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- State if you are representing yourself or someone else.

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<table>
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<tr>
<th>Name</th>
<th>Address</th>
<th>Do You Want to Testify?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dawn Douglass</td>
<td>2080 Aesca Rd Cle Elum</td>
<td>Yes</td>
</tr>
<tr>
<td>Roger Olson</td>
<td>2130 Nelson St. Cle Elum</td>
<td></td>
</tr>
<tr>
<td>John Jensen</td>
<td>P.O. Box 602 Easton</td>
<td>?</td>
</tr>
<tr>
<td>Ron Gibb</td>
<td>1660 Scarecrow Rd. Ellon</td>
<td>Yes</td>
</tr>
<tr>
<td>David Taylor</td>
<td>1661 Reamer Rd. Maxwel 98936</td>
<td>Yes</td>
</tr>
<tr>
<td>David Green</td>
<td>205 Avalanche Rd. Cle Elum</td>
<td>Yes</td>
</tr>
<tr>
<td>Kevin Gibb</td>
<td>2101 Badger Picket Rd</td>
<td></td>
</tr>
<tr>
<td>Randy Cooke</td>
<td>P.O. Box 441 Roslyn WA 98844</td>
<td>Yes</td>
</tr>
<tr>
<td>Peg Bryant</td>
<td>POB 441 Roslyn</td>
<td>Yes</td>
</tr>
<tr>
<td>Julie Miller</td>
<td>POB 282 Roslyn</td>
<td>Yes</td>
</tr>
<tr>
<td>Gaye Dow</td>
<td>321 Street 11</td>
<td>Yes</td>
</tr>
<tr>
<td>Bob Mitchell</td>
<td>904 E 3rd E-Hburg</td>
<td>Yes</td>
</tr>
<tr>
<td>Ellie Blevin</td>
<td>POB 622 Roslyn</td>
<td>Yes</td>
</tr>
<tr>
<td>Davis Badura</td>
<td>POB 977 Roslyn</td>
<td>Yes</td>
</tr>
<tr>
<td>Phil Hess</td>
<td>POBox 9 Cle Elum 95055</td>
<td>Yes</td>
</tr>
<tr>
<td>Denise Horton</td>
<td>1801 N B St. Ellon</td>
<td>Yes</td>
</tr>
<tr>
<td>Cyndy Smith-Kuebel</td>
<td>1321 Thomas Rd. Ellensburg</td>
<td>No</td>
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<tr>
<td>Jack Edwards</td>
<td>PO #142</td>
<td>Yes</td>
</tr>
<tr>
<td>Randy Mickle</td>
<td>906 E. 1st</td>
<td>No</td>
</tr>
<tr>
<td>Susan Farambe</td>
<td>591 Redbud Rd</td>
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<tr>
<td>Lizzi Kaet</td>
<td>309 N Pomeroy</td>
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<tr>
<td>Diego Balo</td>
<td>1405 Birch Rd</td>
<td>Yes</td>
</tr>
<tr>
<td>Pat Weaver</td>
<td>1217 9th Ave</td>
<td>Yes</td>
</tr>
<tr>
<td>Dianne Zahner</td>
<td>3590 Third Rd</td>
<td>No</td>
</tr>
<tr>
<td>Barbara R. Newman</td>
<td>709 S. Alder</td>
<td>No</td>
</tr>
<tr>
<td>Char Bala Inc.</td>
<td>PO Box 686 CleElm Wh 98922</td>
<td>Yes</td>
</tr>
<tr>
<td>Lindsay P. O. Inc.</td>
<td>PO Box 686 CleElm Wh 98922</td>
<td></td>
</tr>
<tr>
<td>David Acle</td>
<td>4800 52nd ST, E. Tac 98443</td>
<td>Yes</td>
</tr>
<tr>
<td>Michael D. Jackson</td>
<td>P.O. Box 1190 Ellw. 98926</td>
<td>?</td>
</tr>
<tr>
<td>Jan Sharrar</td>
<td>390 Cattail Rd Ellw 98926</td>
<td>Yes</td>
</tr>
<tr>
<td>Paula J. Thompson DVM</td>
<td>PO Box 2315 Ellw 98946</td>
<td>Yes</td>
</tr>
<tr>
<td>Jennifer Beaupre</td>
<td>POB 156 Rosslyn, WA 98941</td>
<td>Yes</td>
</tr>
<tr>
<td>Dean P. Duby</td>
<td>751 Klocke Rd Ellw</td>
<td>?</td>
</tr>
<tr>
<td>Susan Bangs</td>
<td>751 Klocke Rd Ellw</td>
<td>?</td>
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</tr>
</thead>
<tbody>
<tr>
<td>Doug Hillman</td>
<td>POB 622 Roslyn, WA 98941</td>
<td>YES</td>
</tr>
<tr>
<td>Maria Fischer</td>
<td>203 N. 1st St. Roslyn, WA. 98941</td>
<td>YES</td>
</tr>
<tr>
<td>Martin Kaatz</td>
<td>309 N. Park, Ellensburg 98920</td>
<td>YES</td>
</tr>
<tr>
<td>Pico Centiomi</td>
<td>5920 Redwood Rd, Cle Elum 98922</td>
<td>NO</td>
</tr>
</tbody>
</table>
DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS OF:

GRANTOR/S:  I.N.W.P Inc. to be known as Woodridge

GRANTEES:  Woodridge Parcel Owners

ABBREV. LEGAL DESCRIPTION:

Parcels 1 through 17 of that certain Survey as recorded November 8, 2005, in Book 31 of Surveys at pages 239-240 under Auditor’s File No. 200511080052, records of Kittitas County, Washington; being a portion of the Southwest quarter of Section 30, Township 20 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

AND

Parcel F-4 of that certain Survey as recorded September 24, 1992, in Book 18 of Surveys at page 230, under Auditor’s file number 553039, records of Kittitas County, Washington; being a portion of the Southeast Quarter of Section 25, Township 20 North, Range 16 East, W.M., Kittitas County, State of Washington.

TAX PARCEL NO.:

Reference Numbers of Documents Assigned, Released or Amended:

DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS OF WOODRIDGE

THIS DECLARATION made and executed by INWP, Inc. (Woodridge)

hereinafter referred to as Developer:

REVIEWED BY
KITTITAS COUNTY TREASURER
DEPUTY
DATE

RECEIVED
AUG 17 2006
KITTITAS COUNTY CDS

Exhibit No.: A
Hearing: A. INPU OPENSPACE
Date: 8/31/06
Submitted by: Jeanna Valencia.
WITNESSETH:

WHEREAS, Developer is the owner of certain real property known as Woodridge and described hereinafter and for these purposes referred to as “the Property”, and

WHEREAS, it is the intent of the Developer that certain qualities and assets of the Property be preserved in perpetuity; and

WHEREAS, Developer desires to develop a residential development which shall include a private, wildlife refuge and conservancy and property owned by the Association created herein. Developer desires to impose on the Property these protective covenants for the purpose of enhancing, protecting, preserving and augmenting the natural environment features of the Property, as well as protecting and preserving the Wildlife of the Property in a manner that will benefit the public’s interest in the Wildlife and yet allow for the orderly development of the Property. Developer desires to provide the Property and the future owners and occupants of the Property with the mutual protection and benefits of having uniform protective covenants which will promote these goals.

WHEREAS, it is desirable to protect the existing Property values and the individuals’ enjoyment thereof and to the end that the owners of said portions of the Property have a means to preserve and protect the established character of said Property.

IT IS NOW, THEREFORE, enacted that the following Protective Covenants and Restrictions are hereby declared and that the Property shall be subject to the following Protective Covenants, Restrictions, Reservations, Charges, Liens, Conditions and Easements appurtenant:

I. DEFINITION

Section 1. Real Property. The words “real property” shall mean and refer to all the Property, and additions thereto.

Section 2. Parcels. The word “parcel” shall refer to any part of the surveyed Property.

Section 3. Owner. The word “owner” shall mean any person, corporation, or entity that holds either fee title or vendee’s interest under a real estate contract for any parcel as described in Article II hereof.

Section 4. Association. The word “association” shall refer to Woodridge, whose members shall only be owners/contract purchasers of the above described real property.
Section 5. **Trustees.** The word "trustees" shall refer to the Board of Trustees of the Association.

Section 6. **Natural Environment.** Natural Environment shall mean "Natural" as that which is existing in or produced by nature and not artificial and "Environment" as the complex physical, chemical and biotic factors (such as climate, soil, and living things) that are part of the ecological system of the Property and the surrounding area.

Section 7. **Wildlife.** Wildlife shall mean living things that are neither human nor domesticated, such as but not limited to mammals, birds, gaming fowl, fish and any other living things included in the definition by approval of the Board of Directors.

II. PROPERTY SUBJECT TO DECLARATION

Parcels 1 through 17 of that certain Survey as recorded November 8, 2005, in Book 31 of Surveys at pages 239-240 under Auditor’s File No. 2005110800052, records of Kittitas County, Washington; being a portion of the Southwest quarter of Section 30, Township 20 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

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III. PROPERTY RESTRICTIONS

Section 1. **Land Use.** No part of the real property shall be used for purposes other than agricultural, recreational, or residential. There shall be no commercial orchards, vineyards, or vegetable truck farm activities requiring the use of seasonal farm labor.

Section 2. Each lot shall be maintained in a clean, sightly condition at all times and shall be kept free of all junk and non-working vehicles, trash, litter, rubbish, garbage, weeds, debris, containers, equipment (other than functional farm equipment) and building materials (temporary storage during construction phases excluded). However, the reasonable keeping of equipment and materials on a parcel during construction shall be permitted. All refuse and garbage shall be kept in sanitary containers, which shall be concealed from view and protected from animal intrusion.
Section 3. **Weapons.** Weapons shall be permitted on the real property but may not be discharged except for the purposes of self-defense or to protect livestock or property. No discharge shall be allowed such that it endangers life, limb or property, or interferes with the use and enjoyment of the property by any owners. Those things considered weapons include bows and arrows, crossbows, any pistol, rifle, shotgun, slingshot or pellet gun and such others as may be determined by the Association.

Section 4. **Hunting.** All lots shall be developed and maintained as part of a private wildlife refuge parcels. As such, absolutely no hunting shall be allowed on the parcels whatsoever, whether by use of firearms, bows and arrows, traps, or any other means of catching of killing wildlife, except as permitted under the terms of this declaration. Similarly, there shall be no discharge or firing whatsoever of any firearm or any hunting equipment of any sort which may endanger other residents or property or which is a nuisance to other residents. Fishing rights and possible other animal control may be allowed as established by the Board of Directors. Rat or mice poison may be used where it is not a danger to wildlife.

Section 5. **Fencing.** Fences must be constructed in a manner and of material so that the natural migration of the Wildlife such as elk and deer shall not be limited. Each Lot Owner must have the ACC review and approve proposals for installation of fences prior to installation. The ACC reserves the right to require the alteration or removal of any fence installed or altered without their prior approval. No fence shall use material which may endanger any other person or a material that would likely cause harm to the Wildlife. However, fences used to keep out Wildlife may be installed around cultivated garden areas, dog kennels, or play areas for children as shown to be absolutely necessary, in order to prevent Wildlife from entering the area, except that any such fencing material, again, is subject to review by the ACC and must not be dangerous to the Wildlife.

Section 6. **Signage.** No signs shall be allowed except to identify the address of property and the name of the owner of same. No advertising structures may be located, placed or maintained on the property without the prior consent of the Design Control Committee except for a commercial sign for the Retreat will be allowed and a sign or structure indicating the name of the development, except for one real estate sign while for sale.

Section 7. **Vehicles.** Trucks (excluding pickups and other passenger vehicles), boats, campers, tents, trailers, motorhomes, and commercial vehicles shall be permitted upon any
parcel, providing the same is screened from view of the roads, common areas and adjacent real property. Such screening shall either be by year-round foliage or contained in an appropriately designed building for storage purposes as approved by the Design Committee.

Section 8. Parking. No vehicles shall be parked or kept on the common roadways or in any rights-or-way unless it is upon a designated parking area.

Section 9. Recreational Vehicles. Recreational vehicles may be driven on roads only. The use of motorbikes, motorcycles, snowmobiles, or any other recreational vehicle is not permitted on any of these lots except for the following very limited use by qualified persons. Said vehicles may be used on said lots only for the purpose of ingress to and egress from the place at which such vehicle is normally parked or stored over that portion of a lot lying between said place of parking or storage and said public road, and this use shall be permitted only by a person who is licensed and whose vehicle is licensed. The only exception to this being the occasional need to use a motorcycle to repair fences, etc.

Section 10. Noise. No loud noise shall be allowed after 9:00 p.m. or before 7:00 a.m. without the consent of all property owners. This shall not apply to noise emanating from farm, construction or lawn maintenance equipment.

Section 11. Noxious or Offensive Activity. No noxious or offensive activity shall be permitted to be carried on upon a parcel, nor shall anything be permitted on a parcel that may be or become a nuisance or that unreasonably interferes with the use or enjoyment of any part of the real property as may be designated by the Association.

Section 12. Animals. Household pets, horses, ponies, mules, cattle and donkeys shall be permitted on the real property for the purposes of private use and enjoyment. No other animals, livestock, or poultry shall be raised, bred, or kept on the real property without specific authority of the Association. All such animals shall be properly restrained, fenced, and otherwise kept so as to not interfere with the livestock of adjacent owners and/or so as to cause any threat or harm to any owners’ use of the common trails and roads on the property. All dogs shall be kept in fenced secure enclosures and shall not be allowed or permitted to run free.

Section 13. Timber Removal. Lot Owners cannot remove, or have removed, timber from their Property without the approval of the Association, except that Lot Owners may remove any diseased or dangerous trees, or occasionally thin trees for that Lot Owners use on that Lot for wood burning stoves, fireplaces, etc.
Section 14. **Brush Picking/Harvesting of Other Wildlife.** Lot Owners may pick brush on their lots and harvest other plant life, except that all Lot Owners agree to take care to retain as much natural vegetation as they can in order to retain Wildlife shelters and nesting areas. Under no circumstances may any Lot Owner allow brush picking or the harvesting of other plant life for commercial purposes, or by those that are doing it for commercial purposes. Furthermore, the Board of Directors has the authority to establish rules and regulations in order to give such protection and may limit brush removal or harvesting or plant life.

