

Re: Applicant comment for the record public hearing LP-22-00003 Haybrook Farm Phase 3

September 20, 2022

Dear Hearing Examiner

As applicant, I submit the following comments.

1. Application LP-22-00003 Haybrook Farm Phase 3 was deemed complete on June 24, 2022. Any vested rights under Washington law attach on the date of complete application.
2. There has been a troubled past on city county cooperation in the UGA. Neither jurisdiction was able to work out the complexities nor devote staff time to this task. The private property owners have largely had no voice in UGA matters nor serious opportunity in public hearings. As a consequence, both jurisdictions have failed to create pathways for infill development. The county in many instances acknowledge in ordinance relief in the portion of the UGA and within the airport overlay. (See Daily Record 2013 and email from the city director of community development 2015)
3. The state legislature passed RCW 43.21C.229 to create a permissible pathway for cities and counties to relax development ordinances by allowing relief and exemptions. (See attached) infill development – categorical exemptions from chapter.
4. Airport overlay City of Ellensburg map. Zone 3 of the city overlay in the UGA have density restrictions of 1 DU/Acre and west of Look Road 1 DU/3 Acres. This dictates well and septic tanks and county road standards should apply not city standards. See also the tax parcel map which shows existing uses and parcel sizes. There are no city utilities in Zone 3 of the airport overlay and none contemplated in the City of Ellensburg capital facility plan.

Respectfully Submitted



Matt Willard
Manager
Haybrook Land Holding LLC

DAILY RECORD
TUESDAY AUGUST 8 2013

County wants to meet with city

Commissioners interested in joint development rules

By MIKE JOHNSTON
senior writer

Kittitas County commissioners are calling on the Ellensburg City Council to meet in a combined session to discuss development standards in county areas next to city limits.

In a letter to Ellensburg Mayor Bruce Tabb, com-

missioners said an agreement would outline how the two local governments would settle on standards the county would require builders, developers and property owners to meet for projects next to city limits. The goal is to be compatible with city standards.

Commissioner Gary Berndt said the letter, issued

July 30, details the process the county and city would use to reach agreement on development rules in urban growth areas next to city limits. These are areas by state law where urban-style growth and development are encouraged next to urban-level services. The areas eventually might be annexed into city limits.

The rules would include platting and construction requirements for street designs, curbs, sidewalks, stormwater control, public

power infrastructure and others.

Berndt said efforts were made several years ago to develop jointly held standards between the county and city, but they were delayed.

The county is proposing a draft agreement to the City Council. Berndt said discussions in the future may include how the impact of the loss of county taxes through annexation to the city might be compensated for or lessened.

NOTHING CAME FROM THIS UNTIL INTERLOCAL AGREEMENT
BETWEEN COUNTY AND CITY IN DECEMBER 2021. NO IMPLEMENTING
ORDINANCES OR COMP PLAN AMENDMENTS HAVE BEEN ADOPTED
IN THE CITY OF ELLENSBURG MUNICIPAL CODE.



Steve Willard <willardis@gmail.com>

re uga

2 messages

Steve Willard <willardis@gmail.com>

Wed, Aug 26, 2015 at 2:51 PM

To: Kirsten Sackett <sackettk@ci.ellensburg.wa.us>

well in addition to everything else including the land use code update i gather you may have been tasked to work with the county on some uga issues. if there is a list perhaps you can share the list with me and the process and the timeline. if you do that i would love the opportunity to share history and my input for your consideration. see you tomorrow for pre app. steve

Kirsten Sackett <sackettk@ci.ellensburg.wa.us>

Wed, Aug 26, 2015 at 4:57 PM

To: Steve Willard <willardis@gmail.com>

Hi Steve,

Yes, I am involved in the more recent efforts to development an Interlocal Agreement regarding the UGA. The process has been interesting, to say the least. And I have to apologize for not responding to an email from you last Thursday. I was in Leavenworth in a budget training for a few days and I was slammed with email and somehow missed yours.

