷
 - RCW 36.70A.030(17) defines urban growth as “... growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services.”
 - As was mentioned above, the Legislature has enacted limited exceptions to the rule urban growth is prohibited in the rural area for master planned resorts and historic towns and historic districts.

Rural Minimum Lot Sizes and Densities

- In rural areas, no more than one housing unit per five-acres is allowed.³⁸ Less dense development is allowed and mandated by the requirement for a variety of rural densities discussed below. For example, a county could choose not to have a density of one dwelling per five acres and only have lower densities.
- In the Central Puget Sound region (King, Kitsap, Pierce, and Snohomish Counties), a pattern of ten acre lots is “clearly rural.”³⁹ “[A] new land use pattern that consists of between 5- and 10-acre lots is an appropriate rural use, provided that the number, location and configuration of lots does not constitute urban growth; does not present an undue threat to large scale natural resource lands; will not thwart the long-term flexibility to expand the UGA; and will not otherwise be inconsistent with the goals and requirements of the Act.”⁴⁰ “‘Land use pattern’ means the number, location and

³⁷ RCW 36.70A.070(5)(b), RCW 36.70A.110(1), & *Diehl v. Mason County*, 94 Wn. App. 645, 655 – 57, 972 P.2d 543, 547 – 49 (1999).

³⁸ *City of Moses Lake v. Grant County*, EWGMHB Case No. 99-1-0016 Final Decision and Order pp. *5 – 6 of 11 (May 23, 2000), *Yanisch v. Lewis County*, Western WWGMHB Case No. 02-2-0007c, Final Decision and Order p. *12 of 30 (December 11, 2002), & *Sky Valley, et al., v. Snohomish County, et al.*, Central Puget Sound Growth Management Hearings Board (CPSGMHB) Consolidated Case No. 95-3-0068c Final Decision and Order p. *46, 1996 WL 734917 pp. *33 – 34, (March 12, 1996). See also *Diehl v. Mason County*, 94 Wn. App. 645, 655-57, 972 P.2d 543, 547-49 (1999) (Residential densities of one housing unit, or more, per 2.5 acres “would allow for urban-like development” and are prohibited outside urban growth areas including in rural areas).

³⁹ *Sky Valley, et al. v. Snohomish County, et al.*, CPSGMHB Consolidated Case No. 95-3-0068c Final Decision and Order p. *46, 1996 WL 734917 p. *34, (March 12, 1996).

⁴⁰ *Sky Valley, et al. v. Snohomish County, et al.*, CPSGMHB Case No. 95-3-0068c Final Decision and Order p. *46, 1996 WL 734917 p. *34, (March 12, 1996) (in the original this sentence was in bold).

configuration of parcels of a given size.”⁴¹ “A land use pattern can be evident at a localized level (i.e., project and immediate vicinity) or an area-wide level (i.e., county-wide or a large portion of a county).”⁴²

- There are four exceptions to this rule.
 - Ferry County is allowed a density of one housing unit per 2.5-acres in the rural area. “This Board finds, given circumstances unique to Ferry County, and in acceptance of the local decision making process, that 2.5 acre lots constitute rural development in Ferry County.”⁴³
 - Higher densities and smaller minimum lot sizes are allowed in limited areas of more intense rural development (LAMIRDs).
 - Higher densities are allowed in master planned resorts.
 - Parts of a town or district that has been designated a national historic landmark by the United States secretary of the interior under 16 U.S.C. § 461 *et seq.* “may include urban densities if they reflect density patterns that existed at times during its history.”⁴⁴
- Internal and attached accessory dwelling units (ADUs) may be allowed in rural areas without being counted towards the maximum allowed residential density. These are ADUs located inside or attached to an existing house or in an existing accessory building, such as a garage, located close to the house. Freestanding ADUs count towards and must comply with the maximum allowed density. Freestanding refers to separate dwelling units constructed on the same lot a primary dwelling.⁴⁵ A county may need to analyze existing conditions, future projections, the need for ADUs, the impacts of future ADUs on public facilities and services, and the impacts of future ADUs on shorelines,

⁴¹ *Sky Valley, et al., v. Snohomish County, et al.*, CPSGMHB Consolidated Case No.: 95-3-0068c Final Decision and Order footnote 27, 1996 WL 734917 footnote 27 (March 12, 1996) citing *Bremerton*, at 50 & *Vashon-Maury*, at 79.

⁴² *Sky Valley, et al., v. Snohomish County*, CPSGMHB Case No. 95-3-0068c Order on Compliance Footnote 7 (October 2, 1997) citing *Vashon-Maury*, at 68 and *Bremerton*, Finding of Noncompliance and Determination of Invalidity in *Bremerton* and Order Dismissing *Port Gamble*, at 26.

⁴³ *Gary D. Woodmansee and Concerned Friends of Ferry County v. Ferry County*, EWGMHB Case No. 95-1-0010 Final Decision and Order p. *5 (May 13, 1996).

⁴⁴ RCW 36.70A.520(2).

⁴⁵ *Pierce County, Pierce County Neighborhood Association v. Pierce County (PNA II)*, CPSGMHB Case No. 95-3-0071 Final Decision and Order p. *22 (March 11, 1996) & *Friends of the San Juans, Lynn Bahrych and Joe Symons, et al. v. San Juan County*, WWGMHB Case No.: 03-2-0003c Corrected Final Decision and Order and Compliance Order p.*1, 2003 WL 1950153 p. *1 (April 17, 2003).

critical areas, and resource lands before adopting development regulations that authorize ADUs.⁴⁶

- A variety of rural densities is required.⁴⁷ A uniform one dwelling unit per five acre density in rural areas does not comply with the GMA and substantially interferes with GMA Goals 1, 2, 8, and 10.⁴⁸ The requirement for a variety of rural densities helps achieve a number Growth Management Act goals and requirements and community goals. They include the following:
 - A blend of one dwelling unit per five acre and lower rural densities can help achieve the rural character desired by the community.⁴⁹
 - Lower rural densities can help conserve resource-based uses in the rural area such as forestry and farming.⁵⁰ Larger minimum lot sizes can help maintain these uses and protect them from incompatible uses.
 - Use lower rural densities to buffer natural resource lands, which are agriculture, forest, and mineral lands of long-term commercial significance.⁵¹
 - Use lower rural densities to reduce rural sprawl.⁵²
 - One to five acre lots along urban growth area boundaries make the extension of public facilities, annexation, and future resubdivision at urban densities difficult, hindering the logical expansion of urban growth areas if needed in the future.⁵³ Use

⁴⁶ *Friends of the San Juans, Lynn Bahrych and Joe Symons, et al., v. San Juan County*, WWGMHB Case No.: 03-2-0003c Corrected Final Decision and Order and Compliance Order p.*1, 2003 WL 1950153 p.*1 (April 17, 2003).

⁴⁷ RCW 36.70A.070(5)(b) & *Panesko, et al. v. Lewis County, et al.*, WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. *13 (March 5, 2001).

⁴⁸ *Panesko, et al. v. Lewis County, et al.*, WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. *16 (March 5, 2001).

⁴⁹ RCW 36.70A.070(5)(c).

⁵⁰ *Manke Lumber Co., Inc. v. Central Puget Sound Growth Management Hearings Bd.*, 113 Wn. App. 615, 625, 53 P.3d 1011, 1016 (2002). The comprehensive plan designations that complied with the Growth Management Act were the Interim Rural Forestry (IRF) designation with a density of one dwelling unit per 20 acres, the Urban Reserve designation with a density of one dwelling unit per 10 acres, the Rural Residential designation with a density of one dwelling unit per five acres, and the Rural Protection designation with a density of one dwelling unit per 10 acres. *Id.*

⁵¹ RCW 36.70A.070(5)(c)(v) & *Achen, et al. v. Clark County, et al.*, WWGMHB Case No. 95-2-0067, 1998 WL 57349 p. *5 (February 5, 1998).

⁵² RCW 36.70A.070(5)(c)(iii) & *Achen, et al. v. Clark County, et al.*, WWGMHB Case No. 95-2-0067, 1998 WL 57349 p. *5 (February 5, 1998).

⁵³ *City of Gig Harbor, et al. v. Pierce County*, CPSGMHB Case No. 95-3-0016c Final Decision and Order, 1995 WL 903183 pp.*40 – 44 (October 31, 1995). In this case the board also held that even though there were more rural comprehensive plan designations, because the densities of several designations were the same there were effectively only two rural densities and this was not a variety of densities. The board gave as an example of compliance with the GMA's variety of densities requirement a comprehensive plan with designations that had

one dwelling unit per ten acres and lower rural densities to preserve opportunities for efficient future subdivision, the extension of public facilities, and annexation of land near the urban growth areas.

- To better match comprehensive plan designations and zoning to the actual conditions of rural areas. Some rural areas are very poorly suited to development either because of natural constraints such as a lack of water for domestic use or a lack of public services, such as fire fighting services. Lower rural densities can make development more sustainable.
- Protect rural areas with environmental attributes susceptible to damage from the development and surface and ground water resources.⁵⁴ Ground water resources may be susceptible to pollution from septic tanks or reduced recharge due to impervious surfaces. Surface and ground water resources can be damaged due to a lack for forest cover or impervious surfaces. Lower rural densities can help protect these areas.

Clustering and Innovative Techniques in Rural Areas

- “In order to achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.”⁵⁵
- “Those innovative techniques, however, must involve ‘appropriate rural densities and uses’ that are *not* characterized by urban growth [RCW 36.70A.020](17) and that are ‘consistent with rural character’ [RCW 36.70A.020](14).”⁵⁶
- To meet these requirements, standards are required for clustering in rural areas. Clustering groups houses, or other development, on a limited portion of the site. This is typically the more developable or higher amenity part of the site. The residual parcel remains undeveloped or is used for rural uses. Required standards for clustering include:
 - Cluster densities, including any density bonuses, cannot exceed one dwelling unit per five acres.⁵⁷

rural densities of one dwelling unit per ten acres, one dwelling unit per 20 acres, one dwelling unit per 40 acres, and one dwelling unit per 80 acres. *Id* at pp. *43 – 44.

⁵⁴ RCW 36.70A.070(5)(c)(iv).

⁵⁵ RCW 36.70A.070(5)(b).

⁵⁶ RCW 36.70A.070(5)(b) & *Vince Panesko, et al., v. Lewis County, et al.*, WWGMHB Case No. 00-2-0031c, *Eugene Butler, et al. v. Lewis County*, WWGMHB Case No. 99-2-0027c, & *Daniel Smith, et al. v. Lewis County*, WWGMHB No. 98-2-0011c Final Decision and Order p. *14 of 45, 2001 WL 246707 (March 5, 2001) emphasis in *Panesko* original.