Section 15. **Retention of Hunting and Roosting Perches.** All existing snags on the Property shall remain uncut to provide:

a. important hunting and roosting perches for hawks, owls and eagles and;

b. important habitat for the many cavity nesters found in the area, unless such snags present a risk to human life or property.

Section 16. **View Protection.** Although existing trees may remain, they may be topped or trimmed by a Lot Owner on a Lot Owner’s Lot to enhance view corridors. However, trees planted by any Lot Owner after the recording of this Declaration, may not interfere with the view of any other Lot Owner in the Property. Although part of the goal of the private conservancy and refuge is to encourage and enhance the Wildlife and natural vegetation, existing views are to be protected. In any dispute regarding view protection, the ACC shall make final decisions.

Section 17. **Wildlife Harassment/Interference.** All Lot Owners agree to educate their family, guests and tenants against harassment of all Wildlife and about the benefits of non-intrusive Wildlife enjoyment. As a private wildlife refuge and conservancy, each Lot Owner agrees to not interfere with Wildlife migration corridors, natural habitats or wetlands and streams and to prevent guests, tenants and invitees from any such interference.

Section 18. **Landscaping.** Should be kept at a minimum. Reforestation and native species are encouraged to further enhance the natural environment. All landscaping shall be kept in close proximity to all structures. We will allow and encourage fire barriers around buildings and would expect landscaping to be confined to these areas.

Section 19. **Poles and Wires.** No facilities including poles and wired for the transmission of electricity, telephone messages and the like shall be placed or maintained above the surface of the ground on any lot. The use of TV satellite dishes one meter or less in diameter will be allowed.
IV. BUILDING RESTRICTIONS

Section 1. Construction of Buildings. No dwelling shall be used for any other purpose than one single-family residence. There shall be no more than one residence or dwelling per parcel. All buildings must meet with all zoning and building regulations of the relevant governmental agencies. Furthermore, all exterior construction must be completed within one year of initiation of construction. Buildings must be placed in a manner to promote and protect Wildlife migration routes and habitats, as well as enabling Lot Owners to take advantage of views. Whenever possible, placement of homes shall be done in a manner to have the least impact on wetlands and other areas considered sensitive or deemed important by the Association for the conservancy and refuge purposes of the development. In approving the placement of residences, driveways and other outbuildings, the ACC is given broad powers.

Section 2. Minimum Size. Each main residence shall be of permanent construction and have no less than 2000 square feet of enclosed ground floor area devoted to living purposes. Does not include garages, porches or decks. All residences shall be built on site. The use of modular components, built off-site, such as modular wall assemblies, roof assemblies or prefabricated trusses shall be allowed. Manufactured homes will not be allowed.

Section 3. Maximum Height. No structure of any type shall exceed more than 45 feet in height measured from ground level to the top of the highest portion of said structure with approval.

Section 4. Materials. The exteriors, including roofs and walls, of all structures on a parcel shall be constructed of new materials. All roofs shall be constructed of tile, steel, including composition shingles of dimensional type, or such other material as the Design Control Committee may determine. "New" materials may consist of a percentage of used, recycled or post consumer content. Rooftop solar collectors and photovoltaic panels shall be allowed.

Section 5. Set Back. No house, appurtenance, or outbuilding shall be less than 25 feet from the nearest parcel boundary line and shall be located so as to avoid as much as possible the encumbrance of any view from a dwelling on an adjoining parcel.

Section 6. Plumbing. Any structure used for a dwelling shall be equipped with sanitary plumbing facilities within the structure fully connected to a septic tank system as designed, located, constructed and installed in accordance with the rules and regulations as governed by the
Kittitas County Health Department and any other governmental agencies having jurisdiction thereof.

Section 7. Approval of Plans and Specifications. No structure shall be erected or placed upon any parcel until the plans and specifications thereof have been submitted to and are approved by the Design Committee. All structures shall conform to such approved plans and specifications and material review as submitted to and approved by the Committee.

Section 8. Completion. All work of constructing, altering, or repairing any structure on any parcel shall be diligently prosecuted from the date of its commencement until completion thereof, but in no event shall the exterior be uncompleted for more than one (1) year from the date of commencement. All construction shall be substantially completed, including exterior paint, within two (2) building seasons, unless the Design Committee grants a variance. This is to include landscaping around the house.

Section 9. Licensed Contractors. All contractors and sub-contractors performing work on any parcel, dwelling, etc., shall be licensed and bonded contractors and sub-contractors under the laws of the State of Washington, with the exception of work performed by the owner or his immediate family.

Section 10. Domestic Wells. All domestic wells shall be constructed by a licensed and bonded water well contractor and shall be constructed to Washington State Department of Ecology Water Well Standards for domestic water and shall be properly cased and sealed according to all Department of Ecology standards and Kittitas County Health Department regulations. All wells shall be located appropriate distances from septic tanks and other sewage disposal systems pursuant to County, State and other governmental regulations. All pressure tanks and other well accessory equipment shall be located in an appropriately and approved structure meeting the qualifications of the Design Committee.

Section 11. Insurance. All structures shall be insured so as to guarantee replacement of said structure to their current fair market value. In the event of damage or destruction of any structure, it shall either be rebuilt, pursuant to plans properly approved by the Design Committee, or shall be completely removed and the land restored so as to conceal the fact that any structure existed thereon. Owners shall have ninety (90) days to determine whether or not they shall rebuild and/or remove structures and thereafter shall complete rebuilding and/or removal within 240 days.
Section 12. **Variance.** Upon application and for good cause as may be determined by the Design Control Committee, a variance as to any of the above requirements may be granted upon request as long as said variance does not compromise the health or safety of the other owners of the parcels described herein.

V. **DESIGN CONTROL COMMITTEE**

Section 1. There shall be a Design Control Committee consisting of not more than three (3) members of the Association elected pursuant to the By-Laws. Prior to the formation of the Association, the Developer shall be the only member of the Design Control Committee.

Section 2. **Plans and Specifications.** All plans and specifications required to be submitted to the Design Committee shall be submitted by mail to the address of the Committee in duplicate. The plans shall be in writing and contain the name and address of the person submitting the same and the identification of the parcel involved. Said plans shall set forth the following: the proposed location of the structure upon the lot showing distance from all relative boundaries; the elevation of the structure with reference existing and finished lot grad; the overall height of the structure; the general design; the interior layout; the exterior finish materials and color, including materials; and such other information as may be required to determine whether such structure conforms with these restrictions and covenants.

Section 3. **Authority.** The Design Committee shall have the authority to determine and establish standards involving the esthetics of the structure, taking into consideration construction and color, as well as the general existing esthetics of the development, which consideration shall include, but not be limited to, height, configuration, design, appearance, fences, outbuildings, and other structures appurtenant to the use of the dwelling. Such determination shall be binding.

Section 4. **Approval Plans.** Within thirty (30) days after the receipt of plans and specifications, the Design Committee shall approve or disapprove such plans and specifications, and/or make such changes as it in its opinion deems necessary to conform said plans to the general considerations and spirit of these covenants and conditions.

VI. **OWNER’S RIGHTS IN THE EASMENTS**
Section 1. **Easements for Utilities.** All utilities shall be buried underground in easements which shall be appurtenant to each parcel.

Section 2. **Roads.** Will be defined and affixed with survey. The Association shall have the authority and power to assess each parcel equally for the expenses of maintaining all roads and establish speed limits. Such assessments shall be paid within thirty (30) days of Notice of Assessment mailed to parcel owners by the Association. In the event any owner of any parcel fails to pay the assessments levied, the Association may enforce said assessments by recording written Notice of said assessment with the Kittitas County Auditor, claim a lien against the parcel to which the delinquents assessments are attached, together with interest thereon at the rate of twelve percent (12%) per annum, or at such other rate as may be set my the Trustees, from the date due until paid. From and after recording such notice, the parcel to which the assessment is attached shall be subject to a lien in favor of the Association as security for the sums designated in such Notice, together with any other unpaid assessment which may accrue thereafter, including interest thereon, until satisfied of record. Such lien may be foreclosed in the manner of a mortgage of real property and in such foreclosure action the Association shall be entitled to recover reasonable attorney fees and costs of searching and abstracting public records, as well as incidental costs and court costs. No satisfaction made of record or foreclosure shall constitute a release of the Association’s rights hereunder with respect to future delinquent assessments.

Section 3. **Assessment Limits.** The amount of assessments which the Association may assess each parcel shall be based upon the actual or projected cost of maintaining the access roads, which shall be determined by the Trustees of the Association.

**VII. GENERAL PROVISIONS**

Section 1. **Effect.** These covenants, restrictions, easements, rights and liens shall be covenants running with the land and shall be binding upon the real property and any and all parts thereof, the parties in interest thereto, their heirs, assigns, personal representatives and successors in interest. Accepting an interest in any of the parcels hereinabove described shall constitute an agreement and acceptance by any and all person, firm or corporation accepting such interest that they and each of them shall be bound by and subject to the provision hereof.
Section 2. Enforcement. Any of the owners of the parcels herein shall have the right an authority to enforce the provisions hereof and, in addition to any other remedy for damages of otherwise, shall have the right to injunctive relief. The prevailing party in any action to enforce any provision hereof shall be entitled to recover reasonable attorney fees, together with actual coast of searching and abstracting public record. Failure by the Association or any other to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so hereinafter.

Section 3. Severability. In the event that any provision hereof shall be declared invalid by any court or competent jurisdiction, it shall not affect the remaining provisions or their enforceability.

VII. AMENDMENT

Section 1. These covenants and restrictions may be amended, changed, revoked or terminated in whole or in part by recording with the Auditor of Kittitas County, State of Washington an instrument labeled Declaration of Intent to Amend, which Declaration shall contain all the amendments and modifications hereto, and which shall only be recorded upon approval of at least seventy (70) percent of ownership.

Section 2. Declaration of Amendment. The Notice of Intent to Amend, in addition to the recording required above, shall be mailed first class, postage pre-paid, and certified or registered mail to all owners of all parcels within sixty (60) days. Two (2) years after the completion of the service of Notice requirements upon all owners and the recording of said Notice of Intent to Amend, whichever last occurs, the amendments shall again be voted on for the second time and shall again require the vote of seventy (70) percent majority. If said second vote does not occur on the third anniversary of the recording and appropriate notice to all owners, the date measured from whichever last occurs, the amendments will be ineffective and the Association shall revoke its Notice of Intent to Amend by written revocation thereof. Such amendments having died for lack of action shall not be revived without repeating the process anew. The second vote on a Declaration of Intent to Amend shall not consider any new amendments except those as recorded. Any alteration of amendment to amendment as contained within the Declaration of Intent to Amend recorded earlier shall void said amendment and require the process to start fresh.
IN WITNESS WHEREOF, the undersigned has placed his signature this 27th day of December, 2005.

[Signature]

DEVELOPER

STATE OF WASHINGTON

) ss.

County of Kittitas

On this day personally appeared before me, Thomas Dmiller, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he/she signed the same as his free and voluntary act and deed, for the uses and purposes mentioned in the instrument.

DATED: 12/30/2005

[Signature]

Cynthia A. Micaleff

NOTARY PUBLIC for the State of Washington

My appointment expires: 12/30/2008
This sketch does not purport to show all highways, roads, or easements affecting said property. No liability is assumed for variations in dimensions and location, and is not based upon a survey of the property described in this order. It is furnished without charge, solely for the purpose of assisting in locating the described premises. The Company assumes no liability for inaccuracies therein.
APPLICATION FOR TRANSFER OF DESIGNATED FOREST LAND TO CURRENT USE CLASSIFICATION (CHAPTERS 84.33 AND 84.34 RCW)

File with County

LYNN ROMANS
Applicant's Name
12180 TEAHAWAY RD
Address
CUT ELUM WA 98222
City, State, Zip
509-474-2733
Phone Number

County: Kittitas
Tax Code:

Land Subject To This Application: (legal description)
ATTACHED

Parcel No. or Account ATTACHED

CHANGE OF

The land is currently classified as designated forest land under the provisions of Chapter 84.33 RCW and meets the definition of one of the following and I/we request reclassification as: (Check appropriate box.)

☐ Open space land as provided under RCW 84.34.020(1). (Attach completed form REV 64 0021)
☐ Farm and agricultural land as provided under RCW 84.34.020(2). (Attach completed form REV 64 0024)
☐ Timber land as provided under RCW 84.34.020(3). (Attach completed form REV 64 0021 and a timber management plan)

AFFIRMATION

As owner(s) or contract purchaser(s) of the land described in this application, I/we hereby indicate by my/our signature that I/we have read the reverse side of this form and I/we am/are aware of the potential tax liability involved when the land ceases to be classified under provisions of Chapter 84.34 RCW.

If this land is removed from classification before ten years have elapsed, compensating tax will be due for the part of the period it was classified or designated forest land.

Purchaser(s)

Signature(s) of All Owner(s) or Contract

Date

Attachment:
☐ REV 64 0021
☐ REV 64 0024

See Reverse Side
NOTICE OF CONTINUANCE FOR
OPEN SPACE OPEN SPACE
KITTITAS COUNTY ASSESSOR
Kittitas County Courthouse, Room 101
205 West Fifth
Ellensburg, WA 98926
(509)962-7501

If the new owner(s) of land that is classified as open space open space land wish(es) to continue the classification of this land, the new owner(s) must sign below. All new owners must sign. If the new owner(s) do(es) not desire to continue the classification, all additional or compensating tax calculated pursuant to RCW 84.34.108 shall be due and payable by the seller or transferee at the time of sale. To determine if the land qualifies to continue classification, the county assessor may be consulted.