I have assigned your rezone project to our Senior Planner Jonathan Kesler, but I will be in the pre-app and involved in the project as well. So, I will see you tomorrow!

Kirsten

From: Steve Willard [mailto:willardis@gmail.com]
Sent: Wednesday, August 26, 2015 2:52 PM
To: Kirsten Sackett
Subject: re uga

[Quoted text hidden]

FROM AUGUST 2015 UNTIL
DECEMBER 2021 NO
INTERLOCAL AGREEMENT
CAME TO FRUITION AND
NO IMPLEMENTING CODES,
ORDINANCES OR PUBLIC
HEARINGS TO DATE.

RCW 43.21C.229**Infill development—Categorical exemptions from chapter.**

(1) In order to accommodate infill development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW, a city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). An exemption may be adopted by a city or county under this section if it meets the following criteria:

(a) It categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:

(i) Residential development;

(ii) Mixed-use development; or

(iii) Commercial development up to sixty-five thousand square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.

(2) Any categorical exemption adopted by a city or county under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department.

[2020 c 87 § 1; 2012 1st sp.s. c 1 § 304; 2003 c 298 § 1.]

NOTES:

Finding—Intent—Limitation—Jurisdiction/authority of Indian tribe under act—2012 1st sp.s. c 1: See notes following RCW 77.55.011.

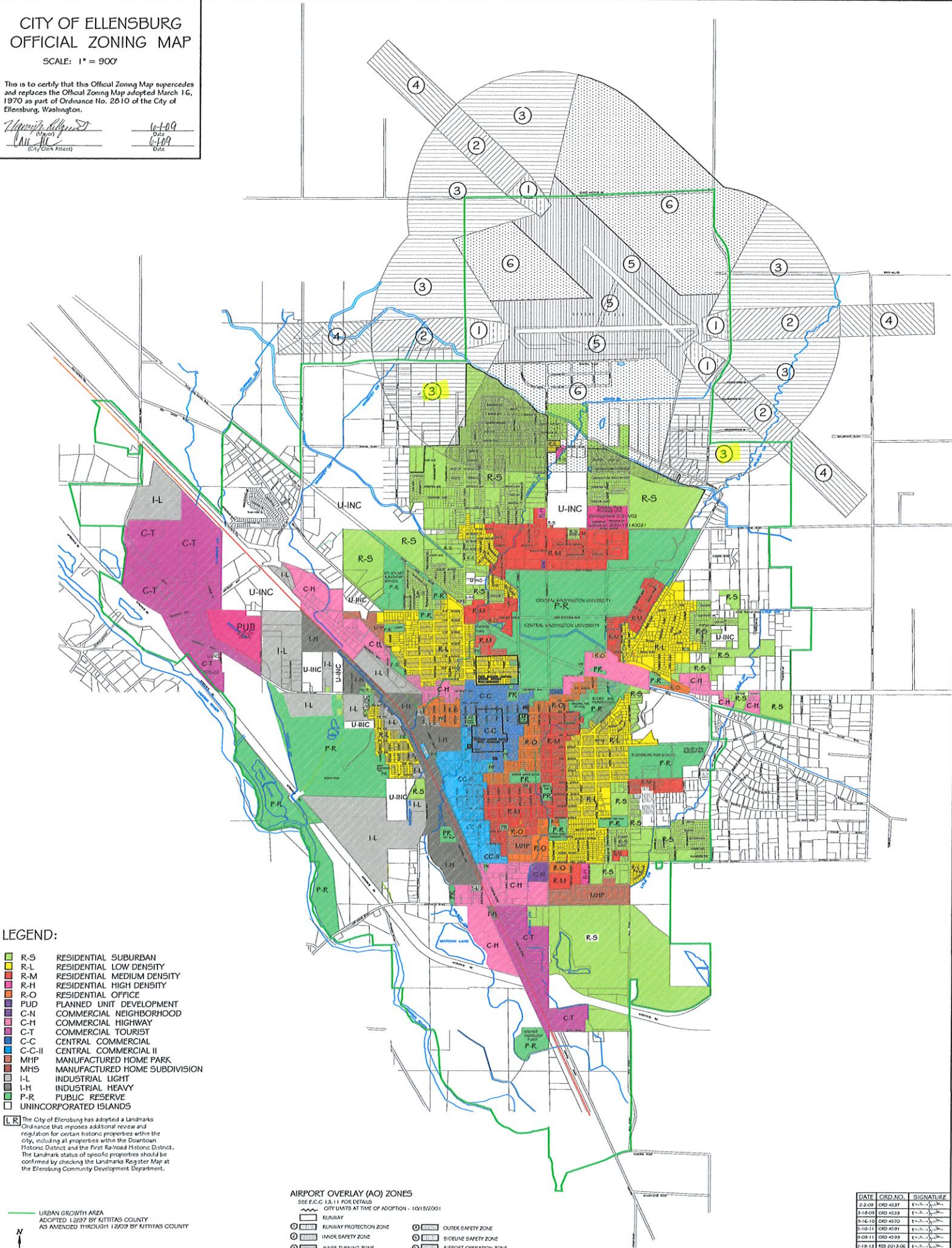
Authority of department of fish and wildlife under act—2012 1st sp.s. c 1: See note following RCW 76.09.040.

