

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS STATE OF WASHINGTON

ORDINANCE NO. 2006 - 57

ANDRUS REZONE (Z-06-23)

IN THE MATTER OF AMENDING THE KITTITAS COUNTY ZONING ATLAS FOR A
PORTION OF SECTION 26 OF TOWNSHIP 20 N., RANGE 15 E., FROM
FOREST&RANGE TO RURAL-3

WHEREAS, according to Kittitas County Code Titles 15A & 17, relating to general rezones, adopted pursuant to RCW 36.70B & 36.70 respectively, an open record hearing was held by the Kittitas County Planning Commission on September 21, 2006 for the purpose of considering a zone change consisting of approximately 25.0 acres from Forest&Range to Rural-3 and described as follows:

Located east of Deer Creek Rd., south of Big Tail Rd., and north of the City of Cle Elum, within the NE ¼, Section 26, T.20N., R.15E., W.M., Kittitas County, WA. The rezone applies to tax parcel number(s) 20-15-26010-0009, 0010; and,

WHEREAS, testimony was taken from those persons present who wished to be heard during said open record hearing before the Planning Commission; 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 zone change; and,

WHEREAS, the Planning Commission recommended denial of said proposed rezone in a 3-1 decision; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on November 7, 2006 to consider the Planning Commission's recommendation on this matter; and,

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

1. Becky Andrus, landowner has submitted an application for a general zone change from Forest & Range to Rural-3 for approximately 25.0 acres. The site is located east of Deer Creek Rd., south of Big Tail Rd., and north of the City of Cle Elum, within the NE ¼, Section 26, T.20N., R.15E., W.M., Kittitas County, WA. The rezone applies to tax parcel number(s) 20-15-26010-0009, 0010.
2. The Community Development Services Department issued a Notice of Application pursuant to KCC 15A on June 30, 2006. Said notice solicited comments from jurisdictional agencies and landowners within 300 feet of the subject property as required by Kittitas County Code.
3. 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 SEPA

Mitigated Determination of Non-Significance was issued by the Community Development Services Department on August 8, 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. No SEPA Appeals were received. The SEPA MDNS has been attached for reference. **(See attached exhibit B)**

4. An administrative site analysis was completed by the staff planner in compliance with Title 17A. Moderate to steep slopes are located throughout the site, BPA easement crosses a portion of the site, coalmining activities have been a historic practice in the vicinity, but no known shafts exist on site.
5. An open record hearing was held by the Planning Commission on September 21, 2006 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.
6. The requested zone change is consistent with the Rural land use designation of the Kittitas County Comprehensive Plan.
7. The proposed requested zone change does meet all seven criteria as listed in KCC 17.98.020 (E).
 - a) *The proposed amendment is compatible with the comprehensive plan.*
 - a. The Comprehensive Plan designation of the subject property is Rural.
 - b. The requested zone change to Rural-3 is compatible with this designation.
 - b) *The proposed amendment bears a substantial relation to the public health, safety or welfare.*
 - a. The zoning south of the subject parcels is currently Rural-3, while zoning to the east has been rezoned to Rural-5.
 - b. The subject property abuts the City of Cle Elum UGA on three sides.
 - c. The rezone allows for the potential of smaller, rural parcels that are consistent with neighboring lot sizes. Smaller parcels are more valuable. The creation of this potential will increase the assessed value of the property and thereby provide more revenue for essential county services, schools, and the Fire District.
 - d. The rezone will encourage and allow for the concentration of rural densities.
 - e. The rezone encourages and allows for rural residential densities an area with immediate access to Big Tail Road.
 - c) *The proposed amendment has merit and value for Kittitas County or a sub-area of the county.*
 - a. It provides for a potential for an increased tax revenue/tax base.
 - b. The rezone allows for a mixture of densities in 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.* The rezone is necessary for the reasonable development and use of the subject property because:
 - a. The subject property abuts the Cle Elum UGA on three sides.
 - b. The zoning south of the subject parcels is currently Rural-3, parcels abutting the subject property to the east is have recently been rezoned to Rural-5.
 - c. This rezone has the potential to increase the available housing stock.
 - d. The rezone is necessary for the reasonable development and use of the subject property.

- e) *The subject property is suitable for development in general conformance with zoning standards for the proposed zone.*
 - a. The subject property abuts the Cle Elum UGA on three sides.
 - b. Adequate acreage exists to handle development that shall conform with zoning standards of 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.*
 - a. The surrounding area is composed of a mixture of uses which include residential, and natural resource.
 - b. The proposed amendment abuts the City of Cle Elum UGA on three sides and is a logical extension of density in this specific area.
- g) *The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.*
 - a. There is no impact to irrigation.

- 8. Additional conditions are necessary to protect the public's interest. The condition is as follows:
 - a. SEPA review will be required for any future development regardless of the exemption status at time of development. **(See attached Exhibit B)**
- 9. No public testimony was heard.

NOW THEREFORE,

BE IT HEREBY ORDAINED by the Board of County Commissioners of Kittitas County, Washington, after due deliberation and in the best interest of the public, does hereby approve said zone change from Forest&Range to Rural-3, known as the Andrus Rezone (Z-06-23), and does hereby authorize the amendment of the Kittitas County Zoning Map as set forth in **(attached Exhibit A)**.

DATED this 21st day of November, 2006 at Ellensburg, Washington.