⁵⁷ *Gig Harbor, et al. v. Pierce County*, CPSGMHB Case No. 95-3-0016c Final Decision and Order pp. *44 of 50 (October 31, 1995), *Warren Dawes et al. v. Mason County*, WWGMHB No. 96-2-0023 Finding of Invalidity, Partial Compliance, Continued Noncompliance, and Continued Invalidity p. *16 of 20 (January 14, 1999). See

- Cluster development regulations must include a limit on the maximum number of lots allowed on the land included in the cluster.⁵⁸ This is needed to prevent urban growth in rural areas and to preclude demands for urban governmental services.⁵⁹ Clusters that included more than eight housing units, even if authorized by special use review, violated the Growth Management Act based on the record before the board because it would not reduce low density sprawl and did not minimize and contain rural development as required by the Growth Management Act.⁶⁰ This was because there was no prohibition on connections to public and private water and sewer lines and there were no requirements to limit development on the residual parcel, the land on which the housing units were not clustered.⁶¹
- “The Board can conceive of a well designed compact rural development containing a small number of homes that would not look urban in character, not require urban governmental services, nor have undue growth-inducing or adverse environmental impacts on surrounding properties. Such a rural development proposal could constitute ‘compact rural development’ rather than ‘urban growth.’ However, the [challenged regulations] do[] not have parameters to prevent development projects that constitute urban growth from occurring in rural areas. For example, there is no upper limit on the acreage or unit count that the [regulations] would permit to occur

also Diehl v. Mason County, 94 Wn. App. 645, 655, 972 P.2d 543, 548 (1999) “The GMA allows counties to use varying densities and cluster developments in rural areas, as long as the densities and clusters do not become urban and do not require the extension of urban services.” In the *Durland* decision, the Western Board upheld rural clustered development with a density of two dwelling units per acre. However, the clusters are only allowed if they provide affordable housing for very-low, low and moderate income levels for at least 50 years for ownership housing and 20 years for rental housing. The cluster subdivision was limited to maximum of eight housing units. No urban-level facilities or services are allowed. A maximum of 10 clusters containing a maximum of 100 units are allowed over a decade. Public or non-profit entities must own the site. The county limited the clusters to certain rural designations. Other clusters and developments are not allowed within 1200 feet. Rural development standards address water quality, quantity and septic issues. *Michael Durland, et al., v. San Juan County*, WWGMHB Case No. 00-2-0062c & *Town of Friday Harbor, et al. v. San Juan County*, WWGMHB Case No. No. 99-2-0010c Final Decision and Order and Compliance Order, 2001 WL 529884 p.*17 (May 7, 2001). The high housing costs and few urban growth areas in the San Juan Islands played an important role in this decision and it is an example of the flexibility and regional variation allowed under the Growth Management Act. Such clusters would not be allowed in the rural area of other counties.

⁵⁸ *Whatcom Environmental Council v. Whatcom County*, WWGMHB Case No. 94-2-0009 Order Re: Invalidity & *C.U.S.T.E.R. Association, et al. v. Whatcom County*, WWGMHB Case No. 96-2-0008 Order Re: Invalidity p. *6 of 7 (July 25, 1997).

⁵⁹ *Bremerton, et al. v. Kitsap County*, CPSGMHB Case No. 95-3-0039c, 1996 WL 734917 p. *34 (October 6, 1995) & *Daniel Smith, et al. v. Lewis County*, WWGMHB Case No. 98-2-0011c, 1999 WL 187571 p. *1 & p *4 (April 5, 1999).

⁶⁰ *Vince Panesko, et al., v. Lewis County, et al.*, WWGMHB Case No. 00-2-0031c, *Eugene Butler, et al. v. Lewis County*, WWGMHB Case No. 99-2-0027c, & *Daniel Smith, et al. v. Lewis County*, WWGMHB No. 98-2-0011c Final Decision and Order p. *18 of 45, 2001 WL 246707 (March 5, 2001).

⁶¹ *Id.*

in rural areas, nor are there any parameters regarding the configuration, servicing or location of such development.”⁶²

Allowed Governmental Services

- “The rural element shall provide for ... rural governmental services needed to serve the permitted densities and uses.”⁶³
 - The definition of rural government services is included in the definitions section.
 - Urban governmental services, defined in RCW 36.70A.030(19), are generally not appropriate to be extended or expanded into the rural area.⁶⁴ They may be allowed if the following criteria are met:
 - (1) Cities are the most appropriate providers of urban governmental services;
 - (2) It is generally not appropriate to extend or expand urban governmental services into rural areas;
 - (3) Limited occasions to extend or expand are allowed that are:
 - (4) Shown to be necessary to protect:
 - (a) basic public health and safety *and*
 - (b) the environment; but;
 - (5) Only when the urban governmental services are financially supportable at rural densities; and
 - (6) Only when extension or expansion does not allow urban development.⁶⁵
 - LAMIRDs may include “... necessary public facilities and public services to serve the limited area”⁶⁶ This may include sewers and, probably, piped storm water facilities.⁶⁷ The “public services and public facilities [serving a LAMIRD] must be provided ‘in a manner that does not permit low-density sprawl.’”⁶⁸
 - RCW 36.70A.110(4) allows urban governmental services, such as water lines or sewer lines, to pass through a rural area to serve an urban growth area as long as the urban governmental services do not serve the rural area or other areas outside the urban

⁶² *Bremerton, et al. v. Kitsap County*, CPSGMHB Case No. 95-3-0039c, 1996 WL 734917 p. *34 (October 6, 1995).

⁶³ RCW 36.70A.070(5)(b).

⁶⁴ RCW 36.70A.110(4).

⁶⁵ RCW 36.70A.110(4) & *Thurston County v. Cooper Point Association*, 108 Wn. App. 429, 434, 31 P.3d 28, 33 – 34 (2001). The Washington Supreme Court affirmed the Court of Appeals decision in *Thurston County v. Cooper Point Association*, 148 Wn. 2d 1, 57 P.3d 1156 (2002).

⁶⁶ RCW 36.70A.070(5)(d).

⁶⁷ *Gain v. Pierce County*, CPSGMHB Case No. 99-3-0019 Final Decision and Order pp. *3 – 5 (April 18, 2000).

⁶⁸ *Panesko, et al. v. Lewis County, et al.*, WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. *15 (March 5, 2001).

growth area.⁶⁹ Similarly, urban governmental services may run from one urban growth area to another provided they do not serve land outside urban growth areas.⁷⁰

Measures to Protect Rural Character

■ “The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- “(i) Containing or otherwise controlling rural development;
- “(ii) Assuring visual compatibility of rural development with the surrounding rural area;
- “(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- “(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and
- “(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.”⁷¹

The definition of rural character is included in the definitions section of this document.

Limited Areas of More Intense Rural Development (LAMIRDs)

Purposes

The “LAMIRD provisions were added to GMA to allow the county to acknowledge pre-existing development, not as a prospective and ongoing rural development tool.”⁷²

LAMIRDs are also one of several tools available to provide rural counties with the flexibility to attract and retain businesses, and the jobs associated with those businesses, to already developed areas while protecting the surrounding areas from unchecked development, especially low-density sprawl. However, as we have seen, there are better tools for resource based industries, businesses that serve the rural area, and some other economic development opportunities as well. See the sections above on rural uses.

⁶⁹ *Heikkila, et al. v. City of Winlock*, WWGMHB Case No. 04-2-0020c Order on Motions pp. *5 – 6 (December 14, 2004) & *Gain v. Pierce County*, CPSGMHB Case No. 99-3-0019 Final Decision and Order pp. *3 – 4 (April 18, 2000).

⁷⁰ *Id.*

⁷¹ RCW 36.70A.070(5)(c). Type 1 LAMIRDs do not have to comply with RCW 36.70A.070(5)(c)(ii) and RCW 36.70A.070(5)(c)(iii) in this quotation.

⁷² *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Compliance Order p. *16 (January 31, 2002).

LAMIRDs are a Local Option

Counties may include LAMIRDs in their comprehensive plans and development regulations, but they are not required to do so.⁷³ It is a local option. Nor are counties required to designate any particular part of the county, such as shorelines areas, as LAMIRDs.⁷⁴

LAMIRDs were authorized by the 1997 amendments to the GMA that clarified and expanded the GMA's policy towards rural areas.⁷⁵

Requirements for Designating LAMIRDs and Allowed Uses

Definition of LAMIRDs

A LAMIRD is a part of the rural area with existing land use patterns that are more concentrated than typically found in a rural area. This compact form of rural development is not considered urban growth under the GMA.⁷⁶ LAMIRDs are not "to be the predominant pattern of future rural development."⁷⁷ Indeed, the Western Board held that Skagit County could not designate new LAMIRDs six years after the opportunity was provided by the adoption of RCW 36.70A.070(5)(d).⁷⁸

LAMIRDs are sometimes referred to as Areas of More Intense Rural Development (AMIRDs), Rural Areas of Intense Development [RAIDs], Rural Activity Centers (RACs), or similar terms. Some RACs are rural commercial areas authorized under other provisions of the GMA.

There are three types of LAMIRDs, each authorizing a different category of rural development. The types refer to the subparts in RCW 36.70A.070(5)(d) that authorizes them. A Type 1 LAMIRD, authorized by RCW 36.70A.070(5)(d)(i), designates existing areas of commercial, industrial, residential or mixed-use development. A Type 2 LAMIRD, authorized by RCW 36.70A.070(5)(d)(ii), allows small recreational and tourist businesses to develop and grow. Finally, a Type 3 LAMIRD, authorized by RCW 36.70A.070(5)(d)(iii),

⁷³ RCW 36.70A.070(5)(d), *Manke Lumber Co., Inc. v. Central Puget Sound Growth Management Hearings Bd.*, 113 Wn. App. 615, 625 – 626, 53 P.3d 1011, 1016 (2002), & *Vines v. Jefferson County*, WWGMHB Case No. 98-2-0018 Final Decision and Order p.*2 (April 5, 1999).

⁷⁴ RCW 36.70A.070(5)(d), *Manke Lumber Co., Inc. v. Central Puget Sound Growth Management Hearings Bd.*, 113 Wn. App. 615, 625 – 626, 53 P.3d 1011, 1016 (2002) "The Board and trial court properly found that the GMA does not require that the 1998 Plan allow[] for more intensive development along the shoreline. This provision clearly indicates a permissive, not mandatory posture. See RCW 36.70A.070(5)(d) (stating that the rural element of a county's comprehensive plan "may allow for limited areas of more intensive rural development"). Given the wide discretion local governments have to develop their comprehensive plans, the County acted within its discretion."

⁷⁵ 1997 Session Laws, Chapter 429 § 7.

⁷⁶ RCW 36.70A.030(17).

⁷⁷ *Burrow v. Kitsap County, et al.*, CPSCMHB Case No. 99-3-0018 Coordinated with Consolidated Case No. 98-3-0032c Order on Compliance in a Portion of *Alpine* and Final Decision and Order in *Burrow* p. *19, 2000 WL 1075913 p. *12 (March 29, 2000).

⁷⁸ *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Compliance Order p. *16 (January 31, 2002).

allows for the growth and new development of isolated cottage industries and small-scale businesses. Public facilities and services, such as water lines, necessary to serve the LAMIRD may be provided.⁷⁹

Type 1 LAMIRDs and the Logical Outer Boundary Requirement

A Type 1 LAMIRD can include infill, development, or redevelopment of existing commercial, industrial, residential or mixed-use areas, such as shoreline developments, villages, hamlets, rural activity centers, or crossroads development. Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under RCW 36.70A.070(5)(d)(i) must be principally designed to serve the existing and projected rural population.⁸⁰ An industrial area or an industrial use within a mixed-use area or an industrial area under RCW 36.70A.070(5)(d)(i) is not required to be principally designed to serve the existing and projected rural population.⁸¹ Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of RCW 36.70A.070(5).⁸² Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the existing character of the LAMIRD.⁸³ Unlike other forms of rural development, a Type 1 LAMIRD is not required to be visually compatible with the surrounding rural area. In order to preserve the character of the natural neighborhoods and communities, however, the county must limit the intensive development to areas where it already occurs. All (d)(i) LAMIRD uses (commercial, residential, or mixed-use) must be principally designed to serve the “existing and projected rural population.”⁸⁴ The provisions of RCW 36.70A.070(5)(d)(i) that exempt industrial areas from the requirement of being principally designed to serve the existing and projected rural population do not apply to industrial uses within a mixed use LAMIRD.⁸⁵

In determining the location of a Type 1 LAMIRD, the county must clearly identify the *logical outer boundary* (sometimes called an LOB) of the area. The logical outer boundary is one of the rare circumstances where a county must show its work. This is so because the Growth Management Act establishes specific criteria that must met rather than just considered.⁸⁶

⁷⁹ RCW 36.70A.070(5)(d).

⁸⁰ RCW 36.70A.050(5)(d)(1)(B).

⁸¹ RCW 36.70A.050(5)(d)(1)(B).

⁸² RCW 36.70A.050(5)(d)(1)(C).

⁸³ RCW 36.70A.050(5)(d)(1)(C).

⁸⁴ RCW 36.70A.050(5)(d)(1)(B) & *Panesko, et al. v. Lewis County, et al.*, WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. *14 (March 5, 2001).

⁸⁵ *Dawes v. Mason County*, WWGMHB Case No. 96-2-0023 Order Denying Reconsideration p. *2 (January 17, 2001) (underlining in original).