<table>
<thead>
<tr>
<th>Seller Name</th>
<th>Buyer Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tom Miller</td>
<td>Lynn Romans</td>
</tr>
<tr>
<td>P.O. BOX 548</td>
<td>12180 TEAMAWAY RD</td>
</tr>
<tr>
<td>Cle Elum, WA 98922</td>
<td>Cle Elum, WA 98922</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date Received</th>
<th>Parcel Number(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>20-17-30030-0013</td>
</tr>
<tr>
<td></td>
<td>20-17-30030-0014</td>
</tr>
<tr>
<td></td>
<td>20-17-30030-0015</td>
</tr>
<tr>
<td></td>
<td>20-17-30030-0016</td>
</tr>
</tbody>
</table>

Check Classification:

- [x] Open Space Open Space RCW 84.34

To request continuance of this classification, mark the box on Page Two and see detailed definition of Open Space Open Space and explanation of liability due upon removal. To find which individual categories were approved on the application for open space on this land, see the original application.

Pending Transfer in Process

Attach receipt for Application To Transfer. The Board of Kittitas County Commissioners have not completed the approval/denial process on pending transfer applications. To request continuance of Open Space, contingent on approval, mark the box on Page Two and see detailed definition of Open Space and explanation of liability due upon removal. A separate written statement must be submitted by the buyer(s) to The Board of Kittitas County Commissioners requesting that they be given the same consideration as the original applicant pursuant to WAC 458-30-215(4).

Transfer is for land currently classified as:
- [ ] Open Space Open Space Farm and Agricultural Conservation 84.34.020(1)
- [ ] Open Space Farm and Agricultural RCW 84.34.020(2)
- [X] Open Space Timber RCW 84.34.020(3)

Designated Forest RCW 84.33

to be reclassified as:
- [X] Open Space Open Space RCW 84.34.020(1)

1. a) Current acreage of parcel(s) requested to continue in open space open space classification. 27.02 acres

b) If segregation in process, new acreage of parcel(s) requested to continue in open space open space. 27.02 acres
2. a) Seller: Describe the current use of the property approved for open space open space classification.

The land has been designed and managed as a forest to enhance the natural beauty through selective clearing ofbero trees, planting replacements and protecting wildlife and saving development and protection of native and unusual plants.

2. b) Buyer: Provide plan describing continued use to remain eligible for open space open space classification.

By Covenant we will protect the criteria required to continue to qualify as open with restrictions regarding wildlife, spring protection, maintenance of natural environment, setting, and representation.

CLASSIFICATION UNDER CHAPTER 84.34 RCW. If we request that this land retain the current use classification as Open Space Open Space, and I am aware of the following land use classification:

OPEN SPACE LAND MEANS EITHER:

a. any land area, the preservation of which in its present use would:

   i. conserve and enhance natural or scenic resources;

   ii. protect streams or water supply;

   iii. promote conservation of soils, wetland, beaches, or tidal marshes;

   iv. enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

   v. enhance recreation opportunities;

   vi. preserve historic sites;

   vii. preserve visual quality along highway, road, and street corridors or scenic vistas; or

   viii. retain in its natural state tract of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification; or

b. any land that meets the definition of farm and agricultural conservation land. "Farm and agricultural conservation land" is either:

   i. land that was previously classified as open space farm and agricultural land that no longer meets the criteria of farm and agricultural land, and that is reclassified as open space land under RCW 84.34.020 (1); or

   ii. land that is traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.
I/we declare that I am/we are aware of the liability of withdrawal or removal of this land from classification to the following extent:

1. If the owner has filed the proper notice of request to withdraw the classified land and the land has been classified for a minimum of ten years he/she shall pay an amount equal to the difference between the tax computed on the basis of "current use" and the tax computed on the basis of true and fair value plus interest at the same statutory rate charged on delinquent property taxes. The additional tax and interest shall be paid for the preceding seven years.

2. If land is removed from classification because of a change to a non-conforming use, land is removed prior to the minimum ten year period, or land is removed because the owner(s) failed to comply with the two year notice of withdrawal he/she shall be liable to pay the additional tax and interest described in 1 above plus a penalty of twenty percent of the additional tax and interest. The additional tax, interest, and penalty shall be paid for the preceding seven years.

3. The additional tax, interest, and/or penalty shall not be imposed if the withdrawal or removal from classification resulted solely from:

   a. transfer to a government entity in exchange for other land located within the State of Washington;

   b. a taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent in writing or by other official action;

   c. a natural disaster such as a flood, windstorm, earthquake, or other calamity rather than by virtue of the act of the landowner changing the use of the classified land;

   d. official action by an agency of the State of Washington or by the county or city within which the land is located that disallows the present classified use of the land;

   e. transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

   f. acquisition of property interests by a state or federal agency, county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association as defined in RCW 84.34.250;

   g. removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees;

   h. removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

   i. the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

   j. the creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040;

   k. the sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 continuously since 1993;

   l. the sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place within two years after July 22, 2001, and the death of the owner occurred after January 1, 1991; or

   m. the date of death shown on a death certificate is the date used.
CURRENT OWNER AFFIRMATION

As current owner(s) of the land described in this application, I/we hereby indicate by my/our signature(s) below that I am/we are aware of the potential tax liability involved when the land ceases to be classified under provisions of chapter 84.34 RCW. I/we also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me/us and to the best of my/our knowledge are true, correct and complete statements.

[Signature]

Current Landowner’s Signature

11-3-05

Date

425-466-6387

Telephone Number

FUTURE OWNER AFFIRMATION

As future owner(s) of the land described in this application, I/we hereby indicate by my/our signature(s) below that I am/we are aware of the potential tax liability involved when the land ceases to be classified under provisions of chapter 84.34 RCW. I/we also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me/us and to the best of my/our knowledge are true, correct and complete statements.

WAC 458-30-275 (8) New owner’s acknowledgement. The new owner, by signing the notice of continuance, acknowledges that future use of the land will conform to the provisions of chapter 84.34 RCW.

[Signature]

Future Landowner’s Signature

12-10-05

Date

629-2333

Telephone Number

REVISED CODE OF WASHINGTON (RCW) REFERENCES:

TITLE 84 - Property Taxes

CHAPTER 34 - Open space

CHAPTER 33 - Designated Forest Land

WASHINGTON ADMINISTRATIVE CODE (WAC) REFERENCES:

TITLE 458-Department of Revenue

CHAPTER 30-Open Space Taxation Rules

(includes Designated Forest Land in Section 700)

For more information visit http://dor.wa.gov

Then go to Rules and Laws Tab and link to WAC or RCW.
APPLICATION FOR TRANSFER OF DESIGNATED
FOREST LAND TO CURRENT USE CLASSIFICATION
(CHAPERS 84.33 AND 84.34 RCW)

File with County

CYNTHIA Young-WEST
County: \(\text{Kittitas}\)

Applicant's Name
102 ENTREPID STREET
Tax Code: 

Address
NEWPORT BAY WA 92663

City, State, Zip
1-949-442-1673

Phone Number

Land Subject To This Application: (legal description)
ATTACHED

Parcel No. or Account: ATTACHED

CHANGE OF

The land is currently classified as designated forest land under the provisions of Chapter 84.33 RCW and meets the definition of one of the following and I/we request reclassification as: (Check appropriate box.)

\(\checkmark\) Open space land as provided under RCW 84.34.020(1). (Attach completed form REV 64 0021)

\(\square\) Farm and agricultural land as provided under RCW 84.34.020(2). (Attach completed form REV 64 0024)

\(\square\) Timber land as provided under RCW 84.34.020(3). (Attach completed form REV 64 0021 and a timber management plan)

AFFIRMATION

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If this land is removed from classification before ten years have elapsed, compensating tax will be due for the part of the period it was classified or designated forest land.

Purchaser(s)

Signature(s) of All Owner(s) or Contract

Date
04/04/06

Attachment:
\(\square\) REV 64 0021
\(\square\) REV 64 0024

See Reverse Side
NOTICE OF CONTINUANCE FOR
OPEN SPACE OPEN SPACE
KITTITAS COUNTY ASSESSOR
Kittitas County Courthouse, Room 101
205 West Fifth
Ellensburg, WA 98926
(509)962-7501

If the new owner(s) of land that is classified as open space open space land wish(es) to continue the classification of this land, the new owner(s) must sign below. All new owners must sign. If the new owner(s) do(es) not desire to continue the classification, all additional or compensating tax calculated pursuant to RCW 84.34.108 shall be due and payable by the seller or transferor at the time of sale. To determine if the land qualifies to continue classification, the county assessor may be consulted.

<table>
<thead>
<tr>
<th>Seller Name</th>
<th>Buyer Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tom Miller</td>
<td>CYNTHA VONNE-WEST</td>
</tr>
<tr>
<td>P.O. Box 548</td>
<td>EVERTREE RETREAT LLC</td>
</tr>
<tr>
<td>Cle Elum WA 98922</td>
<td>109 Interpid St</td>
</tr>
<tr>
<td></td>
<td>Newport Beach, CA</td>
</tr>
<tr>
<td></td>
<td>92663</td>
</tr>
</tbody>
</table>

Check Classification:

- Open Space Open Space RCW 84.34 To request continuance of this classification, mark the box on Page Two and see detailed definition of Open Space Open Space and explanation of liability due upon removal. To find which individual categories were approved on the application for open space on this land, see the original application.

Pending Transfer in Process Attach receipt for Application To Transfer. The Board of Kittitas County Commissioners have not completed the approval/denial process on pending transfer applications. To request continuance of Open Space, contingent on approval, mark the box on Page Two and see detailed definition of Open Space and explanation of liability due upon removal. A separate written statement must be submitted by the buyer(s) to The Board of Kittitas County Commissioners requesting that they be given the same consideration as the original applicant pursuant to WAC 458-30-215(4).

Transfer is for land currently classified as:

- Open Space Open Space Farm and Agricultural Conservation 84.34.020(1)
- Open Space Farm and AgriculturalRCW 84.34.020(2)
- Open Space Timber RCW 84.34.020(3)
- Designated Forest RCW 84.33

X Open Space Open Space RCW 84.34.020(1)

1. a) Current acreage of parcels(s) requested to continue in open space open space classification.
   2.294 acres

b) If segregation in process, new acreage of parcel(s) requested to continue in open space open space.
   26.00 acres
Chapter 69, Laws of 1992:

(1) If no later than thirty days after removal of designation the owner applies for classification under RCW 84.34.020(1), (2) or (3), then the designated forest land shall not be considered removed from designation for purposes of compensating tax under RCW 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to:

(a) The difference, if any, between the amount of the assessed valuation on such land as forest land and the amount of the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by;

(b) A new number equal to:

(i) The number of years the land was designated under this chapter, if the total number of years the land was designated under chapter 84.33 RCW and classified under chapter 84.34 RCW is less than ten; or

(ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was designated under chapter 84.33 RCW and classified under chapter 84.34 RCW is at least ten.

(2) Nothing in this section authorizes the continued designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100. Nothing in this section affects the additional tax imposed under RCW 84.34.108.

The application for transfer from designated forest land to current use classification, open space land, farm, and agricultural or timber land must be made within 30 days from the date of removal from forest land.

The county assessor will act as the granting authority on all applications for transfer to farm and agricultural classification.

In all unincorporated areas, the legislative authority shall act as the granting authority for applications for transfer to timber land classification. Lands within the incorporated areas shall be acted upon by a group composed of three members of the county legislative authority and three members of the city legislative authority.

Compensating tax will be due at the time of sale or transfer of any portion of land unless the application for classification is approved. If only a portion of the parcel listed on the application qualifies for classification the granting authority may approve only that part.

The application shall be accompanied by a reasonable processing fee if such fee is established by the city or county legislative authority.
2. a) Seller: Describe the current use of the property approved for open space open space classification.

The forest has been described as open space with trees, and once the vegetation have enhanced the natural beauty through selective clearing of dense trees, planting replacements, and protecting wildlife trails and springs development and protection of native and unusual plants.

2. b) Buyer: Provide plan describing continued use to remain eligible for open space open space classification.

By Covenant we will protect the criteria required to continue to qualify as open space.

CLASSIFICATION UNDER CHAPTER 84.34.RCW. I/we request that this land retain the current use classification as Open Space Open Space, and I/we are aware of the following land use classification:

OPEN SPACE LAND MEANS EITHER:

a. any land area, the preservation of which in its present use would:

i. conserve and enhance natural or scenic resources;

ii. protect streams or water supply;

iii. promote conservation of soils, wetland, beaches, or tidal marshes;

iv. enhance the value to the public of existing or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

v. enhance recreation opportunities;

vi. preserve historic sites;

vii. preserve visual quality along highway, road, and street corridors or scenic vistas; or

viii. retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification; or

b. any land that meets the definition of farm and agricultural conservation land. "Farm and agricultural conservation land" is either:

i. land that was previously classified as open space farm and agricultural land that no longer meets the criteria of farm and agricultural land, and that is reclassified as open space land under RCW 84.34.020 (1); or

ii. land that is traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.
I/we declare that I am/we are aware of the liability of withdrawal or removal of this land from classification to the following extent:

1. If the owner has filed the proper notice of request to withdraw the classified land and the land has been classified for a minimum of ten years he/she shall pay an amount equal to the difference between the tax computed on the basis of "current use" and the tax computed on the basis of true and fair value plus interest at the same statutory rate charged on delinquent property taxes. The additional tax and interest shall be paid for the preceding seven years.

2. If land is removed from classification because of a change to a non-conforming use, land is removed prior to the minimum ten year period, or land is removed because the owner(s) failed to comply with the two year notice of withdrawal he/she shall be liable to pay the additional tax and interest described in 1 above plus a penalty of twenty percent of the additional tax and interest. The additional tax, interest, and penalty shall be paid for the preceding seven years.

3. The additional tax, interest, and/or penalty shall not be imposed if the withdrawal or removal from classification resulted solely from:
   a. transfer to a government entity in exchange for other land located within the State of Washington;
   b. a taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent in writing or by other official action;
   c. a natural disaster such as a flood, windstorm, earthquake, or other calamity rather than by virtue of the act of the landowner changing the use of the classified land;
   d. official action by an agency of the State of Washington or by the county or city within which the land is located that disallows the present classified use of the land;
   e. transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;
   f. acquisition of property interests by a state or federal agency, county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association as defined in RCW 84.34.250;
   g. removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees;
   h. removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;
   i. the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;
   j. the creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040;
   k. the sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 continuously since 1993;
   l. the sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993 and the sale or transfer takes place within two years after July 22, 2001, and the death of the owner occurred after January 1, 1991; or
   m. the date of death shown on a death certificate is the date used.
CURRENT OWNER AFFIRMATION

As current owner(s) of the land described in this application, I/we hereby indicate by my/our signature(s) below that I am/we are aware of the potential tax liability involved when the land ceases to be classified under provisions of CH. 84.34 RCW. I/we also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me/us and to the best of my/our knowledge are true, correct and complete statements.

