

KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

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Office (509) 962-7506

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REZONE APPLICATION

(To change from the existing zone to another zone)

R2-08-00012

KITTITAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CONTACT COMMUNITY DEVELOPMENT SERVICES TO SET UP A PRE-APPLICATION MEETING TO DISCUSS A PROPOSED PROJECT.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. PURSUANT TO KCC 15A.03.030, A COMPLETE APPLICATION IS DETERMINED WITHIN 28 DAYS OF RECEIPT OF THE APPLICATION SUBMITTAL PACKET AND FEE. THE FOLLOWING ITEMS MUST BE ATTACHED TO THE APPLICATION PACKET:

REQUIRED ATTACHMENTS

- ☒ ADDRESS LIST OF ALL LANDOWNERS WITHIN 500 FEET OF THE SUBJECT PARCEL(S). IF ADJOINING PARCELS ARE OWNED BY THE APPLICANT, THEN THE 500 FOOT AREA EXTENDS FROM THE FARTHEST PARCEL. IF THE PARCEL IS WITHIN A SUBDIVISION WITH A HOMEOWNERS' OR ROAD ASSOCIATION, THEN PLEASE INCLUDE THE MAILING ADDRESS OF THE ASSOCIATION.
- ☒ SITE PLAN OF THE PROPERTY WITH ALL PROPOSED BUILDINGS, POINTS OF ACCESS, ROADS, PARKING AREAS, SEPTIC TANK, DRAINFIELD, DRAINFIELD REPLACEMENT AREA, AREAS TO BE CUT AND/OR FILLED, NATURAL FEATURES SUCH AS CONTOURS, STREAMS, GULLIES, CLIFFS, ETC.
- ☒ SEPA CHECKLIST
- ☒ REQUESTED ZONE CHANGE: FROM Ag-20 TO Ag-5

APPLICATION FEE:

\$2550 (\$2150 Rezone + \$400 SEPA) to Kittitas County Community Development Services Department (KCCDS)



FOR STAFF USE ONLY

APPLICATION RECEIVED BY:
(CDS STAFF SIGNATURE)

DATE:

12.17.08

RECEIPT #

DATE STAMP
HERE

NOTES:

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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

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

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

Name: Don Akehurst, Gregory Akehurst

Mailing Address: 2151 Brick Mill Road

City/State/ZIP: Ellensburg, WA 98926

Day Time Phone: (509) 856-8610

Email Address: n/a

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

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

Agent Name: Same as above

Mailing Address: _____

City/State/ZIP: _____

Day Time Phone: _____

Email Address: _____

3. **Street address of property:**

Address: TBD Brick Mill Road

City/State/ZIP: Ellensburg, WA 98926

4. **Legal description of property:**

See attached preliminary plat maps.

5. **Tax parcel number:**

See attached preliminary plat maps.

6. **Property size:**

71.29 a/c

7. **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):

The subject property is located east of Wilson Creek Road and north of Brick Mill Road in a portion of Sect. 20, T.18N., R.19E., WM, Kittitas County. Included with this proposal is an application to rezone the property from Ag-20 to Ag-5. Water: Individual Well, Septic: Individual on site systems. See attached maps for further details.

8. **What is the present zoning district?**

Ag-20

9. **What is the zoning district requested?**

Ag-5

10. **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.

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

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

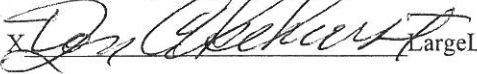
Signature of Authorized Agent:
(REQUIRED if indicated on application)

X 

Date:

10/17/08

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

X 

Date:

LargeLotApplication.pdf 10/17/08

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

See attached.

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

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

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

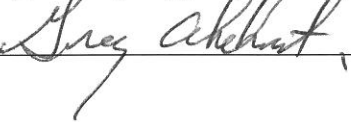
Date:

X _____

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

Date:

X



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Akehurst Rezone Seven Criteria:

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

The Kittitas County Comprehensive Plan (Comp Plan) allows for a variety of land uses from residential to resource based activities. According to the Comp Plan, Chapter 8.2: Rural Lands-Identification of Rural Lands: "The Rural Lands exhibit a vibrant and viable landscape where a diversity of land uses and housing densities are compatible with rural character. Many sizes and shapes can be found in the rural lands, its topography and access variations allow for small to large acreage, economic activities, residential subdivisions, farming, logging and mining."