⁸⁶ *James A. Whitaker v. Grant County*, EWGMHB Case No. 99-1-0019 Second Order on Compliance pp. *7 – 8, 2004 WL 2624887 p. *5 (November 1, 2004).

The logical outer boundary is delineated predominately by the “built environment” that existed on July 1, 1990, or the date when the county was first required or chose to fully plan under the GMA.⁸⁷ The “built environment” includes man-made structures located above and below the ground, such as existing buildings, sewer lines, and other urban level utilities or infrastructure.⁸⁸ The extent of the infrastructure or the service area that existed in 1990 or the date when the county was first required or chose to fully plan under the GMA may be used to set the logical outer boundary.⁸⁹ Vested developments not build in 1990 or the date the county was required or chose to fully plan under the GMA cannot be used to determine the built environment.⁹⁰ Subdivided or platted land that was not developed in 1990 or the date the county was required or chose to fully plan under the GMA cannot be used to define the built environment.⁹¹ Existing zoning cannot be the sole criteria for determining the location of a LAMIRD, it can however be used as an exclusionary criteria.⁹² In order to minimize and contain the existing development, the county must draw the boundary closely around the built environment and be able to clearly justify its choices.⁹³ Vacant land may be included in the LAMIRD and a county may make minor adjustments to a logical outer boundary to include undeveloped property.⁹⁴ Such

⁸⁷ RCW 36.70A.070(5)(d)(iv).

⁸⁸ *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Final Decision and Order (C/I Development Issues) p. *13 (February 6, 2001), *Panesko, et al. v. Lewis County, et al.*, WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. *15 (March 5, 2001), *People For A Liveable Community, Jim Lindsay, et al. v. Jefferson County*, WWGMHB Case No. 03-2-0009c Final Decision and Order p. *21 (August 22, 2003), & *James A. Whitaker v. Grant County*, EWGMHB Case No. 99-1-0019 Second Order on Compliance, 2004 WL 2624887 p. *3 (November 1, 2004).

⁸⁹ *Burrow v. Kitsap County*, CPSGMHB Case No. Case No. 99-3-0018 coordinated with *Alpine, et al. v. Kitsap County*, Case No. 98-3-0032c [Portion dealing with Compliance with Remand Items 3.d and 3.f] Order on Compliance in a Portion of Alpine and Final Decision and Order in Burrow p. *14 (March 29, 2000).

⁹⁰ *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Final Decision and Order (C/I Development Issues) p. *18 (February 6, 2001).

⁹¹ *Vince Panesko et al. v. Lewis County*, WWGMHB Case No. 00-2-0031c, *Eugene Butler, et al. v. Lewis County*, WWGMHB Case No. 99-2-0027c, & *Daniel Smith, et al., Vince Panesko, and John T. Mudge v. Lewis County*, WWGMHB No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 pp. *26 – 28 (March 5, 2001). A plat is a formal map approved by and recorded with the county that subdivides land. “Plat” or “platted” is sometimes used interchangeably with “subdivision” or “subdivided.”

⁹² *Vines v. Jefferson County*, WWGMHB Case No. 98-2-0018 Final Decision and Order p.*2 (April 5, 1999).

⁹³ *Citizens for Good Governance, 1000 Friends of Washington, and City of Walla Walla v. Walla Walla County*, Case No. 01-1-0015c & Case No. 01-1-0014cz Final Decision and Order, 2002 WL 32065594 *16 (May 1, 2002).

⁹⁴ *Bremerton et al. v. Kitsap County & Port Gamble, et al. v. Kitsap County*, CPSGMHB Case No. 95- 3-0039c coordinated with Case No. 97-3-0024c Finding of Noncompliance and Determination of Invalidity in Bremerton and Order Dismissing Port Gamble p. *14 (September 8, 1997) & *Citizens for Good Governance, 1000 Friends of Washington, and City of Walla Walla v. Walla Walla County*, Case No. 01-1-0015c & Case No. 01-1-0014cz Final Decision and Order, 2002 WL 32065594 *17 (May 1, 2002).

undeveloped property is to provide for infill.⁹⁵ Infilling is allowed if it is “‘minimized’ and ‘contained’ within a ‘logical outer boundary.’”⁹⁶

In addition to the man-made environment, a county must address the following factors in establishing the logical outer boundary: “(A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl.”⁹⁷ The county must avoid abnormally irregular boundaries, but this does not require that the boundary be drawn in a concentric circle or a squared-off block.⁹⁸ The GMA does not mandate the use of any one physical feature, such as a water body or street, in setting the logical outer boundary.⁹⁹ A county must take into account the requirement of including adequate public facilities and services that do not permit low density sprawl all within the logical outer boundary.¹⁰⁰

The boundaries of a Type 1 LAMIRD are permanent; the boundary cannot be expanded because this would be inconsistent with the goal of infilling existing areas of development.¹⁰¹ Demand or need for commercial or residential development does not permit the expansion of LAMIRDs beyond their logical outer boundaries.¹⁰² To do so would discourage commercial and residential development within urban growth areas as required by the GMA.¹⁰³ In a later decision, the Western Board clarified that if LAMIRD boundaries are to be reevaluated, “that evaluation must be done on a one-time basis only to

⁹⁵ *Panesko v. Lewis County*, WWGMHB Case 00-2-0031c Decision and Order p. *19 (March 5, 2001).

⁹⁶ *Bremerton et al. v. Kitsap County & Port Gamble, et al. v. Kitsap County*, CPSGMHB Case No. 95- 3-0039c coordinated with Case No. 97-3-0024c Finding of Noncompliance and Determination of Invalidity in Bremerton and Order Dismissing Port Gamble p. *14 (September 8, 1997) & *Panesko v. Lewis County*, WWGMHB Case No. 00-2-0031c Final Decision and Order p.*19 (March 5, 2001). *Accord Citizens for Good Governance, 1000 Friends of Washington, and City of Walla Walla v. Walla Walla County*, Case No. 01-1-0015c & Case No. 01-1-0014cz Final Decision and Order, 2002 WL 32065594 *17 (May 1, 2002).

⁹⁷ RCW 36.70A.070(5)(d)(iv).

⁹⁸ *Vines v. Jefferson County*, WWGMHB Case No. 98-2-0018 Final Decision and Order p.*3 (April 5, 1999).

⁹⁹ *Burrow v. Kitsap County*, CPSGMHB Case No. Case No. 99-3-0018 coordinated with *Alpine, et al. v. Kitsap County*, Case No. 98-3-0032c [Portion dealing with Compliance with Remand Items 3.d and 3.f] Order on Compliance in a Portion of Alpine and Final Decision and Order in Burrow p. *14 (March 29, 2000) & *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Final Decision and Order (C/I Development Issues) p. *13 (February 6, 2001).

¹⁰⁰ *Panesko v. Lewis County*, WWGMHB Case No. 00-2-0031c Final Decision and Order p. *19 (May 5, 2001).

¹⁰¹ *Olympic Environmental Council v. Jefferson County*, WWGMHB Case No. 00-2-0019 Final Decision and Order p. *5 of 8 (November 22, 2000).

¹⁰² *Olympic Environmental Council v. Jefferson County*, WWGMHB Case No. 00-2-0019 Final Decision and Order p. *5 of 8 (November 22, 2000).

¹⁰³ *Id.*

acknowledge historical reality under RCW 36.70A.020(5) and not to provide for" additional development.¹⁰⁴

Type 2 LAMIRDs

A Type 2 LAMIRD may include new, intensified, and expanded development of small-scale recreational or tourist uses that rely on a rural location and setting.¹⁰⁵ The development may also include commercial facilities that serve the recreational or tourist uses, but new residential developments are specifically excluded in this type of LAMIRD.¹⁰⁶ Unlike other LAMIRDs, small-scale recreational or tourist uses are not required to primarily serve or provide job opportunities for local residents.¹⁰⁷ Type 2 LAMIRDs cannot include new residential development.¹⁰⁸

A Type 2 LAMIRD is meant to be a single lot or a combination of lots, not a wide area.¹⁰⁹ The public services and public facilities serving a Type 2 shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl.¹¹⁰

Type 3 LAMIRDs

A Type 3 LAMIRD can include the intensification of development on lots containing non-residential uses or the new development of isolated cottage industries and isolated small-scale businesses.¹¹¹ "An isolated use, then, must be one that is set apart from others. The Legislature's use of the term 'isolated' for both cottage industry and small-scale businesses demonstrates an unambiguous intention to ensure that any commercial uses established by the mechanism of a type (d)(iii) LAMIRD be set apart from other such uses."¹¹²

¹⁰⁴ *People For A Liveable Community, Jim Lindsay, et al. v. Jefferson County*, WWGMHB Case No. 03-2-0009 Order Granting County's Motion For Reconsideration p. *1 (September 19, 2003).

¹⁰⁵ RCW 36.70A.070(5)(d)(ii) & *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Final Decision and Order (C/I Development Issues) p. *9 (February 6, 2001).

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Final Decision and Order (C/I Development Issues) p. *9 (February 6, 2001).

¹⁰⁹ RCW 36.70A.070(5)(d)(ii).

¹¹⁰ RCW 36.70A.070(5)(d)(ii) & *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Final Decision and Order (C/I Development Issues) p. *9 (February 6, 2001).

¹¹¹ RCW 36.70A.070(5)(d)(iii).

¹¹² *Better Brinnon Coalition v. Jefferson County*, WWGMHB Case No. 03-2-0007 Compliance Order p. *7 of 14, 2004 WL 1864628 p. *4 (June 23, 2004) & *James A. Whitaker v. Grant County*, EWGMHB Case No. 99-1-0019 Second Order on Compliance p. *6, 2004 WL 2624887 p. *4 (November 1, 2004) quoting *Better Brinnon Coalition*.

These businesses do not need to be designed to serve the rural population; however, they must provide job opportunities for rural residents.¹¹³ Both expansions of small-scale businesses and new small scale businesses shall conform to the rural character of the area as defined by the county according to RCW 36.70A.030(14).¹¹⁴ "Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl."¹¹⁵

Type 2 and Type 3 LAMIRDs must comply with the requirements of RCW 36.70A.070(5)(a), (b), and (c).¹¹⁶ For example, they are required to be visually compatible with the surrounding rural area and to limit the conversion of undeveloped land into low-density sprawl developments.¹¹⁷

Requirements Applicable to All LAMIRDs

Major industrial developments and master-planned resorts cannot be authorized by a LAMIRD.¹¹⁸ The Central and Eastern Growth Boards have held that LAMIRDs cannot be located near an urban growth area.¹¹⁹ The Western Board prohibited a LAMIRD adjacent to an urban growth area where there was no evaluation of suitability of allowed urban style development, no evaluation of the need for urban services, and no evaluation of whether the area should have been included an urban growth area.¹²⁰ In a different case, the Western Board upheld a LAMIRD adjacent to an urban growth area where there had been careful study of the LAMIRD and where the city opposed both urban growth area expansions and a non-municipal urban growth area for the area within the LAMIRD.¹²¹

For those LAMIRDs that allow residential uses, the GMA "does not put an explicit limit on the absolute residential density permitted in LAMIRDs. The limit is unique to each LAMIRD

¹¹³ RCW 36.70A.070(5)(d)(iii).

¹¹⁴ RCW 36.70A.070(5)(d)(iii).

¹¹⁵ RCW 36.70A.070(5)(d)(iii).

¹¹⁶ *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Final Decision and Order (C/I Development Issues) p. *9 (February 6, 2001).

¹¹⁷ RCW 36.70A.070(5)(c)(ii) & (iii).

¹¹⁸ RCW 36.70A.070(5)(e) & *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Final Decision and Order (C/I Development Issues) p. *8 (February 6, 2001).

¹¹⁹ *City of Tacoma v. Pierce County*, CPSCMHB Case No. 99-3-0023c, Final Decision and Order p. *8 (June 26, 2000) & *Citizens for Good Governance, 1000 Friends of Washington, and City of Walla Walla v. Walla Walla County*, Case No. 01-1-0015c & Case No. 01-1-0014cz Final Decision and Order pp. *27 - 28 of 62 (May 1, 2002).