Current Landowner's Signature

Date

Telephone Number

FUTURE OWNER AFFIRMATION

As future owner(s) of the land described in this application, I/we hereby indicate by my/our signature(s) below that I am/we are aware of the potential tax liability involved when the land ceases to be classified under provisions of CH. 84.34 RCW. I/we also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me/us and to the best of my/our knowledge are true, correct and complete statements.

Future Landowner's Signature

Date

Telephone Number

REVISED CODE OF WASHINGTON (RCW) REFERENCES:
TITLE 84 - Property Taxes
CHAPTER 34 - Open space
CHAPTER 33 - Designated Forest Land

WASHINGTON ADMINISTRATIVE CODE (WAC) REFERENCES:
TITLE 458-Department of Revenue
CHAPTER 30-Open Space Taxation Rules
(includes Designated Forest Land in Section 700)

For more information visit http://dor.wa.gov
Then go to Rules and Laws Tab and link to WAC or RCW
To: Kittitas County Planning Commission

Subject: Landowners Statement

2006 Comprehensive Plan Map & Text Amendment; File No. 06-01; Ag to Rural;
APN 16-19-04020-003, 16-19-04010-0008 Approx 53.7 acres

1. I am 74 years old and need to retire; however, there are no provisions in the county comprehensive plan for elderly landowners, but rather the plan assumes the elder farmer/landowner will farm forever or that his/her family will carry on the farm operation.

2. Farm property is the farmers’ retirement plan unlike other occupations. Farms are taxed at the highest use value, which is housing development, however the farmer, under current county restrictions, are not allowed to sell their property at the highest value rate. In my opinion this restriction is a taking. If government dictates what one can and cannot do with an individuals own property then the government should be required to compensate the landowner at a value equal to what a developer would be willing to pay and allow the land to go to weeds or whatever.

3. I have read the county’s comprehensive plan and find it a very totalitarian document not unlike Fascist Germany or Communist Russia. The author or authors’ even apologize for the document and question it’s purpose in our free society, but yet Kittitas County has instituted such a plan.

4. Small orchardists’ days are numbered and like it or not conglomerates are taking over farming as well as other industries across America. When growers return $7 a bin (equal to 25 boxes) and pay $15 a bin for a decreasing labor-force to pick, it doesn’t take a genius to do the math.

5. Soils and Conservation list these parcels as “highly erodeable”. The parcels are under “junior water rights” with KRD and with droughts every 4 or 5 years crops are inconsistent. We had no production on either parcel last year due to the drought, when coupled with poor grower returns in recent years for apples, our equity in the property decreases.

6. One thing I have learned over the years is you can’t stop progress, especially so if people desire a certain area in which to live. It is the same for Ellensburg and our county. Kittitas County is not going to be a farm community as some people wish it to be. Outsiders love the area and community and are moving here and it is time people in charge face that fact. We live in a free society, there are adjustments necessary to accommodate changes.
7. My property has been listed for sale with a local agent for the past two years and although there has been active interest in the property, prospective buyers demand zoning and use alternatives for their investment. There is no demand for small orchards as seen in the hundreds of small grower orchard properties through-out Yakima County, as well as our county, bulldozed out and put to other uses or left vacant. My sons are not interested in farming and my wife and I have reached our elder years, and like the family farm, we would like to phase out with some dignity intact and we urge you to grant our request for rezone.

Thomas W. & Lynne Mahre
Landowners
GENERAL STATEMENT ON THE SCHEDULING OF THE 2006 COMP PLAN AMENDMENTS AND THE COMP PLAN UPDATE
PRESENTED ON BEHALF OF THE KITTITAS COUNTY CONSERVATION COALITION

The Kittitas County Conservation Coalition takes strong exception to the scheduling of the 2006 Comprehensive Plan Amendments hearings before the Planning Commission during the same week as the materials associated with the proposed Comprehensive Plan Update are to be heard by the Planning Commission.

➢ The amendments to be heard are written to the 1996 Kittitas County Comprehensive Plan as amended since adoption.
➢ In the interest of meaningful Public Participation this schedule unnecessarily confuses the public and the Planning Commission with direction to hear the testimony now on the amendments and then to keep this testimony both pro and con in mind for a later date when issues outlined in the Scope of the Update are presented, both pro and con.
➢ We maintain that this constitutes unnecessary and inappropriate confusion of a public process already confusing in the eyes of the public. The appearance of this schedule suggests that the County is ramming the public hearing process into one week’s worth of hearings therefore perceived, whether intentionally or not, a disregard for the input from the citizens of the County.
➢ It is challenging enough to fully appreciate the map amendments and associated policy changes in context of the current Comp Plan (which is the legal document that is being proposed for amendment) without the expectation that these proposals will make sense against an updated plan for which there is segmented information available.
➢ No one has seen a complete proposed text amendment nor mapping for the update at this time.
➢ The update is global in its consideration and to ask that the individual amendments be considered within a global exercise is unreasonable.
➢ The Kittitas County Conservation Coalition respectfully requests the following actions by the Planning Commission:
   1. Request the CDS schedule a separate round of hearings in September for the Comp Plan update.
   2. On each amendment before you tonight recommend it be carried forward for consideration for a single hearing after your recommendation on the update is completed. You would therefore be hearing amendments against a recommended updated Comp Plan and not the Comp Plan in place at this time.
   3. Following this procedure will allow for a consistent approach to the amendment process and will decrease the confusion and difficulty associated with the schedule you have been asked to follow.

The importance of this update process cannot be overstated. The need for a Comprehensive Plan that reflects the Kittitas County of 2006 thinking on the next 20 years and more is apparent to all of us who have observed the steady increase in public discontent with planning under the current plan and the realization of growth pressures which have increased over the same period.

Submitted by Jan Sharar – Spokesperson for the Kittitas County Conservation Coalition – KCCC. 08/21/06

Exhibit No.: C-1
Hearing: Annual Amendments
Date: 08/21/06
Submitted by: Jan Sharar
Planning Commission Hearings for the Week of August 21 through 24, 2006 Comp Plan Amendments
Presented on Behalf of the KITTITAS COUNTY CONSERVATION COALITION

File #06-01, #06-05, #06-06, #06-09, #06-17 Removal of Commercial Agriculture Designation.

The issue presented in these amendments is removal of commercial agriculture land from this designation. Specific to removal of Commercial Agriculture land a recommendation to deny is appropriate for the following reasons:

1. The current Comprehensive Plan designated commercial agriculture lands by default.
2. The original designation process was not fully thought out, appropriate criteria were not used and lines were arbitrarily drawn.
3. This was followed by the amendments of 2001 to include additional lands without adequate analysis as an arbitrary response to the Eastern Growth Management Hearings Board directive to substantially increase acres within this designation.
4. At this time the County has not proposed changes to this designation for consideration in the update process, nor has the County proposed a plan to review and update the commercial agriculture designation for purposes of the 2007 amendment to the updated Comp Plan.
5. Until the County updates this designation in a process which incorporates appropriate criteria, in a process that recognizes the current GMA requirements, in a process that encourages public participation, in a process that includes adequate base data, etc. any amendment to the current 1996 Comp Plan as amended is inappropriate.
6. Until the process as outlined above is complete, the Planning Commission is urged to recommend denial of all proposed reduction to commercial agriculture lands.
7. Until the Board of Commissioners has adopted an updated Comp Plan wherein they have considered the global policies presented by the Resource Lands Citizen Advisory Committee and recommendations by others, it would be inappropriate for the Planning Commission to do anything other than recommend denial and include findings which state that these 2006 amendments are not appropriate for inclusion at this time. To do otherwise is to skew the discussion to specific sites rather than the appropriate discussion of county wide long range planning appropriate to update of the Comp Plan.

Submitted by Jan Sharar, Spokesperson for the Kittitas County Conservation Coalition - KCCC.
Item 5A: Since the parcels have been identified as highly erodible land, allowing them to be changed to Rural would allow the possibility for three to five acre parcels to be created. The comment letter submitted by Futurewise and others (including KCCC) for these hearings discusses the concerns of higher densities and subsequent increases in impervious surfaces. This should be of concern for these parcels because they are already highly erodible and this should make them unbuildable at the higher lot densities. A potential of 17 three acre lots could be placed on these parcels.

Item 5C. The KRD right of way is not meant for general public access and the trespassers can be told to stay off and use law enforcement and the KRD to help control the situation. Changing the land use of the property will not stop these problems. Increasing the amount of Rural Lands designation will increase the conflicts of rural residential lots that the applicant identifies for the remaining farmers and ranchers who are in this Commercial Agriculture area.

These parcels are located in predominately Commercial Agriculture area with Rural Lands being a very small portion of the land use within this area. Creating more Rural Lands will create a domino effect on the rest of the resource lands of long term significance. The Commercial Agriculture land use designation emphasizes and reinforces that agricultural production is the priority not the minority.

Paula J Thompson, Chairwoman
Kittitas County Conservation
PO Box 23
Thorp, WA 98946
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

that rural areas be protected from inappropriate low-density sprawl. 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. 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. 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 \text{RCW 36.70A.070(5)(c)(iii).}
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\[3 \text{Jeffrey D. Kline. Comparing States With and Without Growth Management Analysis Based on Indicators With Policy Implications Comment, 17 Land Use Policy 349, 354 (2000) (Washington used 0.48 acres of new developed land per new resident between 1982 and 1997. This was the seventh lowest rate of land conversion, only six states converted less land per new resident).}
\]
\]
The rural area is the land located outside the urban growth area and outside resource lands. Resource lands are agricultural, forest, and mineral lands of long-time commercial significance.

"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.

"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.

"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.

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))
   AND
   b. consistent with the requirements of [RCW 36.70A.070](15).\(^11\)

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.\(^14\)

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\(^9\) RCW 36.70A.030(16).
\(^11\) *Id.* at p. *11* (March 5, 2001) [emphasis in the original].
\(^12\) *Id.* at p. *12*.
\(^13\) RCW 36.70A.010.
\(^14\) *Id.*

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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

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15 RCW 36.70A.011.

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element and then development regulations to implement the rural element.\textsuperscript{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.\textsuperscript{18} Incorporated cities and towns do not adopt rural elements because their jurisdiction does not include rural areas.\textsuperscript{19}

\textbf{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 governments 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.”\textsuperscript{20}

\begin{flushright}
\textsuperscript{17} RCW 36.70A.070(5), RCW 36.70A.040(3), & RCW 36.70A.040(4).
\textsuperscript{18} RCW 36.70A.030(7).
\textsuperscript{19} RCW 36.70A.110(1).
\end{flushright}
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."\(^{28}\)

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\(^{21}\) 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).


\(^{27}\) Id.

\(^{28}\) 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.

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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.

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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 that 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

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configuration of parcels of a given size."\textsuperscript{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)."\textsuperscript{42}

\begin{itemize}
  \item There are four exceptions to this rule.
    \begin{itemize}
      \item 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."\textsuperscript{43}
      \item Higher densities and smaller minimum lot sizes are allowed in limited areas of more intense rural development (LAMIRDs).
      \item Higher densities are allowed in master planned resorts.
      \item 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."\textsuperscript{44}
    \end{itemize}
  \item 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.\textsuperscript{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.
\end{itemize}


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

\textsuperscript{44} RCW 36.70A.520(2).

critical areas, and resource lands before adopting development regulations that authorize ADUs.\footnote{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).}

- A variety of rural densities is required.\footnote{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).} 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.\footnote{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).} 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.\footnote{RCW 36.70A.070(5)(c).}

- Lower rural densities can help conserve resource-based uses in the rural area such as forestry and farming.\footnote{Manke Lumber Co., Inc. v. Central Puget Sound Growth Management Hearings Bd., 113 Wn. App. 615, 625, 53 P.3d 1011, 1016 (2002).} 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.\footnote{RCW 36.70A.070(5)(c).}

- Use lower rural densities to reduce rural sprawl.\footnote{RCW 36.70A.070(5)(c).}

- One to five acre lots along urban growth area boundaries make the extension of public facilities, annexation, and future subdivision at urban densities difficult, hindering the logical expansion of urban growth areas if needed in the future.\footnote{RCW 36.70A.070(5)(c).} Use
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 actually 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. 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.\(^{57}\)

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\(^{54}\) RCW 36.70A.070(5)(c)(iv).

\(^{55}\) RCW 36.70A.070(5)(b).


Cluster development regulations must include a limit on the maximum number of lots allowed on the land included in the cluster. This is needed to prevent urban growth in rural areas and to preclude demands for urban governmental services. 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. 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.

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. 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.


Id.
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. 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. 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. Vested developments not built 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. 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. Existing zoning cannot be the sole criteria for determining the location of a LAMIRD, it can however be used as an exclusionary criteria. 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. Vacant land may be included in the LAMIRD and a county may make minor adjustments to a logical outer boundary to include undeveloped property. Such

87 RCW 36.70A.070(3)(d)(iv).
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."
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, CPSMHB 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).
in rural areas, nor are there any parameters regarding the configuration, servicing or location of such development.”

Allowed Governmental Services
- “The rural element shall provide for ... rural governmental services needed to serve the permitted densities and uses.”
- 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. 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.
- LAMIRDs may include “... necessary public facilities and public services to serve the limited area ....” This may include sewers and, probably, piped storm water facilities. The “public services and public facilities [serving a LAMIRD] must be provided ‘in a manner that does not permit low-density sprawl.’”
- 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

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63 RCW 36.70A.070(5)(b).
64 RCW 36.70A.110(4).
66 RCW 36.70A.070(5)(d).
growth area. Similarly, urban governmental services may run from one urban growth area to another provided they do not serve land outside urban growth areas.

