

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

ORDINANCE NO. 2013-009

**ZENTZ REZONE (RZ-13-00001) IN THE MATTER OF AMENDING THE KITTITAS
COUNTY ZONING ATLAS FROM AGRICULTURE 3 TO AGRICULTURE 5**

WHEREAS, according to Kittitas County Code Titles 15A & 17, relating to rezones, adopted pursuant to RCW 36.70B & 36.70 respectively, an open record hearing was held by the Kittitas County Hearing Examiner on August 15, 2013 for the purpose of considering a zone change consisting of approximately 10 acres from Agriculture 3 to Agriculture 5 described as follows:

That portion of the southwest quarter of the northwest quarter of Section 20, T18N, R18E, WM in Kittitas County. Assessor's map number: 18-18-20020-0004. Proponent: Teresa Zentz landowner.

WHEREAS, public testimony was heard from those persons present; 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 zoning and platting; and,

WHEREAS, the Hearing Examiner recommended approval of said proposed rezone; and,

WHEREAS, a closed record public meeting was held by the Board of County Commissioners on September 17, 2013 to consider the Hearing Examiner's recommendation on this matter; and,

WHEREAS, the Kittitas County Board of Commissioners make the following FINDINGS OF FACT and CONCLUSIONS AT LAW concerning said proposed rezone:

1. Teresa Zentz, landowner, has submitted an application for a rezone from Agriculture 3 to Agriculture 5 on March 27, 2013.
2. The property is located approximately 4 miles northwest of Ellensburg at 430 Klocke Road, in a portion of Section 20, T18N, R18E, WM in Kittitas County, bearing Assessor's map number 18-18-20020-0004.
3. The Kittitas County Comprehensive Plan's Land Use Element designated the subject property as Rural and the Zoning as Agriculture 3 on the date that the application was submitted.

4. Community Development Services issued a Notice of Application pursuant to KCC 15A.03 on April 19, 2013.
5. Community Development Services issued a Determination of Non-Significance (DNS) on July 30, 2013. No appeals were filed.
6. On August 15, 2013, the Kittitas County Hearing Examiner conducted an open record hearing where testimony was heard. On August 29, 2013 the Hearing Examiner submitted his Recommended Findings of Fact, Conclusions of Law, and Conditions of Approval of the Zentz Rezone.
7. The Board of County Commissioners conducted a closed record hearing on September 17, 2013 for the purpose of considering the Zentz Rezone (RZ-13-00001).
8. The Board of County Commissioners after review of the record and deliberation finds that the “down-zone” as proposed by the Zentz Rezone is outside of the scope of consideration in, and the legislative intent of KCC 17.13 Transfer of Development Rights, and as such removes the Hearings Examiner recommended condition of approval four (4) as a requirement for approval of the rezone.
9. The Board of County Commissioners after review of the record and deliberation finds that because the Zentz Rezone was submitted concurrently with a Short Plat application, it may be considered under the provisions of KCC 17.98.020(5) Amendments (to the zoning map).
10. The Board of County Commissioners after review of the record and deliberation closed the hearing and a motion was made and seconded that the proposed Zentz Rezone (RZ-13-00001) be approved. The motion carried with a vote of 2 to 0. Commissioner Obie O’Brien, Chairman, was absent.
11. The Board of County Commissioners finds that additional conditions **are** necessary to protect the public’s interest.
 - a. The approval of this Rezone is contingent upon the administrative approval of the Short Plat submitted with this Project Rezone. In the event that the Short Plat is not approved, or for whatever reason not executed and recorded within the timeframes as provisioned in KCC 16.32.090 and RCW 58.17.140, the zoning designation for the parcel under consideration shall remain Agriculture 20 as passed in Ordinance 2013-001 by the Board of County Commissioners on February 11, 2013.

NOW, THEREFORE BE IT RESOLVED: That the Kittitas County Board of Commissioners hereby grants approval of the **Zentz Rezone (RZ-13-00001)** and adopts the

Kittitas County Land Use Hearing Examiner's Recommended Finds of Fact, Conclusions of Law, Decision and Conditions of Approval (Exhibit A) as modified in 8 and 11a above.

DATED this 1 ~~11~~ day of October, 2013 at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Obie O'Brien
Obie O'Brien, Chairman

Paul Jewell
Paul Jewell, Vice Chairman

Gary Berndt
Gary Berndt, Commissioner



Julie A Kjorsvik
Julie A Kjorsvik

APPROVED AS TO FORM:

Greg Zempel WSBA #19125