¹²⁰ *City of Anacortes v. Skagit County*, WWGMHB Case No. 00-2-0049c Final Decision and Order (C/I Development Issues) p. *18 (February 6, 2001)

¹²¹ *People for A Liveable Community, Jim Lindsay, et al. v. Jefferson County*, WWGMHB Case No. 03-2-0009c Final Decision and Order p. * 11 (August 22, 2003).

and is established by the conditions that existed on July 1, 1990 [or the date the county chose or was required to plan under the GMA].”¹²²

“The GMA does not require an analysis of capital facilities for LAMIRD designation, nor does it require that population forecasts be used in establishing LAMIRDS.”¹²³

Master Planned Resorts (MPRs)

- Master planned resorts are described as “self-contained and fully integrated planned unit development[s], in a setting of significant natural amenities, with [a] primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.”¹²⁴
- Master planned resorts can include either an existing resort or new resort if the standards in the GMA and local government policies and regulations are met.¹²⁵ “An existing resort means a resort in existence on July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities.”¹²⁶
- The resort can provide a full range of capital facilities and services to serve resort. On-site capital facilities and services “shall be limited to meeting the needs of the master planned resort. Such facilities, utilities, and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts, provided that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort.”¹²⁷
- Master planned resorts are allowed to permit urban growth outside urban growth areas.¹²⁹
- “A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.”¹³⁰

¹²² *Burrow v. Kitsap County, et al.*, CPSGMHB Case No. 99-3-0018 Coordinated with Consolidated Case No. 98-3-0032c Order on Compliance in a Portion of Alpine and Final Decision and Order in Burrow p. *19, 2000 WL 1075913 p. *12 (March 29, 2000).

¹²³ *Better Brinnon Coalition v. Jefferson County*, WWGMHB Case No. 03-2-0007 Final Decision and Order, 2003 WL 22896402 p. *17 (August 22, 2003).

¹²⁴ RCW 36.70A.360(1).

¹²⁵ RCW 36.70A.360 & RCW 36.70A.362.

¹²⁶ RCW 36.70A.362.

¹²⁷ RCW 36.70A.360(2).

¹²⁸ RCW 36.70A.360(2).

¹²⁹ RCW 36.70A.360(1) & RCW 36.70A.362.

¹³⁰ RCW 36.70A.360(3).

- The MountainStar Resort, now know as Suncadia, in Kittitas County is an example of an approved master planned resort.
- The Municipal Research and Services Center has prepared a handbook on master planned resorts: Susan Enger, *Master Planned Resorts "Washington Style"* (Municipal Research and Services Center Report No. 57, Seattle, WA: May 2003). You can download the report from: <http://www.mrsc.org/Publications/mrscpubs.aspx> please scroll down to *Master Planned Resorts "Washington Style."*

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Notice of Action/Public Hearing
Sierra Group Holdings, LLC Rezone Z-2006-39

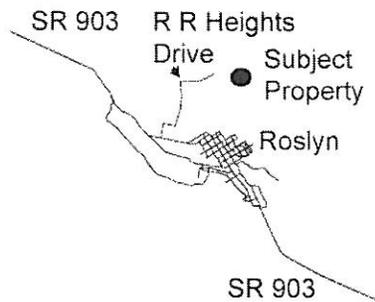
Pursuant to 43.21C RCW, notice is hereby given that Kittitas County did on December 19th, 2006 make a Mitigated Determination of Non-Significance (MDNS) on an application for a zone change of 60.00 acres from Forest and Range to Rural-3. (File No. Z-2006-39). Proponent: Collins Investments, LLC, landowners, David Taylor, authorized agent. Location: east of SR-903 and north of R & R Heights Dr, Roslyn, WA 98941, within a portion of Section 8, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number(s) 20-15-08000-0002 & 0003.

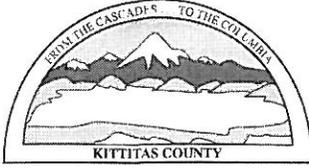
Any action to set aside, enjoin, review, or otherwise challenge said administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced on or before January 8th, 2007 by submitting specific factual objections in writing with a fee of \$300.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 108, Ellensburg, WA 98926. Related documents may be examined at the Kittitas County Community Development Services Department, 411 North Ruby Suite 2, Ellensburg, WA 98926. (509) 962-7506. Staff Planner: Scott Turnbull

An open record hearing is scheduled to go forward before the Planning Commission on January 9th, 2007 @ 6:30 PM, Commissioners Auditorium at the Kittitas County Courthouse, Ellensburg, Wa. 98926. The Planning Commission at said public hearing will consider written and oral testimony. Interested parties are encouraged to verify date and place prior to attendance.

Dated: December 19, 2006

Publish: December 21, and December 28th, 2006





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

SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE

- File:** Sierra Group Holdings Rezone File No. Z-06-39
- Description:** Zone Change of 60.00 Acres from Forest and Range to Rural-3
- Proponent:** Sierra Group Holdings, LLC, landowners
19900 144th Ave NE
Woodinville, WA 98072
- Collins Investments, LLC, Landowners
15425 NE 144th Pl
Woodinville, WA 98072
- Location:** East of SR-903 and north of Mountain Ridge Dr, Roslyn, WA 98941, within a portion of Section 8, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number 20-15-08000-0003.
- Lead Agency:** Kittitas County Community Development Services

The lead agency for this proposal has determined that it does 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. The lead agency for this proposal has also determined that certain mitigation measures are necessary in order to issue a Determination of Non-Significance for this proposal. Failure to comply with the mitigation measures identified hereafter will result in the issuance of a Determination of Significance (DS) for this project. These mitigation measures include the following:

I. Transportation

- A. The project is not adjacent to State Highway 903, but access to the site is via SR 903.. Access to the project will be via the existing private gravel road.
- B. Any future subdivision or development of the properties involved will be subject to review by WSDOT for their impacts to the WSDOT system. Impacts that are determined to be significant will require mitigation, and it is anticipated that all costs will be borne by the development(s). WSDOT may require that a Traffic Impact Analysis (TIA) be performed by the developer. WSDOT may require improvements to include left or right turn lanes, or both.
- C. Any future subdivision or development of the properties involved within this rezone will result in the enactment of road standards review and will require road improvements to be made that comply with all applicable agency standards including Kittitas County Road Standards (See Kittitas County Road

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLANS EXAMINATION • ADMINISTRATION • PERMIT SERVICES • INVESTIGATION • ENFORCEMENT • GIS

Standards, as adopted 9/06/05). Kittitas County Department of Public Works suggests a "maximum build-out" plan be discussed in a pre-applicant meeting with the applicant to clarify some of these issues.

- D. At the time of a project action, the applicant shall submit a stamped traffic analysis from a licensed engineer in the State of Washington considering among other factors, intersection spacing, sight distances, traffic volumes, load bearing capacity of soils, pavement thickness design, etc. Reference Current Kittitas County Road Standards.

II. Water

- A. Activities such as road widening, stump pulling and clearing, grading and fill work and utility placements may require an NPDES Construction Stormwater Permit issued by the Department of Ecology prior to start of construction. This permit requires the preparation of a Stormwater Pollution Prevention Plan.
- B. Storm water and surface runoff generated by this project must be retained and treated on site in accordance with regulating agencies' standards, and not be allowed to flow onto WSDOT rights-of-way.
- C. Withdrawals of groundwater on the subject property will be subject to the rules & regulations adopted and administrated by the Washington State Department of Ecology.

III. SEPA Review

- A. Any future subdivision or development of the properties involved within this rezone will be subject to additional SEPA review.

This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced within 10 working days (on or before 5:00 PM, January 8, 2007).

**Responsible
Official:**



Scott Turnbull

Title: Staff Planner

Address: Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506 FAX 962-7682

Date: December 19, 2006

Pursuant to Chapter 15A.07 KCC, this MDNS may be appealed by submitting specific factual objections in writing with a fee of \$300.00 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 PM, January 8th, 2007. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.

November 1, 2006

Kittitas County Community Development Services
411 North Ruby
Ellensburg, WA 98926

To Whom It May Concern:

RIDGE has significant concerns with the with the proposed rezones called Manna Funding Rezone #Z-06-46 and Sierra Group Holdings, LLC Rezone #Z-06-39. The location of this land is directly adjoining City of Roslyn owned lands in Section 17.

Rezoning is out of compliance with the GMA. The Eastern Washington Hearings Board has stated that R3 is not a rural designation. We can not create urban densities without urban services. In general and on this specific proposal, Kittitas County has failed to analyze the cumulative impacts of this proposed development on fire, water availability, traffic, schools, police, hospital services, storm water, emergency vehicle and recreational access to name a few. Non-project actions must be stopped as was made abundantly clear in the comprehensive plan update process.

Roslyn is a historic district based in large part on its forested perimeter. We do not want to compromise this designation. We value the wildlife and human corridors on this land. Planning must occur prior to rezoning, and it has not. Roslyn has enacted Dark Skies regulations, and light pollution must be considered.

Please do not rezone this land. A SEPA review must be done to assess the environmental impacts at a minimum.

Respectfully submitted,

Peg Bryant
RIDGE president

To: Kittitas County Community Development Services
Attn: Scott Turnbull, Staff Planner
411 N. Ruby St., Suite 2, Ellensburg, WA 98926

From: David Gerth, 205 Alaska Ave., Roslyn, WA 98941

Date: November 1, 2006



**RE: Sierra Group Holdings, LLC Rezone (Z-06-39)
Rezone Application, SEPA Environmental Checklist**

Mr. Turnbull,

Thank you for providing notice of the Sierra Holdings rezone proposal and the opportunity for public comment on the environmental impacts of the rezone application.

Background

The 60 acres proposed for up-zoning from Forest & Range 20 to Rural 3 are part of the 10,000 acres of "highest and best use lands" (HBU) formerly owned by Plum Creek Timber in northern Kittitas County. During the last five years the conversion of the HBU lands from functioning forests into small lot residential parcels has had a profound impact on the environment.

However, the cumulative impacts of these conversions have yet to be appropriately addressed by Kittitas County. The primary cause for the lack of meaningful environmental review is the "non-project action" answer given by proponents of these re-zones to questions in the SEPA Environmental Checklist. This application, and its sister application for the easterly adjacent 100 acres (Manna Funding Rezone, Z-06-46), are indicative of the fragmentation that has crippled appropriate and meaningful environmental review of cumulative significant adverse impacts caused by recent residential development actions in northern Kittitas County.

The re-zone application and environmental checklist portrays a decoupling of the up-zone and the accrual of increased development density for the property. These are in fact inextricably linked and connected actions. Increased development density forms the basis and justification for the zone change request. Fragmenting a proposal in this way forces the reviewer into a circular argument that frustrates meaningful analysis:

- A re-zone application is submitted in order to increase development density (up-zone)
- SEPA checklist questions are answered with "non-project action" or "NA"
- The property is granted a re-zone to a higher development density
- Development proposals are approved pursuant to the new zone's permitted uses
- Significant adverse environmental impacts are never studied or mitigated
- Adjacent re-zones create unmitigated cumulative environmental impacts

6

This pattern of fragmentation and lack of meaningful environmental review is taking its toll on the rural landscape, especially in the wildland/urban interface where the proposed re-zone(s) is located adjacent to the City of Roslyn. Examples of unmitigated environmental impacts caused by “non-project action” re-zones include unregulated ground water withdrawals, septic system outflows to ground, increased automobile and truck traffic, increased demand for emergency services into areas with marginal access, and disruption of landscapes that surround historic communities.

Forest Practices with Conversion Option Harvest Plan at Rezone Location

The 60 acre property proposed for rezone from F&R 20 to R-3 has seen intensive timber harvesting in the last six years. Forest Practices were conducted under an approved Forest Practices Application from the Dept. of Natural Resources (DNR) Southeast Regional Office. An inspection of the site provides a clear view of what the limits of the Forest Practices Act (FPA) allow relating to intensity of harvest and the absolute minimum amount of leave trees for wildlife habitat and forest regeneration.