CITY OF ELLENSBURG OFFICIAL ZONING MAP

SCALE: 1" = 900'

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted March 16, 1970 as part of Ordinance No. 2810 of the City of Ellensburg, Washington.

Thomas J. Kelly
Mayor
(City Clerk Attest)
Date: 6-1-09
Date: 6-1-09



LEGEND:

- R-S RESIDENTIAL SUBURBAN
- R-L RESIDENTIAL LOW DENSITY
- R-M RESIDENTIAL MEDIUM DENSITY
- R-H RESIDENTIAL HIGH DENSITY
- R-O RESIDENTIAL OFFICE
- PUD PLANNED UNIT DEVELOPMENT
- C-N COMMERCIAL NEIGHBORHOOD
- C-H COMMERCIAL HIGHWAY
- C-T COMMERCIAL TOURIST
- C-C CENTRAL COMMERCIAL
- C-C-II CENTRAL COMMERCIAL II
- MHP MANUFACTURED HOME PARK
- MHS MANUFACTURED HOME SUBDIVISION
- I-L INDUSTRIAL LIGHT
- I-H INDUSTRIAL HEAVY
- P-R PUBLIC RESERVE
- UNINCORPORATED ISLANDS

[L.R.] The City of Ellensburg has adopted a Landmarks Ordinance that imposes additional review and regulation for certain historic properties within the city, including all properties within the Downtown Historic District and the First Railroad Historic District. The Landmark status of specific properties should be confirmed by checking the Landmarks Register Map at the Ellensburg Community Development Department.

AIRPORT OVERLAY (AO) ZONES

- SEE E.C.C. 13.11 FOR DETAILS
CITY UNITS AT TIME OF ADOPTION - 10/15/2001
- RUNWAY
 - RUNWAY PROTECTION ZONE
 - INNER SAFETY ZONE
 - INNER TURNING ZONE
 - OUTER SAFETY ZONE
 - SIDEWIND SAFETY ZONE
 - AIRPORT OPERATION ZONE

URBAN GROWTH AREA
ADOPTED 1/29/97 BY KITITAS COUNTY
AS AMENDED THROUGH 1/20/03 BY KITITAS COUNTY

DATE	ORD. NO.	SIGNATURE
2-2-09	ORD 4537	[Signature]
1-18-09	ORD 4539	[Signature]
5-16-10	ORD 4570	[Signature]
1-10-11	ORD 4581	[Signature]
8-09-11	ORD 4595	[Signature]
1-19-12	RES 2013-02	[Signature]