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."\(^7\)

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."\(^7\)

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.

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\(^7\) Id.

\(^7\) 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.

\(^7\) 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.\textsuperscript{73} It is a local option. Nor are counties required to designate any particular part of the county, such as shorelines areas, as LAMIRDs.\textsuperscript{74} LAMIRDs were authorized by the 1997 amendments to the GMA that clarified and expanded the GMA’s policy towards rural areas.\textsuperscript{75}

Requirements for Designating LAMIRDs and Allowed Uses

\textit{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.\textsuperscript{76} LAMIRDs are not “to be the predominant pattern of future rural development.”\textsuperscript{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).\textsuperscript{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),

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{74} RCW 36.70A.070(5)(d), Manken 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.”
\item \textsuperscript{75} 1997 Session Laws, Chapter 429 § 7.
\item \textsuperscript{76} RCW 36.70A.030(17).
\item \textsuperscript{77} 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).
\item \textsuperscript{78} City of Anacortes v. Skagit County, WWGMHB Case No. 00-2-0049c Compliance Order p.*16 (January 31, 2002).
\end{itemize}
\end{footnotesize}
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

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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).
undeveloped property is to provide for infill.\textsuperscript{95} Infilling is allowed if it is “‘minimized’ and ‘contained’ within a ‘logical outer boundary.’”\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{101} Demand or need for commercial or residential development does not permit the expansion of LAMIRDS beyond their logical outer boundaries.\textsuperscript{102} To do so would discourage commercial and residential development within urban growth areas as required by the GMA.\textsuperscript{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

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

\textsuperscript{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. 01-1-0014ez Final Decision and Order, 2002 WL 32065594 *17 (May 1, 2002).

\textsuperscript{97} RCW 36.70A.070(5)(d)(iv).

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


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

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

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

\textsuperscript{103} Id.
acknowledge historical reality under RCW 36.70A.020(5) and not to provide for" additional development.\textsuperscript{104}

\textit{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.\textsuperscript{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.\textsuperscript{106} Unlike other LAMIRDs, small-scale recreational or tourist uses are not required to primarily serve or provide job opportunities for local residents.\textsuperscript{107} Type 2 LAMIRDs cannot include new residential development.\textsuperscript{108}

A Type 2 LAMIRD is meant to be a single lot or a combination of lots, not a wide area.\textsuperscript{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.\textsuperscript{110}

\textit{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.\textsuperscript{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."\textsuperscript{112}

\begin{flushright}
\textsuperscript{104} \textit{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).
\textsuperscript{105} RCW 36.70A.070(5)(d)(ii) \& \textit{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).
\textsuperscript{106} \textit{Id.}
\textsuperscript{107} \textit{Id.}
\textsuperscript{108} \textit{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).
\textsuperscript{109} RCW 36.70A.070(5)(d)(ii).
\textsuperscript{110} RCW 36.70A.070(5)(d)(ii) \& \textit{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).
\textsuperscript{111} RCW 36.70A.070(5)(d)(iii).
\end{flushright}
These businesses do not need to be designed to serve the rural population; however, they must provide job opportunities for rural residents. 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.070(14). "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."

Type 2 and Type 3 LAMIRDS must comply with the requirements of RCW 36.70A.070(5)(a), (b), and (c). 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.

Requirements Applicable to All LAMIRDS
Major industrial developments and master-planned resorts cannot be authorized by a LAMIRD. The Central and Eastern Growth Boards have held that LAMIRDS cannot be located near an urban growth area. 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. 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.

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

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113 RCW 36.70A.070(5)(d)(ii)(iii).
114 RCW 36.70A.070(5)(d)(ii)(iii).
115 RCW 36.70A.070(5)(d)(ii)(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).
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).
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].”

“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.”

**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.”

- 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. “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.”

- The resort can provide a full range of capital faculties 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.”

- Master planned resorts are allowed to permit urban growth outside urban growth areas.

- “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.”

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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 known as Suncadia, in Kittitas County is an example of an approved master planned resort.


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<td>1</td>
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**LAND IN FARMS ACCORDING TO USE**

| Total cropland | 29,464 | 640 | 120 | 1,045 | 113 | 319 | 1,147 | 228 |
| Harvested cropland | 8,038,469 | 835,145 | 95,643 | 470,647 | 52,143 | 13,467 | 36,143 | 190,230 |
| Harvested cropland | 8,291,080 | 844,855 | 97,283 | 478,187 | 54,216 | 14,252 | 36,065 | 185,452 |
| Cropland used only for pasture or grazing | 10,730 | 111 | 44 | 421 | 107 | 168 | 365 | 75 |
| Cropland used only for pasture or grazing | 11,806 | 116 | 44 | 421 | 107 | 168 | 365 | 75 |

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See footnote(s) at end of table. 

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2002 CENSUS OF AGRICULTURE - COUNTY DATA

USDA, National Agricultural Statistics Service

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<th>Jefferson</th>
<th>King</th>
<th>Kitsap</th>
<th>Kittitas</th>
<th>Klallam</th>
<th>Lewis</th>
<th>Lincoln</th>
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<td>587</td>
<td>901</td>
<td>702</td>
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<td>507</td>
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<td>495</td>
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<td>702</td>
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<td>1,198,319</td>
<td>1,540,888</td>
<td>1,479,171</td>
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<td>1,595</td>
<td>3,635</td>
<td>3,143</td>
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<td>628</td>
<td>782</td>
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<td>4,036</td>
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<td>57</td>
<td>54</td>
<td>245</td>
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<td>3</td>
<td>35</td>
<td>109</td>
<td>16</td>
<td>3</td>
<td>2</td>
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<td>27,558</td>
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<td>30</td>
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<td>57</td>
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<td>245</td>
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<td>2,999</td>
<td>2,317</td>
<td>5,735</td>
<td>3,765</td>
<td>12,018</td>
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<td>1,057</td>
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<td>66</td>
<td>162</td>
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<td>21</td>
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<td>35</td>
<td>109</td>
<td>16</td>
<td>3</td>
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<tr>
<td>140 to 179 acres <em>acres</em></td>
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<td>2,132</td>
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<td>27</td>
<td>2</td>
<td>35</td>
<td>109</td>
<td>16</td>
<td>3</td>
<td>2</td>
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<td>3,857</td>
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<tr>
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<td>21</td>
<td>3</td>
<td>35</td>
<td>109</td>
<td>16</td>
<td>3</td>
<td>2</td>
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<td>3</td>
<td>35</td>
<td>109</td>
<td>16</td>
<td>3</td>
<td>2</td>
</tr>
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<td>(D)</td>
<td>(D)</td>
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LAND IN FARMS ACCORDING TO USE

| Total cropland *farms, 2002* | 154 | 928 | 369 | 739 | 547 | 1,067 | 850 | 200 |
| harvested cropland *acres, 2002* | 5,842 | 22,317 | 6,561 | 9,037 | 213,025 | 631,816 | 854,781 | 6,032 |
| Harvested cropland *acres, 2002* | 5,842 | 22,317 | 6,561 | 9,037 | 213,025 | 631,816 | 854,781 | 6,032 |
| Cropland used only for pasture or grazing *acres, 2002* | 72 | 600 | 187 | 375 | 218 | 608 | 129 | 77 |

See footnote(s) at end of table.

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USDA, National Agricultural Statistics Service

[For meaning of abbreviations and symbols, see introductory text]

<table>
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<th>Item</th>
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<th>Asotin</th>
<th>Benton</th>
<th>Chelan</th>
<th>Clallam</th>
<th>Clark</th>
<th>Columbia</th>
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<td></td>
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<td>36</td>
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<td>34,092</td>
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<td>33</td>
<td>141</td>
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<td>124</td>
<td>596</td>
<td>34,338</td>
<td>238,420</td>
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<td>200</td>
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<td>277</td>
<td>200</td>
<td>77</td>
<td>130</td>
<td>467</td>
<td>73</td>
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<td>355</td>
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<td>409</td>
<td>869</td>
<td>361</td>
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<td>134</td>
<td>910</td>
<td>355</td>
<td>549</td>
<td>409</td>
<td>869</td>
<td>361</td>
<td></td>
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<td>1997</td>
<td>134</td>
<td>910</td>
<td>355</td>
<td>549</td>
<td>409</td>
<td>869</td>
<td>361</td>
<td></td>
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<td><strong>Pastureland, all types</strong></td>
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**CROP INSURANCE, CONSERVATION, AND ORGANIC PRACTICES**

- **Land enrolled in Conservation Reserve or Wetlands Reserve Programs**
  - farms, 2002: 7, 42, 17, 17, 131, 21, 287
  - acres, 2002: 4, 22, 17, 128, 15, 15
  - 1997: 4, 22, 17, 128, 15, 15

- **Land used to raise certified organically produced crops (see text)**
  - farms, 2002: 12, 27, 8, 4, 11, 7
  - acres, 2002: 12, 27, 8, 4, 11, 7
  - 1997: 12, 27, 8, 4, 11, 7

- **Land enrolled in federal or other crop insurance programs (see text)**
  - farms, 2002: 10, 1, 15, 113, 14, 358
  - acres, 2002: 10, 1, 15, 113, 14, 358
  - 1997: 10, 1, 15, 113, 14, 358

See footnote(s) at end of table.

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<th>Thurston</th>
<th>Wahkiakum</th>
<th>Walla Walla</th>
<th>Whatcom</th>
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<td>79</td>
<td>23</td>
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<td>157</td>
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<td>8</td>
<td>122</td>
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<tr>
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<td>208</td>
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<td>6</td>
<td>163</td>
<td>8</td>
<td>404</td>
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<td>163</td>
<td>8</td>
<td>404</td>
<td>77</td>
<td></td>
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<td>329</td>
<td>328</td>
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<td>1,032</td>
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<td><strong>CROP INSURANCE, CONSERVATION, AND ORGANIC PRACTICES</strong></td>
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<td>Land enrolled in Conservation Reserve or Wetlands</td>
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<td>13</td>
<td>224</td>
<td>159</td>
<td>458</td>
<td>96</td>
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<td>Land used to raise certified organically produced crops (see text)</td>
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<td>24</td>
<td>12</td>
<td>1</td>
<td>5</td>
<td>19</td>
<td>5</td>
<td>51</td>
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Planning Commission Hearings for the Week of August 21 through 24, 2006 Comp Plan Amendments
Presented on Behalf of the KITTITAS COUNTY CONSERVATION COALITION

File #06-02,#06-18, #06-19 Removal of Commercial Forest Designation.

The issue presented by these amendments is removal of commercial forest land from this designation. Specific to removal of Commercial Forest Resource land a recommendation to deny is appropriate for the following reasons:

1. The current Comprehensive Plan designated commercial forest lands were in part identified in Resolution 93-41. Later Ordinance 97-17 identified additional lands for inclusion into this designation as required by an Eastern Washington Growth Management Hearings Board remand on an Order of Invalidity. Commercial Forest designation has not been reviewed in a broad and meaningful manner since the 1997 Ordinance. Removal of any land from a commercial forest designation at this time is inappropriate.

2. At this time the County has not proposed changes to this designation for consideration in the update process, nor has the County proposed a plan to review and update the commercial forest designation for purposes of the Comp Plan update or 2007 amendment.

3. Until the County updates this designation in a process which incorporates appropriate criteria, in a process that recognizes the current GMA requirements, in a process that encourages public participation, in a process that includes adequate base data, etc. any amendment to the current 1996 Comp Plan as amended is inappropriate.

4. Until the process as outlined above is complete, the Planning Commission is urged to recommend denial of all proposed reduction to commercial forest lands.

5. Until the Board of Commissioners has adopted an updated Comp Plan wherein they have considered the global policies presented by the Resource Lands Citizen Advisory Committee and recommendations by others, it would be inappropriate for the Planning Commission to do anything other than recommend denial and include findings which state that these 2006 amendments are not appropriate for inclusion at this time. To do otherwise is to skew the discussion to specific sites rather than the appropriate discussion of county wide long range planning appropriate to update of the Comp Plan.

Submitted by Jan Sharar, Spokesperson for the Kittitas County Conservation Coalition - KCCC.
August 17, 2006

Kittitas County Commissioners
205 W. Fifth Avenue Suite 108
Ellensburg WA 98926

Gentlemen:

This is to inform you that the City of Kittitas supports the annexation request by Ronald J. Gibb to have 188 acres south of Kittitas and north of Interstate 90 annexed into the City of Kittitas UGA and rezoned as General Commercial.

Sincerely,

[Signature]

Robert E. Cousart, Mayor
City of Kittitas
Chapter 1 of the Kittitas County Comprehensive Plan provides for an amendment process to the Kittitas County Comprehensive Plan. The first section of Chapter 1 provides the Kittitas County Comprehensive Plan shall be subject to continuing evaluation and review by Kittitas County. Chapter 1 also provides that any interested person may suggest amendments to the Kittitas County Comprehensive Plan.

The reason Kittitas County's Comprehensive Plan requires the continuing review is that land use in Kittitas County and elsewhere is fluid because of continuing change in not only patterns of land use, attitudes towards land use, and increases in population that change the need for certain types of land classifications.

Kittitas County's Comprehensive Plan also provides a definition of certain types of land. Specifically, the Kittitas County Comprehensive Plan Section 2.3(C) deals with the resource lands of the County. Agricultural lands of long term commercial significance designated in the Kittitas County Comprehensive Plan were designated based upon certain criteria. Those criteria are set forth in Section 2.3(C) of the Kittitas County Comprehensive Plan. Specifically, those are:

- The current zoning and parcel sizes of the area
- The availability of adequate and dependable water supply
- The soil types (prime, unique, local and statewide of the area)
- The criteria contained in WAC 365-190-050.

WAC 365-190-050 provides additional factors that should be considered in classifying agricultural lands of long term commercial significance. Those criteria are:
• The availability of public facilities
• Tax status
• The availability of public services
• Relationship or proximity to urban growth areas
• Predominate parcel size
• Land use settlement patterns and their compatibility with agricultural practices
• Intensity of nearby land uses
• History of land development permits issued nearby
• Land values under alternative uses,
• Proximity of markets.