The forest practices approved by DNR, under an application submitted by Steve Noralski, included a Conversion Option Harvest Plan (COHP). COHPs permit a forest landowner to forego reforestation after an approved harvest under the rules and conditions found partially in RCW 76.09.060, WAC 222-16-060, and WAC 222-20-050. COHPs require approval by the local land use authority because they are essentially the first action in a conversion from forestry and natural resource land uses to rural residential development. Kittitas County had no formal process for public review and comment on COHPs at the time of the subject property’s Forest Practices Application and Conversion Option Harvest Plan. The Kittitas County Planning Department approved the COHP with a two sentence letter

The re-zone proponent needs to conclusively demonstrate compliance with all the laws, rules, regulations, and schedules of the Conversion Option Harvest Plan approved for this property. Compliance with previous land use permits and approvals is a fundamental first step.

Environmental Checklist

The SEPA checklist presents an opportunity for a meaningful dialogue around the proponent’s expectations for highest and best use of the subject property and a reasonable assessment of environmental impacts. However, the responses to checklist questions are consistently uninformative. The development rights that will accrue to the landowner after the re-zone is approved are clearly itemized (Checklist A. #7, on pg. 2), but the plan for exercising those accrued development rights is not disclosed. The applicant would have us believe that re-zoning is an isolated event from development, an example of the “de-coupling” of density accrual and environmental impact analysis mentioned earlier.

Further opportunity for a meaningful discussion of environmental impacts is offered in

"D. Supplemental Sheet for Nonproject Actions", on page 14. This section of the SEPA Checklist was designed specifically for applications for rezones and similar nonproject actions where on the ground development actions are anticipated but not yet proposed. Responses to the very general questions in this section continue to be uninformative and evasive. "Any future development will comply with all Kittitas County development regulations" gives no indication of the proponents' underlying rationale and intent behind submitting a re-zone application, and precludes a meaningful discussion of the possible environmental impacts related to increasing development density on rural lands.

Kittitas County Re-zone Criteria Conclusions Are Not Supported by Facts

Seven statutory criteria must all be met before a re-zone application can be considered for approval by the Board of County Commissioners. The application, on pg. 3 of the *Application Attachment (#11)*, draws conclusions that are not supported by fact, nor offers any discussion as to the basis of the conclusions.

The subject property is currently zoned Forest & Range 20 because it serves as a logical buffer between the City of Roslyn and lands to the north that are designated Commercial Forest. In fact the land use adjoining the subject property to the south that is within the City of Roslyn is designated Urban Forest and is comprised of a protected 300 acre mature forest. The subject property is sandwiched between two areas of natural resource forestlands, making R-3 an illogical and intrusive zoning designation. Contrary to the proponent's conclusion, the subject property up-zone would be incompatible with existing development in the area, and serve no transitional functions.

The entire SEPA Checklist was navigated without an inference to community water and septic systems; however these utility features are used as justification for the up-zone. This is inconsistent with a meaningful discussion of impacts. In fact the re-zone would allow rural residential densities in the wildland/urban interface that have a demonstrated increase in the risk of forest fires and threats to public health, safety, and welfare. Contrary to the proponent's unsubstantiated conclusion, the proposed re-zone would tip the scale towards a greater threat to public safety.

The application purports that fiscal benefits will accrue to Kittitas County and junior taxing districts in the area. This conclusion is vague and not supported by any analysis or discussion. No calculations are made relating to the taxing district expenditures that will result from approval of the re-zone and the inevitable rural residential development. Experience has shown that the City of Roslyn, as the closest emergency services provider, will be called for fire suppression, ambulance, and police services. However, the City of Roslyn will see no property tax or services revenue from the increased number of landowners that the re-zone will permit. The application does not list the junior taxing districts that are assumed to benefit from the increase in property values provided by the re-zone, and it is likely that no junior taxing districts include the subject property in their service area. The subject property has been characterized for decades as privately owned forestlands unsuitable for development and consequently may be out of junior taxing districts' boundaries.

Conclusion

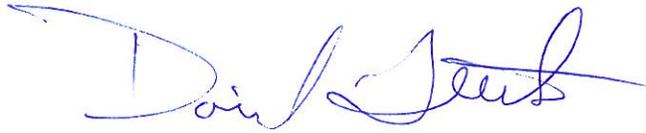
The proposed re-zone is inappropriate and does not meet the criteria established by Kittitas County.

The location specific features of land use in the vicinity of the subject property are not accurately portrayed.

The SEPA Checklist responses are evasive and lead to no meaningful analysis of the possible significant adverse environmental impacts attributable to the re-zone.

Thank you for the opportunity to comment on the Sierra Group Holdings, LLC Rezone Application (Z-06-39) and the SEPA Checklist.

Please include me in the Notice of Decision distribution list, and notify me of any related actions.



David Gerth
Roslyn, WA



**Washington State
Department of Transportation**
Douglas B. MacDonald
Secretary of Transportation

South Central Region
2809 Rudkin Road, Union Gap
P.O. Box 12560
Yakima, WA 98909-2560

509-577-1600
TTY: 1-800-833-6388
www.wsdot.wa.gov

November 1, 2006

Community Development Services
Kittitas County
411 N. Ruby, Suite 2
Ellensburg, Washington 98926-6300

RECEIVED

NOV 6 2006

KITTITAS COUNTY
CDS

Attention: Scott Turnbull, Staff Planner

Subject: Z-06-39; Sierra Group Holdings, LLC (Parcel #20-15-08000-0002 & -0003)
Rezone 60 Acres Forest & Range to Rural-3
SR 903, MP 6.5 Right Vicinity

We have reviewed the proposed rezone and have the following comments.

1. The subject properties are not adjacent to any WSDOT-maintained roads, but are in the vicinity of State Highway 903. The applicant indicates access to the site is via R R Heights Drive, a private road. SR 903 is a Class 4 access managed highway with a posted speed limit of 45 miles per hour. The owner needs to verify to WSDOT they have legal access across private property to SR 903.
2. If and when this property is subdivided, the applicant may be required to contribute to the intersection improvements at the SR 903/private road intersection, when the improvements are warranted. These improvements may include left or right turn lanes, or both.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding our comments, please contact me at (509) 577-1630.

Sincerely,

Bill Preston, P.E.
Regional Planning Engineer

BP: rh/jjg

cc: File #16, SR 903
Terry Kukes, Area 1 Maintenance Superintendent

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

October 31, 2006

RECEIVED

NOV 2 2006

KITTITAS COUNTY
CDS

Scott Turnbull
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Dear Mr. Turnbull:

Thank you for the opportunity to comment on the optional determination of nonsignificance for the Sierra Holdings LLC 60 acre rezone from Forest and Range to Rural-3, proposed by Collins Investments LLC and David Taylor [Z 06-39]. An earlier comment letter for this project was submitted on October 30. On further review of the project documents, we have the following supplementary comment.

Water Quality

Rezoning of a piece of property is often the first step in a proposed development. If a subsequent individual or common plan of development exceeds 1 acre in size an NPDES Construction Stormwater Permit may be required. The process requires going through SEPA, developing a stormwater pollution prevention plan, submitting an application and a 30 day public notice process. This may take 45-60 days. A permit is required prior to beginning ground-breaking activities. A permit and stormwater plan is required prior to beginning ground-breaking activities. Please contact Ray Latham with the Department of Ecology, (509) 575-2807, with questions about this permit.

Sincerely,

Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012

1556-1



4



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

October 30, 2006

Scott Turnbull
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926



Dear Mr. Turnbull:

Thank you for the opportunity to comment on the optional determination of nonsignificance for the Sierra Holdings LLC 60 acre rezone from Forest and Range to Rural-3, proposed by Collins Investments LLC and David Taylor [Z 06-39]. We have reviewed the documents and have the following comments.

Water Resources

When developed, know that in Washington State, prospective water users must obtain authorization from the Department of Ecology before diverting surface water or withdrawing ground water, with one exception. Ground water withdrawals of up to 5,000 gallons per day used for single or group domestic supply, industrial purposes, stock watering or for the irrigation of up to one-half acre of lawn and garden are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges, restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology.

On March 28, 2002 the Washington State Supreme Court ruled that the RCW 90.44.050 permit exemption does not apply where a developer of a residential subdivision proposes multiple wells to serve each lot in the development because in combination, the withdrawal will exceed the exemption criteria.

Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in your area becomes limited, your use could be curtailed by those with senior water rights.



Scott Turnbull
Page 2 of 2
October 30, 2006

If you have any questions concerning the Water Resources comments, please contact Breean Zimmerman at (509) 454-7647.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Clear".

Gwen Clear
Environmental Review Coordinator
Central Regional Office
(509) 575-2012

1556



RECEIVED

NOV 1 2006

KITTITAS COUNTY
CDS

City of Roslyn
100 E. Pennsylvania Ave.
P O Box 451
Roslyn, WA 98941
509-649-3105
FAX: 509-649-3174
Email:
roslynplanning@inlandnet.com

October 30, 2006

Kittitas County Community Development Services
411 N. Ruby
Ellensburg, WA 98926

To Whom It May Concern:

The City of Roslyn has concerns with the proposed rezones called Manna Funding Rezone #Z-06-46 and Sierra Group Holdings, LLC Rezone #Z-06-39. The location of this land is directly adjoining City of Roslyn owned lands in Section 17.

The entire City of Roslyn is a National Historic District. The main part of the designation is due to the fact that we are next to an urban forest. The urban forest status requires buffers from urban density. Multiple small lots adjacent and above the urban forest will injure our historic designation. A twenty acre parcel should be the smallest zone allowed, especially on the uphill side of the City's urban forest.

Rezoning to 3 acre parcels in a rural zone are out of compliance with the Washington State Growth Management Act. The Eastern Washington Hearings Board determined that R3 is not a rural designation under the GMA. There are already too many inappropriate conversions of resource lands to low density sprawl, which is also against the UGA.

The County continues to allow development without environmental review and without an assessment of continued impacts which allows proponents to declare applications a non-project action "because no specific development activities are proposed at this time". This is just not sufficient and is an inappropriate use of checklists and is dodging a required, extensive environmental review.

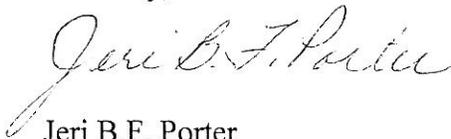
A storm water survey including the proposed properties was done in July 2002. (Gray & Osborne, Inc. #01868). A hydraulic analysis was done to determine the flow of storm water run off into the City of Roslyn's conveyance system. A model routing both a 25- year and a 10- year, 24-hour storm event showed flooding was present at several locations but the City's storm water system would be adequate provided there is no further development in the basins located above the City. Attached is a map showing the basins that were studied which are in the proposed rezone area.

There are many other impacts to the City of Roslyn that have not been considered or mitigated and provisions need to be made for including:

1. water supply- There has not been a showing that an adequate water supply is available for parcels that may be created by a rezone. There are no provisions for a water reservoir, water mains, or hydrants.
2. waste water treatment
3. wild life
4. environment
5. traffic
6. police and public safety
7. schools
8. medical care
9. emergency vehicle access
10. fire hazard- A community built in a pine forest is a fire hazard for the City of Roslyn.
11. "dark skies"- Roslyn has a zoning code (Section 1207.01H(2)(c) stating exterior lighting shall be shielded and restrained in design to avoid excessive brightness.

The City of Roslyn is highly impacted by Kittitas County decisions regarding land use. It is our opinion, as we have stated many times in the past, that an environmental review must occur prior to any rezone being granted.

Sincerely,



Jeri B.F. Porter
Mayor

ORDINANCE NO. 947

AN ORDINANCE relating to the Roslyn Land Use Code, amending Roslyn City Code Sections 1207.01(H)(a)(1), 1207.01(H)(a)(2), 1207.01(H)(a)(3), 1207.01(H)(b)(3), 12.07.04, 12.07.05(A), 1208.01(E) and creating section 1208.01(F).