Julie A. Kjorsvik
Julie A. Kjorsvik

**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

David B. Bowen
David B. Bowen, Chairman

Alan A. Crankovich
Alan A. Crankovich, Vice-Chairman

APPROVED AS TO FORM:

James Hurson WSBA #12686

Perry D. Huston
Perry D. Huston, Commissioner

Exhibit A: Map Andrus Rezone (Z-06-23)

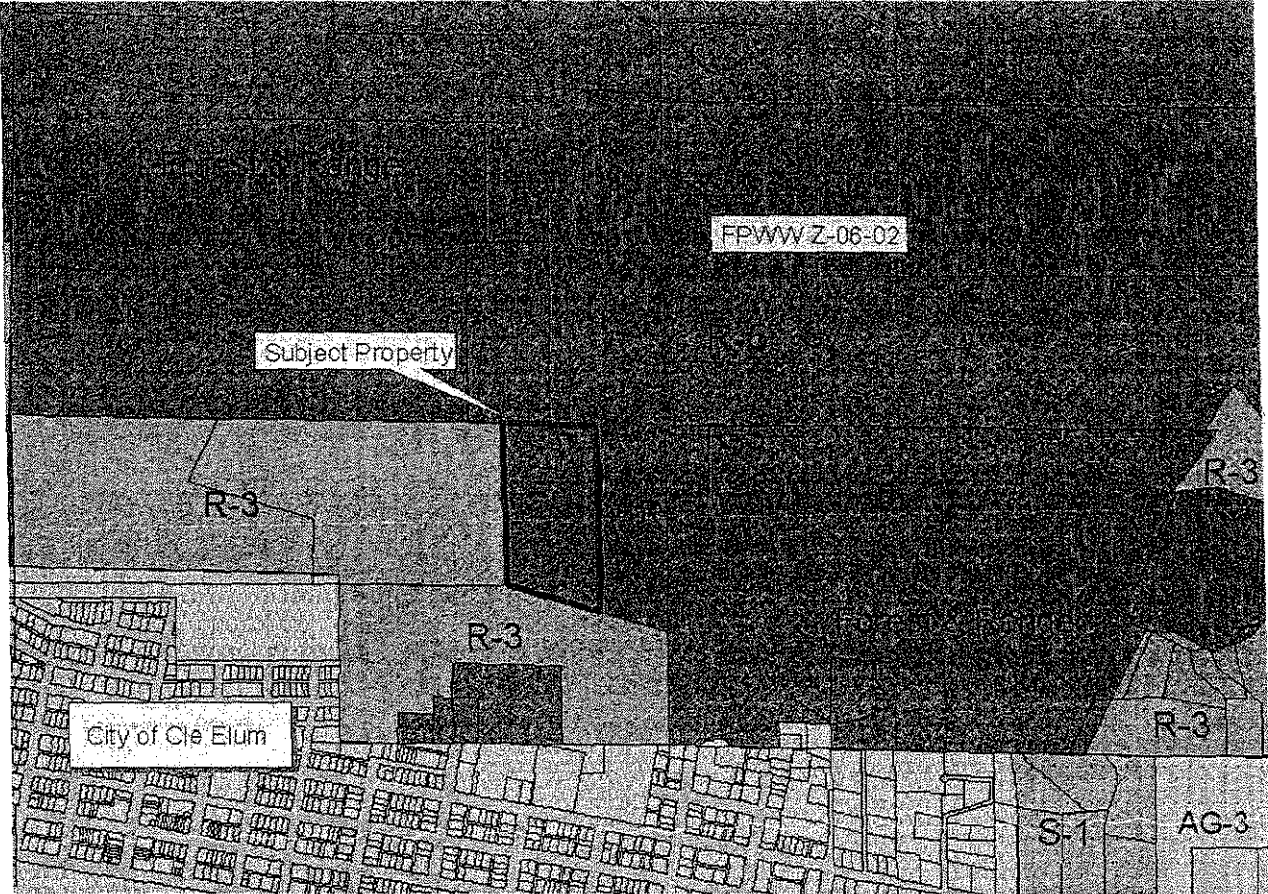


Exhibit B: SEPA MDNS Andrus Rezone Z-06-23

**SEPA
MITIGATED DETERMINATION OF NONSIGNIFICANCE**

File: Andrus Rezone File No. Z-06-23

Description: Zone Change of 25 Acres from Forest & Range-20 to Rural-3

Proponent: Becky Andrus
P.O. Box 785
Cle Elum, WA 98922

Location: East of Deer Creek Rd., South of Big Tail Rd., and North of the City of Cle Elum, within the NE ¼, Section 26, T.20N., R.15E., W.M., Kittitas County, WA. The rezone applies to tax parcel numbers 20-15-26010-0009, 0010.

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 accessed via a private driveway off of Big Tail Road.
- B. 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 requires a "maximum build-out" plan be discussed in a pre-applicant meeting with the applicant to clarify some of these issues.
- C. 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 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. Public Services

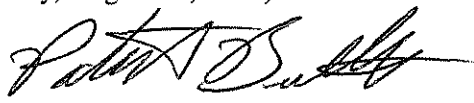
- A. Any future development must comply with International Fire Code (IFC) and Appendices.

IV. SEPA Review

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

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, Friday, August 25, 2006).

**Responsible
Official:**



Patrick Butler

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: August 8, 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, Friday, August 25, 2006. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on appeal process.