In reading WAC 365-190-050 and Section 2.3(C) of the Kittitas County Comprehensive Plan the criteria that should be considered in classifying commercial agricultural lands of long term commercial significance becomes clear.

In reviewing the criteria and applying the criteria to the Sinclair request, it is the Sinclair's position that the criteria when applied to their respective properties do not support this continued designation of this land as commercial agricultural land of long term commercial significance.

The Sinclair's position is based upon the following points:

1. The Kittitas County Comprehensive Plan suggests that Kittitas County in originally designating commercial agricultural land of long term commercial significance was able to identify "large, contiguous areas containing parcels which met the review criteria". That does not appear to be the case with respect to Sinclair's property. A portion of Arthur Sinclair's property is in the rural designation even though it is identical
to and immediately contiguous in part of the remainder of the property. What appears to have occurred is an arbitrary line was drawn on a section line. It is even more telling with respect to Basil Sinclair’s property because his property is only 10 acres in size and irregular shaped. Basil Sinclair’s property is not of a size that suggests that it should be commercial agricultural land. In addition, as is clear from the Sinclair’s written testimony they had no notice, no knowledge, and were not aware that portions of their property were designated as rural and portions of their property were designated as commercial agricultural land of long term commercial significance.

2. A review of the Comprehensive Plan Maps and Zoning Maps attached suggest the Sinclair’s property is located in an area where there are a number of competing land uses which meet. The portion of the Sinclair’s property that is designated as commercial agricultural land of long term commercial significance appears to be part of a number of parcels that were designated as commercial agricultural land of long term commercial significance, but are effectively an island surrounded by rural comprehensive plan designation and surrounded by at least three different types of zoning. Their property adjoins suburban land uses and AG-20 land uses and is in the immediate vicinity of AG-3 land uses. Additionally, reviewing the parcel map shows that there are a number of small parcels in the area that have been created. Even though the property currently is designated as commercial agricultural land, it is not characterized by large contiguous tracts of land. It is in effect an island of commercial agricultural designation in an area that is clearly designated and used for rural residential purposes. The Sinclair’s property is also within one quarter mile from the City of Ellensburg’s Urban Growth Area and more intensive urban land uses in the City of Ellensburg.
3. The criteria in WAC 365-190-050, suggests the Sinclair’s property should not be designated as commercial agricultural land of long term significance and instead should be designated as rural lands. The predominant parcel size in the area is smaller parcels. The land use settlement patterns and the compatibility with agricultural practices suggest that the City of Ellensburg is moving towards this property. As more rural residential homes are built and the area becomes more of a rural residential community and less of an area where commercial agricultural activities over land use practices will conflict with the suburban and urban uses in the area.

4. Most telling is the Sinclair’s immediate neighbor was a farm that was operated as an agricultural operation. That property was recently sold and the sale price was approximately $21,000 per acre. WAC 365-190-050 indicates that County is required to look at land values and alternative uses. Here you have a situation where one individual sells his agricultural property for $21,000 an acre, yet the Sinclairs are unable to even lease the property out to an agricultural producer to make a dollar amount that will enable them to continue to make land payments on the property. Clearly the Sinclair’s land is worth significantly more under rural uses as opposed to commercial agricultural uses.

5. In addition, the Sinclair parcels are small when compared to large farms and not conducive to large agricultural operations. Mr. Sinclair has indicated that he has not been able to lease the property because economically he is unable to lease it and still continue to develop an economic return to make the payments on the land.

6. When you consider the land use patterns in the area, this land would be better designated as rural land which would then provide the appropriate buffer between
the more intensive uses of suburban and urban residential uses that are occurring in the Ellensburg Urban Growth Area and the immediate vicinity. It makes no sense to have a tract of commercial agricultural land sandwiched in between established rural land uses.

These factors, coupled with the statistical data submitted which indicates agricultural production in Kittitas County has been decreasing over time suggests that this property would be better suited as rural land. The Kittitas County Conference of Governors adopted the high population numbers in 2005. In April of 2006, the City of Ellensburg adopted a 45% growth number. According to the estimated 20 year growth period, it is projected that the City of Ellensburg’s population will increase to approximately 23,000. Designated as rural, this property would be able to meet increased housing needs that Kittitas County has recognized will occur when it adopted the high end of the population projections. By having this property available to meet those rural residential needs, there is less development pressure on other resource lands within Kittitas County. Good planning also dictates that future rural land inventory be concentrated around existing areas of more intensive development. The Sinclair’s property given its proximity to the Ellensburg Urban Growth Area and more intensive land uses immediately adjacent to it is ideally suited to be changed to a rural land use designation.

Existing urban services (water and sewer) have already been extended to the general vicinity of the area and logically can be extended to this property. Kittitas County also extended Bowers Road from the airport to Reecer Creek Road which is close to this property. This new road will increase and change the traffic flow and development patterns in the area. One of the reasons Bowers Road was extended, was
specifically to encourage development in and around the vicinity of the airport. The Sinclair's property is also within the immediate vicinity of the Iron Horse State Park, a designated statewide recreational area managed by the Washington State Department of Parks and Recreation. The Iron Horse State Park use continues to increase. It is now used by bicyclists, joggers, hikers, and for equestrian uses. The location of the property near these types of uses creates a situation where there are a number of recreational users coming into contact with commercial agricultural uses in the area.

In summary, Sinclair's position is that their property, when considering all of the criteria established by the Kittitas County Comprehensive Plan and by considering the criteria established in WAC 365-190-050, does not support a designation of commercial agricultural lands of long term commercial significance. Instead, the property should be designated as rural.
DEKLARATION OF ARTHUR SINCLAIR

My name is Arthur Sinclair and I am over the age of 18. I am competent to testify herein and I testify herein based upon my own information and belief.

I acquired the property I own in 1994. The property I own is described in the county records as Kittitas County Tax Parcel No. 18-18-21040-0001 and 18-18-28000-0001. Parcel No. 18-18-21040-0001 currently has a Comprehensive Plan designation as commercial agriculture and a zoning designation as commercial agriculture. It is 62.68 acres. I own a contiguous parcel of property which is 3 acres in size. That parcel of property contains a Rural Comprehensive Plan designation and is currently zoned AG-20. There is no dividing line on the property which designates one piece of property from the other. I acquired this property in 1994 from my father, Basil Sinclair. My father acquired this property in 1970. He originally owned approximately 200 acres and what he sold to me, except for the 10 acres he retained, is all of the agricultural land he had in 1994.

I was not informed that the property was designated as commercial agriculture in 1995 and 1996, when it was designated. When I bought the property it was AG-20. I was under the impression that it was still zoned AG-20 as opposed to being designated as Commercial Agriculture property of long term significance and zoned as Commercial Agriculture. I never signed anything authorizing the Comprehensive Plan designation of Commercial Agriculture. I never requested it and it is my personal opinion that it was
imposed upon me by the County, without consultation with me, and certainly without explanation of the impacts on my use of the property.

In 1994, when my wife and I bought the property, we had jobs in town. After buying the property we continued to maintain those jobs and have maintained those jobs ever since. We have never been able to economically produce crops on the property that would sustain our family being completely dependent upon agriculture. Over the years I have contemplated leasing the property out. However, given prevailing market lease rates in Kittitas County, if I were to lease the property at the prevailing lease rates for agriculture land I would not be able to make our payment on the land. This is very similar to the experience my father has gone through since 1970. Even then, owning 200 acres, he was not able to make a living from farming and was forced to work off the farm at the same time he operated the farm in order to make a living.

In addition, the size of our property and the configuration of our property is not conducive to easy farming. That makes it difficult to lease to another farmer in the area if one showed an interest. Because of the size of our property we do not have the ability to buy equipment with which to economically farm the property.

The character of the neighborhood has changed significantly since 1970 and certainly since 1994. We are only several thousand feet from the City of Ellensburg’s Urban Growth Area. We border land that is zoned as Suburban. The Town of Ellensburg has continued to move north and west towards our property. Our immediate neighbor to the south who had a large agricultural operation recently sold his farm for approximately $21,000 per acre. In checking with realtors, agriculture property does not sell for anywhere near that price.
We have no plans to sell the property, but we are also mindful of our future and the difficulties we have had operating the property as a going agricultural concern in the past. It is also apparent to me that the agricultural economy in this county is not the same as it was in 1994, and certainly not the same as it was in 1970. Attached as additional evidence is a packet of information that we are providing in support of our Comprehensive Plan request are certain agricultural statistics generated as a result of census data which show that overall, the Kittitas County agricultural economy is decreasing and that, coupled with the increase in the market value of land, decreases the return on our investment to the point that the property is not economically viable to use for agricultural purposes.

Though our property does receive irrigation water from the Ellensburg Water Company, we have suffered through several droughts over the last 10 years, all of which have negatively impacted our property.

The soils on our property are not, when compared to other soils in Kittitas County, what I would consider prime farm soil. We have a number of areas of our property which are very rocky, making them more difficult to farm. The property owned by my father is incapable of being irrigated with anything but sprinkler irrigation which further drives up the cost of producing agricultural crops on our property. My property is irrigated with a combination of sprinkler and rill irrigation. Given the low economic return from agricultural use of my property, it makes it impossible to justify the cost installing sprinklers on all of my property.
I hereby certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.


Arthur Sinclair
DECLARATION OF BASIL SINCLAIR

My name is Basil Sinclair and I am over the age of 18. I am competent to testify herein and I testify herein based upon my own information and belief.

My wife and I acquired the 10 acres we currently reside on in 1970, along with the property that my son Arthur Sinclair now owns and additional property. Between 1970 and 1978, we owned slightly over 200 acres. Even owning 200 acres we were unable to make a living farming the 200 acres and I was forced to have a job off the farm at the same time I tried to farm the property. Ultimately, it became economically unviable for me to farm the property and I attempted to lease the property out for a short time in the mid 1970’s. In 1978, I sold 120 acres of the original 200 acres. Between the sale in 1978 of the 120 acres and 1994 when I sold the bulk of my land to my son Art in addition to working on the farm worked a job off the farm in order to pay bills. Since 1994 when I sold the property to my son Arthur, my wife and I have lived on 10 acres. This 10 acres is currently designated as commercial agricultural land. However, as you can see by the information I have submitted, it is an odd shaped piece of property and is only 10 acres in size. It is incapable of raising crops by any means other than sprinkler irrigation and given the size and the cost of raising crops on the property, it is not a parcel of property that is economically viable to lease to a larger farmer. Most larger farmers in the area are looking for property that is significantly larger than 10 acres.
In the mid 1990's, I was not informed that my property was going into commercial agriculture. I recall it being a voluntary program. I assumed because I did not volunteer my property I did not go into commercial agriculture.

I have also reviewed my son Art Sinclair's Declaration and believe the statements in that Declaration are accurate.

I hereby certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Ellensburg, Washington this 18th day of August, 2006.

\[Signature\]

Basil Sinclair

S: Sinclair, Arthur Basil Sinclair Declaration 8-18-06
COMPREHENSIVE PLAN AMENDMENT DOCKETING FORM

I. CHECK THE APPROPRIATE BOXES

COMP PLAN MAP [ ] COMP PLAN TEXT [x]

NOTICE: If the amendment you are applying for is within an URBAN GROWTH AREA or you are proposing a UGA expansion of the Ellensburg, Cle Elum, or Roslyn UGA you are required to docket your item with that City as well. You must contact the appropriate City for filing deadlines, fees, application, and costs.

II. GENERAL INFORMATION

A. APPLICANT'S NAME: Art Sinclair
   MAILING ADDRESS: 2912 Faust Road
                       Ellensburg, WA 98926

   E-MAIL ADDRESS: [Blank]
   BUSINESS PHONE: [Blank] HOME PHONE: 509-962-9407

B. AGENT'S NAME: Jeff Slothower
   MAILING ADDRESS: PO Box 1088
                    Ellensburg, WA 98926

   E-MAIL ADDRESS: jslothower@lwhsd.com
   BUSINESS PHONE: 509-925-6916

III. FOR MAP AMENDMENTS

A. TAX PARCEL NUMBER(S): 18-18-21040-0001, 18-18-28000-0001
   ACREAGE: 65.68
   SITE ADDRESS: 2912 Faust Road
   OWNER(S): Art Sinclair
   MAILING ADDRESS: 2912 Faust Road
                    Ellensburg, WA 98926

   HOME PHONE: 962-2407

(Additional sheets may be attached if more then one parcel is involved)

RECEIVED
JUN 27 2006

$450.00  047008  01/27/06

Kittitas County
CDS

411 N. Ruby St., Suite 2, Ellensburg, WA 98926  Phone (509) 962-7506  Fax (509) 962-7682
B. EXISTING COMPREHENSIVE PLAN DESIGNATION:

Commercial agricultural lands of long term commercial significance

C. EXISTING ZONING:

Commercial Agriculture

D. PROPOSED COMPREHENSIVE PLAN DESIGNATION:

Rural

E. PROPOSED ZONING DESIGNATION:

Ag 5

F. THE PRESENT USE OF THE PROPERTY IS:

Agriculture

G. SURROUNDING LAND USE:

Rural Residential, Agriculture and Suburban Uses

H. SERVICES

Please provide the following information regarding the availability of services.

The site is currently served by sewer _____; septic x (check one)
Sewer purveyor (if on public sewer system): ____________________________

The site is currently served by a public water system _____; well x
Water purveyor (if on public water system): ____________________________

The site is located on a public road x private road _____ (check one)
Name of road: Faust Road __________________
Fire District #: 2 _________________________
IV. FOR TEXT AMENDMENTS

Identify the sections of the Comprehensive Plan and Zoning Ordinance that you are proposing to change and provide the proposed wording (attach additional pages if necessary). The request is for a map amendment not a text amendment.

V. FOR ALL AMENDMENTS

A. Why is the amendment needed and being proposed?
Property does not meet the definition of Agricultural land of long term commercial significance under RCW 36.70A.030(2).

B. How does the proposed amendment consistent with the County-Wide Planning Policies for Kittitas County?
The county wide planning policies do not specifically address a map amendment of this type. The Policies do call for and encourage orderly development. This will enhance orderly development.