Section 1. Section 1207.01(H)(a)(1) of the Roslyn City Code is hereby amended as follows:

1207.01(H)(a)(1)

All exterior building design and materials, including but not limited to siding, roofing, roof, windows, doors, eaves, decks and railings and parapets ~~should~~ shall blend harmoniously with surrounding Roslyn's historic structures. The predominant exterior windows shall have a vertically oriented aspect ratio with more height than width, such as single-hung or double-hung windows.

Section 2. Section 1207.01(H)(a)(2) of the Roslyn City Code is hereby amended as follows:

1207.01(H)(a)(2)

~~Dominant colors should avoid excessive brilliance or brightness except where they would enhance the character of the area. Exterior siding shall not consist of sheet metal, corrugated material, concrete blocks, or stucco. Exterior siding, roofing and window glass shall not have a mirrored, mirror-like or bright metal reflective finish. The top layer of roofing shall not consist of corrugated fiberglass. Foundation areas exposed more than 2 feet above grade shall be covered with siding.~~

Section 3. Section 1207.01(H)(a)(3) of the Roslyn City Code is hereby amended as follows:

1207.01(H)(a)(3)

In the commercial or light industrial zones, mechanical ~~Mechanical~~ equipment or other utility hardware ~~on the roof, grounds or buildings~~ should be screened from view with the exception of unobtrusive solar heating panels.

Section 4. Section 1207.01(H)(b)(3) of the Roslyn City Code is hereby amended as follows:

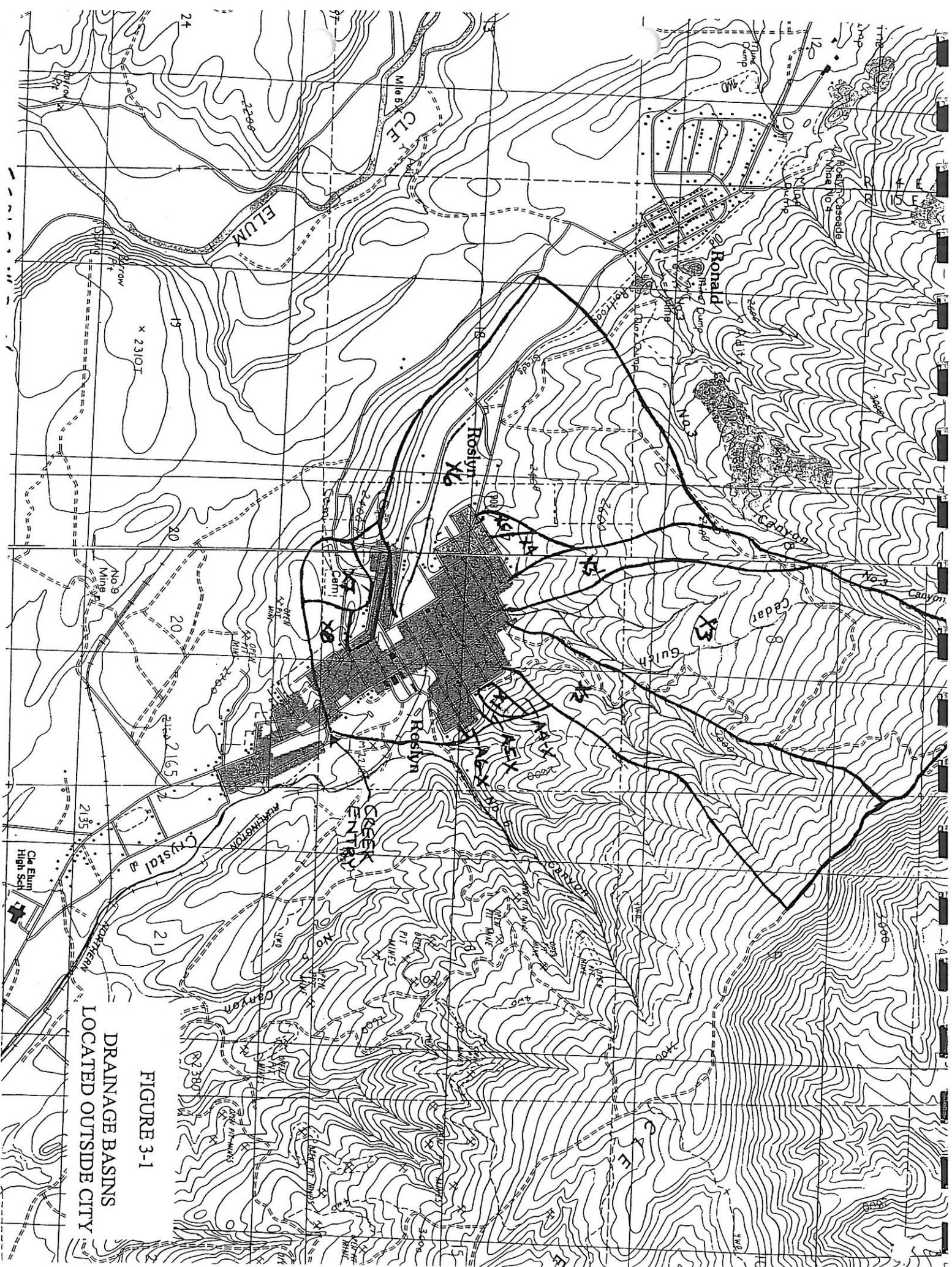
1207.01(H)(b)(3)

Exterior lighting, when used and permitted under applicable laws, ~~should~~ shall be shielded and restrained in design to avoid excessive brightness or brilliance to adjoining properties and streets. Industrial and commercial high-output fixtures, including mercury and sodium-vapor lamps, shall not be installed on the exterior of structures.

Section 5. Section 1207.04 of the Roslyn City Code is hereby amended as follows:

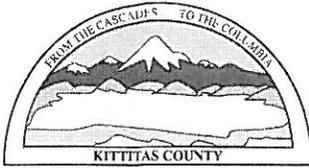
12.07.04

- A. The height for fences shall be as follows:
Residential Zones: Front yard - average four feet (4') or less
Residential Zones: Side and back yard - average six feet (6') or less.
Commercial and Industrial Zones: All sides average eight feet (8') or less.
~~Residential Zones: All sides six feet (6')~~
~~Commercial Zones: All sides eight feet (8')~~
~~Industrial and Public Zones: All sides ten feet (10')~~
- B. ~~Proposed fences in excess of the maximum height require design review from the Planning Commission.~~
- C. Fences on corner lots shall be designed in a way to avoid blocking intersection sight lines for traffic and pedestrians. (where two or more public or private thoroughfares intersect) post a public safety question and require design review to maintain a "clear view triangle."



DRAINAGE BASINS
LOCATED OUTSIDE CITY

FIGURE 3-1



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

TO: WA State Dept. Ecology SEPA Registrar, Yakama Nation
WA State Dept. Ecology, Yakima, WA State Dept. Fish & Wildlife, Ellensburg
WA State Dept. of Transportation- Yakima, Kittitas Co. Board of Commissioners
Kittitas Co. Life Safety- Fire Marshal Kittitas Co. Public Works
Kittitas Co. Environmental Health Kittitas Co. Sheriff's Office
Cle Elum-Roslyn School District No. 404 Kittitas Co. Solid Waste
Yakama Nation – Department of Natural Resources
City of Roslyn
WA State Dept. of Community, Trade, and Economic Development*
Adjacent Property Owners
Applicant

FROM: Scott Turnbull, Staff Planner
Kittitas County Community Development Services

DATE: September 29, 2006

SUBJECT: **Notice of Application:** Sierra Group Holdings, LLC Rezone (Z-06-39)
Forest and Range to Rural-3

Enclosed please find a Notice of Application, Rezone Application, SEPA Environmental Checklist, and related documents for the referenced application. Please retain these items for future reference. Interested parties may obtain copies of related file documents by contacting our office.

Written comments from the public on environmental impacts may be submitted to the Kittitas County Community Development Services Department no later than **November 2, 2006 @ 5:00 p.m.**, after which a SEPA threshold determination will be issued pursuant to 43.21C RCW (State Environmental Policy Act) and WAC 197-11-355 (Optional DNS Process). This may be the only opportunity to comment on the environmental impacts of this proposal pursuant to SEPA, as a Determination of Non-Significance, (DNS), is expected to be issued. A copy of this subsequent threshold determination will be available to the public upon request.

This proposal may include, incorporate or require mitigation measures under applicable codes regardless of whether a determination of Significance (DS) is issued and subsequent Environmental Impact Statement (EIS) is prepared. Written comments may be submitted to Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926.

An open record hearing is tentatively scheduled before the Kittitas County Planning Commission on November 28, 2006 at 6:30 p.m. in the Commissioner's Auditorium, Kittitas County Courthouse. If you have any questions please do not hesitate to contact us. Interested persons are encouraged to verify by contacting CDS prior to attending.

WRITTEN COMMENTS ON ENVIRONMENTAL IMPACTS AND THE OVERALL APPLICATION MUST BE SUBMITTED NO LATER THAN November 2, 2006 @ 5:00 p.m.

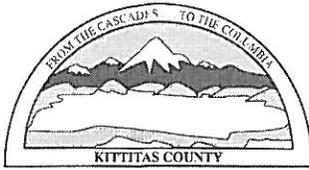
*This constitutes the required 60-day filing notification to the Department of Community Trade and Economic Development as required by law.

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLANS EXAMINATION • ADMINISTRATION • PERMIT SERVICES • INVESTIGATION • ENFORCEMENT • GIS

2



KITITITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITITITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

Notice of Application Sierra Holdings, LLC Rezone

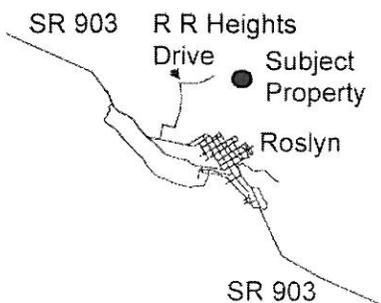
Pursuant to 15A.03 K.C.C., NOTICE IS HEREBY GIVEN that Kittitas County did on September 18, 2006 deem complete an application for the following zone change: Z-06-39, rezone from Forest and Range 20 to Rural 3 of approximately 60 acres. Proponent: Collins Investments, LLC, landowners, David Taylor, authorized agent. Location: east of SR-903 and north of R & R Heights Dr, Roslyn, WA 98941, within a portion of Section 8, T.20N., R.15E., W.M. in Kittitas County. Tax parcel number(s) 20-15-08000-0002 & 0003.

Any person desiring to express his/her views, or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the CDS office between 8:00 A.M. and 5:00 P.M. at 411 N. Ruby St., Ellensburg, WA. 98926. Phone (509) 962-7539. Staff Planner: Scott Turnbull.

Written comments from the public may be submitted to Kittitas County CDS no later than November 2, 2006 @ 5:00 p.m., after which a SEPA threshold determination will be issued pursuant to 43.21C RCW (State Environmental Policy Act) and WAC 197-11-355 (Optional DNS Process). This may be the only opportunity to comment on the environmental impacts of this proposal pursuant to SEPA, as a Determination of Non-Significance, (DNS), is expected to be issued. A copy of this subsequent threshold determination will be available to the public upon request. This proposal may include, incorporate or require mitigation measures under applicable codes regardless of whether a Determination of Significance (DS) is issued and subsequent Environmental Impact Statement (EIS) is prepared.

An open record hearing is tentatively scheduled to go forward before the Kittitas County Planning Commission on Tuesday, November 28, 2006 @ 6:30 P.M., Commissioners' Auditorium, County Courthouse. Written and oral testimony will be considered by the Planning Commission at said public hearing. Interested persons are encouraged to verify by contacting CDS prior to attending.