The Comp Plan supports a mixture of land uses and densities by the following Goals, Policies and Objectives (GPO'S): GPO 2.2, Diversified economic development providing broader economic opportunities; GPO 2.5, Kittitas County should encourage residential and economic growth that will minimize the costs of providing public utilities and services; GPO 2.6, Kittitas County will maintain a flexible balance of land uses; GPO 8.5, Kittitas County recognizes and agrees with the need for continued diversity in densities and uses on rural lands.

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

The primary goal of the Comp Plan is to enhance, preserve and protect the public health, safety and welfare. In a recent court case, the court recognized that if the rezone is consistent with the County Comprehensive Plan and implements the Comprehensive Plan, then that is a clear indication that the rezone is in the interest of the public health, safety and welfare.

The rezone and proposed subdivision will have access directly to Brick Mill Road, a county road. There is also a network of county roads available for future landowners to access the subject property that can handle the level of traffic created by the proposed development.

The proposed rezone and preliminary plat will allow the creation of smaller, more valuable parcels within Kittitas County. Smaller parcels, once built upon, will increase the assessed values of the property and in effect provide more revenue for county services, schools and the fire district.

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

Rural character, development and services are defined in RCW 36.70A.030 (15), (16) and (17) as follows: "Rural Character refers to the pattern of land use and development established by a county in the rural element of its comprehensive plan: (b) that foster traditional rural lifestyles, rural based economies and opportunities to both live and work in rural areas; (e) that reduce the inappropriate conversion of undeveloped land into sprawling, low density development. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

The Comp Plan states: “the current mix of rural uses and densities has not increased the cost to taxpayers for road and utility improvements, police and fire protection, or the education of school populations beyond the means of the local people to finance such infrastructure.

The proposed rezone and preliminary plat will take the pressure off of and preserve the agricultural lands in the area. Larger agriculturally used parcels may not be taken out of production when individuals desire smaller parcels as apposed to parcels 20+ acres in size, thus decreasing the potential of creating rural sprawl.

Furthermore, these lands have not been designated as agricultural lands of long term commercial significance.

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 reasonable development of the subject property.

As of November 1, 2007, there are 950.77 acres of land zoned Ag-5. According to KCC 17.04.060, the county will allow up to 5% of the total land mass or 74,080 acres (1,481,600 X .05) into the Ag-5 zone. Looking at parcels of land just west of the subject property along Brick Mill Road, you will notice 17 + parcels zoned Ag-20 that are between 5 and 10 acres in size

Given the current pattern of development in the area, this property would better be served in smaller, residential lots, thus allowing the property owner to realize some economic return on their investment.

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

Both the current zone (Ag-20) and the proposed zone (Ag-5) are considered Rural Lands as defined by the Comp Plan. Upon detailed analysis of KCC 17.28A.020 (Ag-5) and 17.29.020 (Ag-20) you will observe that the permitted uses are identical across the two zoning districts with the exception of Ag-5 allowing for the raising of animals, provided an area of not less than an acre. In terms of allowed uses the only difference is lot size.

Speculation has risen that this is considered an “island or spot rezone”. The Kittitas County Prosecuting Attorney has recently shed light on this matter. While the Kittitas County was considering the Firkins Project Rezone, the Graham Family Project Rezone and Finley Project Rezone (all which proposed to rezone property surrounded by another zone), Neil Calkins stated that as long as the underlined land use is consistent with the surrounding land uses and that the proposed zone is consistent with the comprehensive plan, then the request is not a “island or spot” rezone. As of today October 10, 2008, the BOCC has approved the Graham Family Rezone and is considering the Firkins and Finley Project Rezones. (Project descriptions are attached.)

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

Undoubtedly, there is still active farming in the area; this development will meet the need for more residential parcels, while taking the pressure off adjacent active farm lands.

The road infrastructure in the area is all public. As in the case with most residential development in and around active farming communities, the road system is often the means of travel for both cars and farm equipment. A plat note will be placed on the final mylar stating “ *The subject property is within or near lands used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A.060(1)) Commercial Natural Resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances (RCW 7.48.305)*”

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

A water distribution plan will be submitted to the KRD upon submission of this application. This plan outlines water conveyances and provisions for distribution for each proposed lot in the subdivision. A statement from KRD will disclose how many acre feet each parcel is granted and provisions for the duties of the water master. Prior to final plat approval, Kittitas County must receive verification that the distribution plan has been approved by the KRD Board of Directors. Attached to the preliminary plat is a list of irrigable acreage from KRD