C. How is the proposed amendment consistent with the Kittitas County Comprehensive Plan?
Section 2.3(c) specified the criteria for identifying Ag lands of long term commercial significance. The criteria when applied to this property no longer support this property by designated as Ag lands of long term commercial significance.

D. How have conditions changed that warrant a comprehensive plan amendment?
Rural/Urban development associated with Ellensburg abuts or is very near this property.
The property size is too small to a viable commercial agricultural operation. WAC 365-190-050(1)(d), (e), (f), (g), (h) and (i) support changing the designation of this property from Ag Lands of Long term significance to Rural. Also see more on back.
VI. SUPPORTING INFORMATION (ATTACH THE FOLLOWING)

A. SITE PLAN OF THE PROPERTY WITH THE FOLLOWING FEATURES: buildings; points of access, ABUTTING roads, and parking areas; septic tank and drainfield and replacement area. Tax parcel map attached. Additional information will be submitted prior to or at the public hearing on this proposed map amendment.

B. Application is hereby made for A COMPREHENSIVE PLAN AMENDMENT 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.

Signature of Authorized Agent

Signature of Land Owner of Record (required for application submittal)
Property Summary

Parcel Information

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<th>706233</th>
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<td>18-18-21040-0001</td>
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<tr>
<td>Situs:</td>
<td>02912 FAUST RD ELLENSBURG</td>
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<tr>
<td>Legal:</td>
<td>ACRES 62.68, CD. 8643; SEC. 21; TWP. 18; RGE. 18; PTN. SE1/4 SLY OF TOWN DITCH (PARCEL B SURVEY #577564 B20/P159; ACREAGE NOT SURVEYED)</td>
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Ownership Information

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5 Year Valuation Information

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Parcel Comments
NO PARCEL COMMENTS FOR THIS RECORD!

Photos/Sketches

Fil edate: 8/15/2006 5:04:48 PM

TerraScan
**Parcel Information**

- **Parcel Number:** 706233
- **Map Number:** 18-18-21040-0001
- **Situs:** 02812 FAUST RD ELLensburg
- **Legal:** ACRES 62.68, CD. 8643; SEC. 21; TWP. 18; RGE. 18; PTN. SE1/4 SLY OF TOWN DITCH (PARCEL B SURVEY #577564 B20/P159; ACREAGE NOT SURVEYED)

**Ownership Information**

- **Current Owner:** SINCLAIR, ARTHUR E. ETUX
- **Address:** 2912 FAUST RD
- **City, State:** ELLensburg WA
- **Zipcode:** 98926

---

**Current Tax Year 2006**

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**Current Tax Year Interest as of 8/16/2006**

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**5 Year Tax History**

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**Prior Tax Years Interest as of 8/16/2006**

NO INFORMATION FOUND FOR THIS PARCEL

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Final Date: 8/15/2006 5:04:48 PM

Legend

Ellensburg UGA
Ellensburg City Limits

Ellensburg Landuse

Commercial
- COMMERCIAL
- COMMERCIAL AGRICULTURE
- COMMERCIAL TOURIST ELLensburg
- LIMITED COMMERCIAL ELLensburg

Industrial
- INDUSTRIAL
- INDUSTRIAL ELLensburg

Miscellaneous
- OPEN SPACE ELLensburg
- PUBLIC RECREATION
- RURAL
- URBAN ELLensburg

Residential
- HIGH DENSITY RESIDENTIAL ELLensburg
- LOW DENSITY RESIDENTIAL ELLensburg
- URBAN DENSITY RESIDENTIAL ELLensburg
GPO 2.109G  Kittitas County will consider creating a wildfire protection policy tied to land use zoning that will protect both the private landowner and public lands from wildfire. When the use of forested lands is changed, the party doing the changing is responsible for providing a fire resistant buffer around the property.

GPO 2.109H  Kittitas County will to the extent possible create a policy to preserve the grandfathered rights of private landowners to build roads on public lands under statute RS 2477.

GPO 2.109I  Kittitas County will consider establishing a board to coordinate with the federal and state fish and wildlife agencies to provide local input into decisions about wildlife introduced into the area.

GPO 2.109J  All agencies and jurisdictions shall recognize the area's traditions, customs, cultures and economy.

GPO 2.109K  Kittitas County recognizes that local tax burden on private lands is increased when private land is changed to public ownership. Such changes should be discouraged.

2.3(C)  Resource Lands

Commercial Agriculture Land Use

The purpose and intent of this designation is to comply with the requirements of the Growth Management Act [RCW 36.70A.060]. The county has considered the Minimum Guidelines [WAC 365-190] in the classification, designation and conservation of commercial agricultural lands in Kittitas County. It is the county's intent to meet these requirements by establishing a Commercial Agricultural designation. Based on the review criteria established by Kittitas County, land located in the Commercial Agricultural Zone [CAZ] has been formally designated as Agricultural Lands of Long-term Commercial Significance.

Agricultural lands of long-term commercial significance have been identified by considering the following criteria:

- The current zoning and parcel sizes of the area.
- The availability of an adequate and dependable water supply.
- The soil types (prime, unique, local, and statewide) of the area.
- The criteria contained under WAC 365-190-050.

Upon review of these considerations, Kittitas County determined that there were two different categories of land appropriate for designation: irrigated crop lands and non-irrigated grazing lands. Irrigated croplands identified for designation were lands located within the Agricultural 20 zone, within an irrigation district, consisting primarily of prime or unique soils, and complied with the other criteria under the GMA. Non-irrigated grazing lands were lands that lacked adequate water for crop growing purposes, but have a capacity for and historic use for grazing, and are lands that are predominately a section of land in size with contiguous blocks of ownership of those lots.
Kittitas County was able to identify large, contiguous areas containing parcels which met the review criteria. Kittitas County then reviewed the areas, which were consistent with the review criteria, taking into consideration topography and natural designation boundaries. The lands designated as agricultural lands of long-term commercial significance depict the final review of all the factors considered for designation.

GPO 2.110 Oppose laws and regulations which restrict agriculture, and support laws and regulations which enhance agriculture.

GPO 2.111 Continue and expand support for right-to-farm ordinances.

GPO 2.112 Develop and distribute “Rural Landowners Rights and Responsibilities” handout and require signature of having read it for any permits issued to non-farmers in agricultural areas.

GPO 2.113 Support efforts to see that all lands receive their full allocation of water.

GPO 2.114 Look at solutions to the problems of needing to sell house lots without selling farm ground.

GPO 2.114A Agricultural activities within areas designated as Commercial Agriculture shall take precedent over recovery activities targeted for the recovery of threatened and endangered species.

GPO 2.114B Economically productive farming should be promoted and protected. Commercial agricultural lands includes those land that have the high probability of an adequate and dependable water supply, are economically productive, and meet the definition of “Prime Farmland” as defined under 7 CFR Chapter VI Part 657.5.

For the purpose of this chapter, “Adequate and dependable water supply” means enough water as outlined in those engineering reports available on most commercial farmlands in the Kittitas Valley, from Adjudication records (i.e. Aquavella et al) that detail the water duty necessary for each parcel to remain viable as commercial agricultural lands.

For the purpose of this chapter, “Economically productive” means the ability to provide and continue to provide sufficient return on investment to allow present and future farmers to continue using the designated commercial agricultural land. This would include but not be limited to being economically realistic as ag lands with respect to land value, property taxes, market conditions, water costs and other economic factors.

GPO 2.115 Oppose special taxing districts associated with urban growth on agricultural land.

GPO 2.116 Support an information campaign to educate our non-farm populace on agricultural activities.

GPO 2.117 Encourage non-farmers in agricultural areas to meet farm performance standards.
GPO 2.118 Encourage development projects whose outcome will be the significant conservation of farmlands.

GPO 2.119 Oppose public trail systems in farming areas, and any other public use in currently active utility corridors in agricultural areas and enforce all trespass laws.

GPO 2.120 Set road standards in agricultural areas which discourage non-farm use and do not present problems to agricultural users.

GPO 2.121 Cooperate in sound voluntary farm conservation or preservation plans (i.e., be recipients and overseers for conservation easements and/or assist with transferable development rights programs).

GPO 2.122 Look into additional tax incentives to retain productive agricultural lands.

GPO 2.123 Value agricultural lands for tax purposes at their current agricultural land use.

GPO 2.124 Create a growth management agricultural advisory council comprised only of agriculture producers to review and make recommendations to the Board of County Commissioners on at least an annual basis over the coming 20 years on:
   a. the status of agriculture in Kittitas County, and
   b. county agriculture policies and regulations.

GPO 2.125 If any lands are reclassified out of the Commercial Agricultural designation, then the land reverts to the Agricultural designation.

*Incentives for Commercial Agriculture Land Use*

It is the policy of Kittitas County to encourage and support agricultural uses of lands within the Commercial Agricultural designation. The county will continue to explore additional incentives for conserving both rural and resource lands. These incentives may be developed through the Kittitas County Comprehensive Plan and subsequent implementation mechanisms.

GPO 2.126 Where appropriate, Kittitas County will exert its influence to help provide the delivery of water to all lands within the county whether the deliveries are through Bureau of Reclamation, Districts, or private facilities; other government agency action impairing water rights or delivery.

GPO 2.127 Irrigation delivery facilities shall be managed and maintained by adjacent landowners to facilitate the unimpeded delivery of waters to agricultural lands in Kittitas County. No existing contractual agreement pursuant to any water system shall be impaired by this ordinance.
GPO 2.128 To the extent possible the Board of County Commissioners shall promote processing facilities for the products produced upon those lands designated as Commercial Agricultural under this Chapter.

GPO 2.129 In determining the current use value of open space land, the County Assessor shall consider only the use to which such property and improvements is currently applied and shall not consider potential uses of such property. In determining the current use value of farm and agricultural land the County Assessor shall consider the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years.

**Commercial Forest Land Use**

Commercial forestland claims approximately half of the Kittitas county land area. A checkerboard pattern of land ownerships characterizes the County forests separating private and public sectors. Public ownership accounts for approximately sixty percent of forestland in Kittitas County. A great majority of private forestland is owned corporately by Boise Cascade and by Plum Creek.

Forestlands represent a vital portion of the County economic base providing employment and income in resource management, harvesting, fishing, hunting and recreation. The purpose of this section and classification is to focus on the importance of sustaining forest productivity and associated forest values including watershed, wildlife, mining and recreation.

Major concerns in Kittitas County forest lands are the rate of timber harvest, the long term consequences such harvesting has on a sustaining forest economy, and that amount of conversion to non-forestry land uses following the harvest. A related issue is the amount of clear cutting occurring on public and private lands and the potential environmental impacts on water quality and quantity, flooding and soil stability, as well as aesthetic considerations. In addition, the continued subdivision of commercial forestlands for residential and other purposes represents a potential threat to the natural resource land base and creates conflicts for forestry, wildlife and watershed management.

To address the concerns identified above, this designation is applied to those lands which have long-term significance for the commercial production of timber. The designation recognizes that some other land uses and activities which do not conflict with long-term forest management are necessary and/or appropriate on commercial forest lands. Commercial forest lands have been identified by: parcel size; current lands use; tax status as classified forest land, designated forest lands, or forest open space; the availability of public services and facilities; land uses and long-term commercial significance; history of land use permits issued nearby; feasibility of alternative uses; long-term economic and technological conditions which affect the ability to manage forest lands for long-term commercial production; and soil productivity, geology, topography and other physical characteristics conducive to growing merchantable crops of timber within conventional rotation periods and under traditional and accepted forest practices.
RCW 36.70A.060. Natural resource lands and critical areas--Development regulations

(1)(a) Except as provided in RCW 36.70A.1701, each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.040. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

(b) Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

[2005 c 423 § 3, eff. May 12, 2005; 1998 c 286 § 5; 1991 sp.s. c 32 § 21; 1990 1st ex.s. c 17 § 6.]

*51118  WA 365-190-050

WASHINGTON ADMINISTRATIVE CODE
TITLE 365. COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT,
DEPARTMENT OF (COMMUNITY DEVELOPMENT)
CHAPTER 365-190. MINIMUM GUIDELINES TO CLASSIFY AGRICULTURE, FOREST,
MINERAL LANDS AND CRITICAL AREAS
PART THREE GUIDELINES


365-190-050. Agricultural lands.

(1) In classifying agricultural lands of long-term significance for the production of food or other agricultural products, counties and cities shall use the land-capability classification system of the United States Department of Agriculture Soil Conservation Service as defined in Agriculture Handbook No. 210. These eight classes are incorporated by the United States Department of Agriculture into map units described in published soil surveys. These categories incorporate consideration of the growing capacity, productivity and soil composition of the land. Counties and cities shall also consider the combined effects of proximity to population areas and the possibility of more intense uses of the land as indicated by:

(a) The availability of public facilities;

(b) Tax status;

(c) The availability of public services;

(d) Relationship or proximity to urban growth areas;

(e) Predominant parcel size;

(f) Land use settlement patterns and their compatibility with agricultural practices;

(g) Intensity of nearby land uses;

(h) History of land development permits issued nearby;

(i) Land values under alternative uses; and

(j) Proximity of markets.

(2) In defining categories of agricultural lands of long-term commercial significance for agricultural production, counties and cities should consider using the classification of prime and unique farmland soils as mapped by the Soil Conservation Service. If a county or city chooses to not use these categories, the rationale for that decision must be included in its next annual report to department of community development.

(3) Counties and cities may further classify additional agricultural lands of local importance. Classifying additional agricultural lands of local importance should include consultation with the board of the local conservation district and the local agriculture stabilization and conservation service committee.

These additional lands may also include bogs used to grow cranberries. Where these lands are also designated critical areas, counties and cities planning under the act must weigh the compatibility of adjacent land uses and development with the continuing need to protect the functions and values of critical areas and ecosystems.