Dated: September 29, 2006, Publish: October 2, 2006 Daily Record



DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLANS EXAMINATION • ADMINISTRATION • PERMIT SERVICES • INVESTIGATION • ENFORCEMENT • GIS



**KITTITAS COUNTY
COMMUNITY DEVELOPMENT SERVICES**

REZONE APPLICATION

(To change from the existing zone to another zone)

KITTITAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CALL THE DEPARTMENT IF YOU WOULD LIKE TO SET UP A MEETING TO DISCUSS YOUR PROJECT. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. THE FOLLOWING ITEMS MUST BE ATTACHED TO THIS APPLICATION PACKET:

REQUIRED ATTACHMENTS

- ADDRESS LIST OF ALL LANDOWNERS WITHIN 300 FEET OF THE SITE'S TAX PARCEL. IF ADJOINING PARCELS ARE OWNED BY THE APPLICANT, THE 300 FEET EXTENDS FROM THE FARTHEST PARCEL. IF THE PARCEL IS WITHIN A SUBDIVISION WITH A HOMEOWNERS OR ROAD ASSOCIATION, PLEASE INCLUDE THE ADDRESS OF THE ASSOCIATION.
- SITE PLAN OF THE PROPERTY WITH ALL PROPOSED: BUILDINGS; POINTS OF ACCESS, ROADS, AND PARKING AREAS; SEPTIC TANK AND DRAINFIELD AND REPLACEMENT AREA; AREAS TO BE CUT AND/OR FILLED; AND, NATURAL FEATURES SUCH AS CONTOURS, STREAMS, GULLIES, CLIFFS, ETC.
- SEPA CHECKLIST

FEE:

\$1100.00 (\$900 Rezone + \$200 SEPA) to Kittitas County Community Development Services Department

FOR STAFF USE ONLY

I CERTIFY THAT I RECEIVED THIS APPLICATION AND IT IS COMPLETE.		
SIGNATURE:	DATE:	RECEIPT #
<u>Amber Green</u>	<u>8-21-06</u>	<u>047851</u>
NOTES:		

RECEIVED
DATE STAMP
HERE
AUG 21 2006
KIT TITAS COUNTY
CDS

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

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

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

Agent Name: See Attached
Mailing Address: _____
City/State/ZIP: _____
Day Time Phone: _____

3. **Contact person for application (select one):**

Owner of record Authorized agent

All verbal and written contact regarding this application will be made only with the contact person.

4. **Street address of property:**

Address: See Attached
City/State/ZIP: _____

5. **Legal description of property:**

See Attached

6. **Tax parcel number:**

See Attached

7. **Property size:**

See Attached

8. **Narrative project description:** Please include 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 (be specific, attach additional sheets as necessary):

See Attached

9. **What is the present zoning district?**
 Forest and Range -20

10. **What is the zoning district requested?**
 Rural -3

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.
 See Attached

- B. The proposed amendment bears a substantial relation to the public health, safety or welfare.
 See Attached

- C. The proposed amendment has merit and value for Kittitas County or a sub-area of the county.
 See Attached

- 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.
 See Attached

- E. The subject property is suitable for development in general conformance with zoning standards for the proposed zone.
 See Attached

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

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

See Attached

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.

13. Are there any other pending applications associated with the property associated with this application? Yes No

Signature of Authorized Agent:

X D. V. Taylor

Date:

8/21/06

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

X [Signature]

Date:

8/16/06

**Collins Investments/Sierra Group Holdings/Roslyn Heights
Application Attachment**

1. Name and mailing address of landowner(s) of record:

Name: Sierra Group Holdings, LLC

Mailing Address: 19900 144th Ave. NE

City/State/Zip: Woodinville, WA 98072

Name: Collins Investments, LLC

Mailing Address: 15425 NE 144th Place

City/State/Zip: Woodinville, WA 98072

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

Name: David Taylor, Taylor Consulting Group

Mailing Address: 1661 Beane Rd

City/State/Zip: Moxee, WA 98936

Daytime Phone: 509-949-6445

4. Street address of property:

Address:

City/State/Zip:

5. Legal description of property:

SEC. 8, TWP. 20, RGE. 15; PTN. SW1/4 (LOT 1, SURV. B29/P33) and
SEC. 8, TWP. 20, RGE. 15; PTN. SW1/4 (LOT 2, SURV. B29/P33)

6. Tax parcel number:

20-15-08000-0002
20-15-08000-0003

7. Property size:

The subject property totals 60 acres and includes two parcels. Lot 2 totals 20 acres and Lot 3 totals 40; however, Lot 3 has received approval for an Exempt Segregation creating two 20 acres lots. No parcel number has been created for the new parcel to date.

8. Narrative project description:

The proposed rezone from Forest and Range-20 to Rural-3 encompasses sixty (60) acres, lying directly north of the City of Roslyn within Section 8, Township 20 N, Range 15 E. No parcel specific development activities are proposed at this time; however, approval of the rezone will allow for the creation of three (3) acre lots. In addition, approval of the rezone would permit the following uses on the property:

1. Single-family homes, mobile homes, cabins;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. Home occupations which do not produce noise, such as accounting, photography, etc.;
6. Cluster subdivision, when approved as a platted subdivision;
7. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located within an established mining district;
8. All buildings and structures not listed above which legally existed prior to the adoption of the ordinance codified in this chapter;
9. Uses customarily incidental to any of the uses set forth in this section;
10. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process.
11. (Blank; Ord. O-2006-01, 2006)
12. Accessory Dwelling Unit (if in UGA or UGN)
13. Accessory Living Quarters
14. Special Care Dwelling

Any future development will comply with all Kittitas County Development Regulations in existence at the time of application.

9. What is the present zoning district?

Forest and Range-20

10. What is the zoning district requested?

Rural-3

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.

The subject property is designated as Rural under the Kittitas County Comprehensive Plan Land Use Map. The Comprehensive Plan describes rural lands as having a residential density ranging from three (3) to twenty (20) acres per residential unit. The proposed rezone is consistent with the Rural land use designation and compatible with existing development in the area.

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

The proposed rezone will allow future development to occur at densities which support community water and community septic systems. Community water systems reduce the overall number of wells being drilled into the aquifer and provide greater well head protection. Community septic systems, reduce the number of septic tanks and drain fields in a given area. In addition, both systems are regulated by the State Department of Health.

C. The proposal has merit and value for Kittitas County or a sub-area of the County.

If approved, the proposed rezone will allow for higher and better uses on the subject property. As the number of potential uses and density increases, the value increases. Kittitas County and the junior taxing districts in the area will benefit through the increase in taxable value.

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.

The proposed rezone will allow for reasonable development of the subject property at densities which support the development of community water and septic systems. The subject property was identified in 1994 as a transitional area between the City of Roslyn and property designated as Commercial Forest to the north. Over the past twelve (12) years, development has occurred in the vicinity of the property at densities similar to that being proposed by the rezone. The proposed rezone will allow development to occur at densities consistent with traditional “transitional areas”.

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

The subject property is suitable for development in conformance with the zoning standards applicable to Rural-3 zoning. In general, the property is capable of supporting a variety of uses and densities. Approval of the proposed rezone will allow the property owners to plan subsequent development based upon market conditions (i.e. lots ranging from 3 to 10 acres in size).

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

The proposed rezone will not be materially detrimental to the use of properties in the immediate vicinity of the subject property. The subject property is located in an area characterized by rural densities (i.e. lots 3 to 20 acres in size) and the proposed rezone is consistent with the character of the area.

G. The proposed changes in use of the property shall not adversely impact irrigation deliveries to other properties.

Because the subject property is not located in the service area of an Irrigation District/Company; the rezone will not adversely affect delivery of irrigation water.

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Request a change to the Kittitas County zoning map. More specifically, changing the zoning classification from Forest and Range-20 to Rural-3 on approximately 60 acres (tax parcel numbers 20-15-08000-0002 and 20-15-08000-0003).

2. Name of applicant:

Sierra Group Holdings, LLC	Collins Investments, LLC
19900 144 th Ave. NE	15425 NE 144 th Place
Woodinville, WA 98072	Woodinville, WA 98072

3. Address and phone number of applicant and contact person:

<u>Applicant</u>	<u>Contact Person:</u>
Collins Investments, LLC	David Taylor
c/o Roger Collins, Manager	Taylor Consulting Group
19900 144 th Ave. NE	1661 Beane Rd
Woodinville, WA 98072	Moxee, WA 98936

4. Date checklist prepared:

August 17, 2006

5. Agency requesting checklist:

Kittitas County

6. Proposed timing or schedule (including phasing, if applicable):

The timing associated with this proposal relies upon the provisions of Kittitas County's development regulations for changing the zoning classification. Although no specific development activities are proposed at this time, it is assumed residential development will occur in the future, upon approval of all development applications.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Upon approval of this rezone request, subsequent development permits could be sought. The proposed rezone from Forest and Range-20 to Rural-3 encompasses sixty (60) acres, lying directly north of the City of Roslyn within Section 8, Township 20 N, Range 15 E. No parcel specific development activities are proposed at this time; however, approval of the rezone will allow for the creation of three (3) acre lots. In addition, approval of the rezone would permit the following uses on the property:

1. Single-family homes, mobile homes, cabins;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. Home occupations which do not produce noise, such as accounting, photography, etc.;
6. Cluster subdivision, when approved as a platted subdivision;
7. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located within an established mining district;
8. All buildings and structures not listed above which legally existed prior to the adoption of the ordinance codified in this chapter;
9. Uses customarily incidental to any of the uses set forth in this section;
10. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process.
11. (Blank; Ord. O-2006-01, 2006)
12. Accessory Dwelling Unit (if in UGA or UGN)
13. Accessory Living Quarters
14. Special Care Dwelling

Any future development will comply with all Kittitas County Development Regulations in existence at the time of application. In addition, Kittitas County's SEPA Substantive Authority will provide for additional environmental review for some future development activities.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

No other environmental information has been prepared or reviewed directly related to this proposal.

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.

There are no applications pending governmental approval affecting the property covered by this proposal.

10. List any government approvals or permits that will be needed for your proposal, if known.

No other governmental approvals or permits are needed for this proposed zoning reclassification.

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.)

The subject property is approximately 60 acres in size and is currently classified as Forest and Range-20 under the Kittitas County zoning map. Upon approval of this rezone request, subsequent development permits could be sought. Although no parcel specific development activities are proposed at this time, approval of the rezone will allow for the creation of three (3) acre lots. In addition, approval of the rezone would permit the following uses on the property:

1. Single-family homes, mobile homes, cabins;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. Home occupations which do not produce noise, such as accounting, photography, etc.;
6. Cluster subdivision, when approved as a platted subdivision;
7. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located within an established mining district;
8. All buildings and structures not listed above which legally existed prior to the adoption of the ordinance codified in this chapter;
9. Uses customarily incidental to any of the uses set forth in this section;
10. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process.
11. (Blank; Ord. O-2006-01, 2006)
12. Accessory Dwelling Unit (if in UGA or UGN)
13. Accessory Living Quarters
14. Special Care Dwelling

Any future development will comply with all Kittitas County Development Regulations in existence at the time of application. In addition, Kittitas County's SEPA Substantive Authority will provide for additional environmental review for some future development activities.

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.

The subject property is located north of the City of Roslyn in Section 8, Township 20 N, Range 15 E. (tax parcels 20-15-08000-0002 and 20-15-08000-0003). The legal descriptions for the properties are SEC. 8, TWP. 20, RGE. 15; PTN. SW1/4 (LOT 1, SURV. B29/P33) and SEC. 8, TWP. 20, RGE. 15; PTN. SW1/4 (LOT 2, SURV. B29/P33)

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, **hilly**, **steep slopes**, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)?

The subject property is hilly with areas of the property have moderate to steep slopes. Overall, slopes range from 3% to 22%. The proposed zoning reclassification will result in no direct impacts to any slopes and future development proposals will address the issue at the time of application.

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 prime farmland.

According to information gathered from Kittitas County, the subject property is located in an area characterized by Sandstone. The site contains soils typical to sub-alpine areas.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There are no surface indications or history of unstable soils in the immediate vicinity of the subject property.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Because no specific development activity is proposed at this time, no filling or grading is proposed on the subject property. Any subsequent commercial development which includes filling or grading will be reviewed and mitigated at the time of application.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No clearing or other development activities are proposed at this time and there are no known areas susceptible to erosion. Any future commercial development which has the potential to cause erosion concerns will be reviewed and mitigated at the time of application.

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

Because no specific development activities are proposed at this time, estimating the percentage of impervious surface coverage is impossible. Any future development proposals will address impacts associated with impervious surfaces at the time of application.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Because no specific development is proposed at this time, no measures are proposed to reduce or control erosion.

Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

The proposed zoning reclassification will not result in any emissions to the air. Any future development will address emission control at the time of application and/or construction.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are no specific development activities proposed at this time; therefore, no off-site emissions or odors will affect the proposal. In addition, there are no known off-site sources of emissions or odor that would affect future development activities.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

The proposed zoning reclassification will produce no emissions or other impacts. Impacts associated with any future development which produce emissions will be addressed at the time of application.

3. Water

a. Surface:

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.

There are no known surface water bodies located on-site. The proposed zoning reclassification will not impact any surface water bodies, as no specific development activities are proposed at this time.

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.

The proposed zoning reclassification includes no specific development activities. In addition, no future development will occur over, in or adjacent to any known surface water bodies.

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.

The proposed zoning reclassification includes no specific development activities; therefore, no filling or dredging will occur. The amount of fill and dredge material placed or removed from the site will be addressed in conjunction with future development activities.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

The proposed zoning reclassification includes no withdrawals or diversion of surface water.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The subject property is not located within a 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.

The proposed zoning reclassification does not involve any discharges of waste material to surface waters, as no development activities are proposed at this time.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give

general description, purpose, and approximate quantities if known.

The proposed zoning reclassification does not include any proposed withdrawal of, or discharge to, groundwater. Any future development which includes withdrawal of, or discharge to, groundwater will be reviewed at the time of application.

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.

The proposed zoning reclassification do not include any specific development activity, therefore, no discharges will occur. Any potential impacts associated with future development which may discharge materials in the ground will be reviewed at the time of application.

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.

The proposed zoning reclassification includes no specific development activities; therefore no runoff will be generated by the proposal. Any potential impacts associated with runoff will be addressed at the time of future development application.

2) Could waste materials enter ground or surface waters? If so, generally describe.

The proposed zoning reclassification includes no specific development activities; therefore no waste materials will enter ground or surface waters. Any potential impacts associated with potential waste material entering surface or groundwater will be addressed at the time of future development application.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Because no specific development activities are proposed at this time, no mitigation measures are necessary to protect surface and/or groundwater.

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- 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?

The proposed zoning reclassification includes no specific development proposal; therefore no vegetation will be removed or altered. Any future development activities will address the issue at the time of application.

- c. List threatened or endangered species known to be on or near the site.

There are no known threatened or endangered species on or near the subject property.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Because no specific development is proposed as part of the map amendment and zoning reclassification, no measures are proposed at this time. Future development application will address the issue as needed.

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: **hawk**, heron, **eagle**, **songbirds**, other:

mammals: **deer**, **bear**, **elk**, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other:

- b. List any threatened or endangered species known to be on or near the site.

There are no known threatened or endangered species on or near the subject property.

- c. Is the site part of a migration route? If so, explain.

The subject property is located in the Pacific Flyway used by assorted bird species. In addition, it is assumed the subject property is used by other bird and/or mammal species for migration. No specific development activity is proposed at this time, so no impacts are expected to occur.

- d. Proposed measures to preserve or enhance wildlife, if any:

The proposed zoning reclassification includes no development activities; therefore no mitigation is proposed. Any potential impacts associated with future development will be addressed at the time of application.

6. Energy and natural resources

- 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.

The proposed zoning reclassification will not require the use of any energy. It is assumed future development will utilize energy resources and those needs would be addressed at the time of application.

- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

The proposed zoning reclassification includes no development activities and will not affect the use of solar energy by adjacent properties. Any future development applications will have to meet design and construction standards imposed by Kittitas County.

- 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:

The proposed zoning reclassification includes no specific development activities and will not result in any energy consumption; therefore, no mitigation is proposed as part of this application.

7. Environmental health

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.

The proposed zoning reclassification includes no specific development activities. Any environmental health hazards associated with future development will be addressed at the time of application.

1) Describe special emergency services that might be required.

The proposed zoning reclassification includes no specific development activities and requires no special emergency services. Any future development activities will address the issue at the time of application.

2) Proposed measures to reduce or control environmental health hazards, if any:

Because no specific development activities are proposed as part of this map amendment and zoning reclassification, no mitigation measures are proposed. As future development applications are proposed, necessary mitigation will be identified and implemented.

b. Noise

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

The subject property is located rural Kittitas County and near other residential areas. Normal noise associated with rural land use activities occur on-site.

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.

The proposed zoning reclassification will not result in any short-term noise impacts. Potential long-term impacts will be dependent upon specific future development applications. Assuming some sort of residential development may occur in the future, potential noise would be consistent with traditional rural development.

3) Proposed measures to reduce or control noise impacts, if any:

The proposed zoning reclassification is not expected to produce any short or long-term measurable noise impacts. Future development activities will be evaluated for noise impacts at the time of application.

8. Land and shoreline use

What is the current use of the site and adjacent properties?

The subject property is undeveloped and not used for any specific purposes. Adjacent property is characterized by residential uses.

b. Has the site been used for agriculture? If so, describe.

The subject property has not been used for agricultural purposes.

c. Describe any structures on the site.

There are no structures on the subject property.

d. Will any structures be demolished? If so, what?

No specific development activities are proposed, no structures are located on-site and no structures will be demolished.

e. What is the current zoning classification of the site?

Forest and Range-20

f. What is the current comprehensive plan designation of the site?

Rural

g. If applicable, what is the current shoreline master program designation of the site?

The subject property is not located within shoreline jurisdiction.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

There are no environmentally sensitive areas on the subject property.

i. Approximately how many people would reside or work in the completed project?

There are no specific development proposals associated with this application zoning reclassification. Assuming some sort of residential development occurs in the future, the potential number of people residing on the property will be based on the overall density approved by Kittitas County. Any future development will be subject to the provisions of the Kittitas County's Zoning Code.

j. Approximately how many people would the completed project displace?

There are no specific development proposals associated with this application for zoning reclassification. Regardless of the type of future development activities, nobody will be displaced as no one resides on the subject property.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Because the proposed zoning reclassification includes no specific development activities and no one currently resides on the property, no mitigation measures are necessary for the displacement of people.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Approval of the proposed zoning reclassification will ensure consistency between the Comprehensive Plan Land Use designation and Zoning classification. Although no specific development activities are proposed at this time, future development will be reviewed in accordance with Kittitas County's Zoning Code and incompatible uses will be addressed.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

The proposed zoning reclassification includes no specific development proposals. Kittitas County's Zoning Code allows for residential uses; however, the number of future residential units is unknown.

b. Approximately how many units, if any, would be eliminated? Indicate whether high,

middle, or low-income housing.

The proposed zoning reclassification includes no specific development proposals. In addition, there are no residential structures located on the subject property.

c. Proposed measures to reduce or control housing impacts, if any:

The proposed zoning reclassification includes no specific development proposals; therefore, no mitigation measures are proposed.

10. Aesthetics

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

The proposed zoning reclassification includes no specific development proposals. The height of future structures will be dependent upon the requirements of Kittitas County's Zoning Code.

b. What views in the immediate vicinity would be altered or obstructed?

The proposed zoning reclassification includes no specific development proposals. Future development activities will be evaluated for impacts to existing land uses in the area.

c. Proposed measures to reduce or control aesthetic impacts, if any:

The proposed zoning reclassification includes no specific development proposals; therefore, no mitigation measures are proposed.

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

The proposed zoning reclassification includes no specific development proposals. It is possible future development activities may produce light or glare; however, any potential impacts associated with future development will be addressed at the time of application.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

The proposed zoning reclassification includes no specific development proposals. It is possible future development activities may produce light or glare; however, any potential impacts associated with future development will be addressed at the time of application.

c. What existing off-site sources of light or glare may affect your proposal?

The proposed zoning reclassification includes no specific development proposals. There are no known off-site sources of light or glare that could impact future development.

d. Proposed measures to reduce or control light and glare impacts, if any:

The proposed zoning reclassification includes no specific development proposals; therefore, no mitigation measures are proposed.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

The subject property is located in Kittitas County and it is assumed a wide range of rural and/or dispersed recreational uses are available. There are no designated recreational opportunities onsite.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

The proposed zoning reclassification includes no specific development proposals and future development activities are not expected to displace any recreational opportunities.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The proposed zoning reclassification includes no specific development proposals; therefore, no mitigation measures have been proposed.

13. **Historic and cultural preservation**

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

There are no known historical places or objects located on or next to the site.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

There are no known landmarks or evidence of historical, archaeological, scientific, or cultural importance known to be on or next to the site.

- c. Proposed measures to reduce or control impacts, if any:

The proposed zoning reclassification includes no specific development proposals. Any future development activities will comply with all applicable regulations related to historical, archaeological, scientific, or cultural sites.

14. **Transportation**

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The subject property is located north of the City of Roslyn and is access via R R Heights Drive. The proposed zoning reclassification includes no specific development proposals which would require transportation or access improvements.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

The subject property is located in rural Kittitas County and is not served by a public transit system.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

The proposed zoning reclassification includes no specific development proposals. Any future development requiring parking would be dealt with at the time of application.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or

streets, not including driveways? If so, generally describe (indicate whether public or private).

The proposed zoning reclassification includes no specific development proposals. Any future development activities will be independently evaluated for specific transportation improvements.

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

The proposed zoning reclassification includes no specific development proposals. Any possible future uses will address potential impacts at the time of application.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

The proposed zoning reclassification includes no specific development proposals and no vehicular trips will be generated if approved. As future development occurs, transportation impacts will be evaluated and mitigated if necessary.

g. Proposed measures to reduce or control transportation impacts, if any:

The proposed zoning reclassification includes no specific development proposals; therefore no mitigation measures are proposed.

15. **Public services**

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

The proposed zoning reclassification includes no specific development proposals. The subject property is located in Hospital District 2 and the Kittitas County Sheriff's Department provides police protection. Future development will address potential impacts to the public services at the time of application.

b. Proposed measures to reduce or control direct impacts on public services, if any.

The proposed zoning reclassification includes no specific development proposals. Future development will address potential impacts to public services at the time of application.

16. **Utilities**

a. Circle utilities currently available at the site: 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.

The proposed zoning reclassification includes no specific development proposals. The subject property is located in rural Kittitas County and residential uses rely on individual or community wells and septic systems. Future development will address potential impacts at the time of application.

C. SIGNATURE

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: 

Date Submitted: 8/21/06

D. SUPPLEMENTAL SHEET FOR NONPROJECT 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?

The proposed zoning reclassification include no specific development proposals. Any possible future uses will be dictated by Kittitas County's Zoning Code. All future development activities will address the issue at the time of application.

Proposed measures to avoid or reduce such increases are:

Any future development will comply with all Kittitas County development regulations.

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

The proposed zoning reclassification includes no specific development proposals. Any possible future uses will address potential impacts to plant and/or animal life at the time of application.

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

Any future development will comply with all Kittitas County development regulations.

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

The proposed zoning reclassification includes no specific development proposals. Any possible future uses will address potential impacts to energy and natural resources at the time of application.

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

Any future development will comply with all Kittitas County development regulations.

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?

The proposed zoning reclassification includes no specific development proposals. Any possible future uses will address potential impacts to 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 at the time of application.

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

Any future development will comply with all Kittitas County development regulations.

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?

The proposed zoning reclassification includes no specific development proposals. Any possible future uses will address potential impacts associated with land and shoreline use at the time of application. The subject property is not located within shoreline jurisdiction.

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

Any future development will comply with all Kittitas County development regulations.

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

The proposed zoning reclassification includes no specific development proposals. Any possible future uses will address potential impacts associated with transportation, public services and utilities at the time of application.

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

Any future development will comply with all Kittitas County development regulations.

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

The proposed zoning reclassification in no way conflicts with local, state or federal laws or requirements associated with the protection of the environment. Any future development activities will comply with all Kittitas County development regulations, including Critical Areas protection and standards.