*51119


<General Materials (GM) - References, Annotations, or Tables>
Ellensburg Zoning

Agricultural
- AG-20
- AG-3

Commercial
- Central Commercial
- Central Commercial 2
- Commercial Agriculture
- Commercial Highway
- Commercial Neighborhood
- Commercial Tourist
- General Commercial
- Limited Commercial

Industrial
- General Industrial
- Industrial Heavy
- Industrial Light
- Light Industrial

Miscellaneous
- Forest & Range
- Landmarks Register
- Public Reserve

Residential
- Mobile Home Park
- Residential
- Residential Low Density
- Residential Medium Density
- Residential Office
- Residential Suburban
- Suburban
- Trailer Court Zoning District
Trends indicate that Ellensburg’s population will continue to increase over the 20-year planning period and to increase at a sustained rate exceeding 2% per year. Kittitas County, with development of “Suncadia” and the increasing popularity of the upper county, will also likely experience rapid and sustained population growth. Ellensburg anticipates that OFM’s High Series will be the most accurate picture of population growth in Kittitas County, and that Ellensburg will continue to have 45% of the county’s residents. For this reason, this comprehensive plan is designed for a population of approximately 23,000.

The plan proposes four different land use scenarios, each of which can accommodate the forecast population of 23,000 within the urban growth area. Table 2.x illustrates that, if developed to their mean densities, the proposed land use designations more than fit 23,000 residents within Ellensburg’s UGA.

<table>
<thead>
<tr>
<th>Table 2.x – Land Supply Summary by Land Use Scenario</th>
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<tr>
<td><strong>Land Use</strong></td>
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<tr>
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<tr>
<td>High Density Residential</td>
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<tr>
<td>Low Density Residential</td>
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<tr>
<td>Medium Density Residential</td>
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<td><strong>Total Population</strong></td>
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<td><strong>Scenario Two</strong></td>
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<tr>
<td>High Density Residential</td>
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<tr>
<td>Low Density Residential</td>
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<td>Medium Density Residential</td>
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<td><strong>Total Population</strong></td>
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<tr>
<td><strong>Scenario Three</strong></td>
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<tr>
<td>High Density Residential</td>
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<td><strong>Total Population</strong></td>
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<tr>
<td><strong>Scenario Four</strong></td>
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<tr>
<td>High Density Residential</td>
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<td>Low Density Residential</td>
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<tr>
<td>Medium Density Residential</td>
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<tr>
<td><strong>Total Population</strong></td>
</tr>
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### Effect of proposed formula vs current KCCOG formula

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<th>Jurisdiction</th>
<th>Population Allocation</th>
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<td>KCCOG Formula</td>
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<tr>
<td>Roslyn/UGA</td>
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<tr>
<td>So. Cle Elum/UGA</td>
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<td>Urban Growth Nodes</td>
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<tr>
<td>County*</td>
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</table>

*On October 26, 2005, the Conference of Governments (COG) requested planning jurisdictions to develop a new formula to reflect a more accurate formula based on recent estimates for 2005.*
I. Call to Order and Introduction of KCCOG members.

II. Correspondence

III. Minutes - April 26, 2006

III. New Business

   A. FY 2007 SALES & USE TAX PUBLIC FACILITIES APPLICATIONS

      1. staff presentation(s)
      2. public testimony
      3. discussion and deliberation
      4. motion

   B. LAW & JUSTICE SALES TAX DISCUSSION

IV. Chairman's Report.
Meeting Minutes – April 26, 2006

Those Present: Chair City of Ellensburg Ed Barry, City of Roslyn Jeri Porter, Kittitas County David Bowen, Town of South Cle Elum Jim DeVere, City of Cle Elum Charles Glondo and Kittitas County Jerry Pettit.

Also Present: Director of Community Development Services Darryl Piercy, City of Cle Elum Gregg Hall, City of Roslyn Jennifer Horwitz, TerraDesign Works Chad Bala, and Clerk of the Board Susan Barret.

I. Call to Order.

With a quorum present, the regular meeting of the Kittitas County Conference of Governments was called to order at 7:01 PM with the introduction of members and staff.

II. Correspondence.

Clerk reports no new correspondence.

III. Minutes

Jim DeVere moved to approve the October 26, 2005 minutes as written. The motion was seconded carried by a unanimous poll of the Board.

IV. New Business

1. Election of Chair and Vice-Chair

Jim DeVere moved to nominate Jerry Pettit for the position of Chair and volunteered himself as Vice-Chair. The motion was seconded. There was no discussion. The motion was carried by a unanimous poll of the Board to accept Jerry Pettit as Chair and Jim DeVere as the Vice-Chair for the 2006 annual term.

2. Urban Growth Areas Population Allocation

The Chair opened the meeting to staff presentation; Director of Community Development Services Darryl Piercy stated that in October 2005 the Conference of Governments requested planning jurisdictions develop a new formula to more accurately reflect recent estimates for 2025. The proposed formula was adjusted downward for Roslyn/UGA to 2.5%; upward for So. Cle Elum/UGA to 2%; upward for Kittitas/UGA to 3%; Cle Elum remained the same at 19%; upward for Ellensburg to
45%; downward for Kittitas County Urban Growth Nodes to 10%; and downward for the County to 18.5%. Piercy stated that this was the best projection based on trends and populations that the cities feel they can handle based on geographical size; density; and capital facilities.

The Chair opened the meeting to public testimony; Jennifer Horwitz asked what the current population is in the Urban Growth Nodes. Piercy responded that the numbers are derived through Census track with an estimation of just under 4,000.

The Chair opened the meeting to discussion and deliberation. Discussion ensued over the potential annexations affect on populations over time; how the UGN populations are allocated; the impact of capital facilities on growth; potential for Ronald’s future services to be independent of Roslyn; and the diversity between UGA and UGN for future planning; and new alternatives in water reclaimation.

David Bowen moved to adopt the amended formula for Roslyn/UGA to 2.5% and South Cle Elum/UGA 2% in the population allocation. The motion was seconded carried by a unanimous poll of the Board.


David Bowen gave an overview of the board formation; representation needs; and time commitment. Discussion ensued and the issue was tabled to the next meeting.

IV. Good of the Order

Ed Barry announced the next meeting will be in June to go over the FY 2007 Sales & Use Tax Public Facilities Applications.

Ed Barry opened the meeting to discussion of Animal Shelter and Control. Barry stated that there is much interest on this topic. Porter stated that there is intent and support for a shelter in the upper county; there is forward momentum; possible five way combined effort; several ideas were discussed but plans at this point are still nebulous.

David Bowen opened discussion of city’s input in setting UGA’s for the comprehensive plan update. Piercy spoke to various details of UGA arrangements. Further discussion ensued. Piercy stated that the UGA Boundaries and Comprehensive Plan update are in a parallel process with the annual update and the 10 year update cycles.

V. Chairman’s Report.

Stated that the next meeting will be held in Ellensburg, June 28, 2006 in the Commissioner's Auditorium.

With no additional business to conduct Porter moved to adjourn the meeting. The motion carried and the meeting adjourned at 7:58 p.m.

Susan Barret, Clerk of the Board.
Amendments 06-05 and 06-06

Item one for the 06-05 Application the box checked is “Comp Plan Text Amendment” while in Item four “For Text Amendment”, the applicant’s agent states that this request is for a map amendment not a text amendment.

Also, what is the current Land Use Designation of Parcel 18-18-28000-001? The current land use map on the county web site says it is Rural as does the parcel map provided by the Applicant’s agent. If it is already Rural why is it included in this Comp Plan Amendment to be changed to Rural? The current zoning for this parcel is Ag-20 not Comm. Ag 20 which is also a discrepancy in the requested action.

The following comments pertain to both amendments:

Item 5A: The land does meet the requirements for inclusion as Commercial Agricultural land that is why it is classified as such. The properties are served with senior water by the Ellensburg Water District. The soil type of parcel 18-18-28000-0001 is Neck-Opnish Complex, 0 to 2 percent slope which is Prime Farmland if irrigated. It seems the applicant omitted this information in the application because it strongly supports the contention that this is rightly Commercial Agriculture lands. The applicant provides no soil maps to determine the presence of prime farmland on adjacent parcel 18-18-21040-0001. This area was designated as Commercial Agriculture prior to the 2001 identification Commercial Agriculture lands by the EWGHB, so the county had strong reasons to initially designate it as such, not just to meet the mandate.

Item 5B: The orderly development called for and encouraged by Countywide Planning Policies should be accomplished by an orderly evaluation of the Commercial Agriculture lands in this area and how this land use designation, as it now exists, will compliment future expansion of the Ellensburg UGA by limiting parcel size to 20 acre minimum. It is becoming difficult to incorporate smaller rural three and five acre parcels into the UGA and eventually provide urban services and infilling due the haphazard placing of dwellings on the parcels which make eventual integration into the City line its difficult or impossible.

Amendment 06-13 will be heard before the commission shortly. This proposes the inclusion of 304 acres of Rural lands immediately south of these two amendments into the Ellensburg UGA. If 06-13 is eventually approved, the adjacent lands to the north should remain as Commercial Agriculture, as mention previously, for a more orderly development in this area keeping in mind the future growth needs of Ellensburg and the UGA and greater ability to integrate 20 acre parcels than three and five lots.

Amendment 06-17 also will be heard in these hearings and involves the conversion of adjacent Commercial Agriculture lands due east to Rural Lands.
Finally, these two amendments 06-05 and 06-06 along with amendments 06-13 and 06-17 should not be considered in the 2006 Comp Plan Amendment process but postponed until the Comp Plan has been updated and they can be reconsidered in 2007. Combined these amendments represent changes to 434 acres and these changes and impacts should be looked at globally not piece-meal with no consideration of the whole general area.

Paula Thompson, Chairwoman
Kittitas County Conservation
PO Box 23
Thorp, WA 98946
MEMORANDUM AND MATERIALS
IN SUPPORT OF COMPREHENSIVE
PLAN 2006 DOCKET REQUEST
FILE NO. 06-06
Chapter 1 of the Kittitas County Comprehensive Plan provides for an amendment process to the Kittitas County Comprehensive Plan. The first section of Chapter 1 provides the Kittitas County Comprehensive Plan shall be subject to continuing evaluation and review by Kittitas County. Chapter 1 also provides that any interested person may suggest amendments to the Kittitas County Comprehensive Plan.

The reason Kittitas County’s Comprehensive Plan requires the continuing review is that land use in Kittitas County and elsewhere is fluid because of continuing change in not only patterns of land use, attitudes towards land use, and increases in population that change the need for certain types of land classifications.

Kittitas County’s Comprehensive Plan also provides a definition of certain types of land. Specifically, the Kittitas County Comprehensive Plan Section 2.3(C) deals with the resource lands of the County. Agricultural lands of long term commercial significance designated in the Kittitas County Comprehensive Plan were designated based upon certain criteria. Those criteria are set forth in Section 2.3(C) of the Kittitas County Comprehensive Plan. Specifically, those are:

- The current zoning and parcel sizes of the area
- The availability of adequate and dependable water supply
- The soil types (prime, unique, local and statewide of the area)
- The criteria contained in WAC 365-190-050.

WAC 365-190-050 provides additional factors that should be considered in classifying agricultural lands of long term commercial significance. Those criteria are:
• The availability of public facilities

• Tax status

• The availability of public services

• Relationship or proximity to urban growth areas

• Predominate parcel size

• Land use settlement patterns and their compatibility with agricultural practices

• Intensity of nearby land uses

• History of land development permits issued nearby

• Land values under alternative uses,

• Proximity of markets.

In reading WAC 365-190-050 and Section 2.3(C) of the Kittitas County Comprehensive Plan the criteria that should be considered in classifying commercial agricultural lands of long term commercial significance becomes clear.

In reviewing the criteria and applying the criteria to the Sinclair request, it is the Sinclair’s position that the criteria when applied to their respective properties do not support this continued designation of this land as commercial agricultural land of long term commercial significance.

The Sinclair’s position is based upon the following points:

1. The Kittitas County Comprehensive Plan suggests that Kittitas County in originally designating commercial agricultural land of long term commercial significance was able to identify “large, contiguous areas containing parcels which met the review criteria”. That does not appear to be the case with respect to Sinclair’s property. A portion of Arthur Sinclair’s property is in the rural designation even though it is identical
to and immediately contiguous in part of the remainder of the property. What appears to
have occurred is an arbitrary line was drawn on a section line. It is even more telling
with respect to Basil Sinclair’s property because his property is only 10 acres in size and
irregular shaped. Basil Sinclair’s property is not of a size that suggests that it should be
commercial agricultural land. In addition, as is clear from the Sinclair’s written
testimony they had no notice, no knowledge, and were not aware that portions of their
property were designated as rural and portions of their property were designated as
commercial agricultural land of long term commercial significance.

2. A review of the Comprehensive Plan Maps and Zoning Maps attached
suggest the Sinclair’s property is located in an area where there are a number of
competing land uses which meet. The portion of the Sinclair’s property that is designated
as commercial agricultural land of long term commercial significance appears to be part
of a number of parcels that were designated as commercial agricultural land of long term
commercial significance, but are effectively an island surrounded by rural comprehensive
plan designation and surrounded by at least three different types of zoning. Their
property adjoins suburban land uses and AG-20 land uses and is in the immediate vicinity
of AG-3 land uses. Additionally, reviewing the parcel map shows that there are a number
of small parcels in the area that have been created. Even though the property currently is
designated as commercial agricultural land, it is not characterized by large contiguous
tracts of land. It is in effect an island of commercial agricultural designation in an area
that is clearly designated and used for rural residential purposes. The Sinclair’s property
is also within one quarter mile from the City of Ellensburg’s Urban Growth Area and
more intensive urban land uses in the City of Ellensburg.
3. The criteria in WAC 365-190-050, suggests the Sinclair’s property should not be designated as commercial agricultural land of long term significance and instead should be designated as rural lands. The predominant parcel size in the area is smaller parcels. The land use settlement patterns and the compatibility with agricultural practices suggest that the City of Ellensburg is moving towards this property. As more rural residential homes are built and the area becomes more of a rural residential community and less of an area where commercial agricultural activities over land use practices will conflict with the suburban and urban uses in the area.

4. Most telling is the Sinclair’s immediate neighbor was a farm that was operated as an agricultural operation. That property was recently sold and the sale price was approximately $21,000 per acre. WAC 365-190-050 indicates that County is required to look at land values and alternative uses. Here you have a situation where one individual sells his agricultural property for $21,000 an acre, yet the Sinclairs are unable to even lease the property out to an agricultural producer to make a dollar amount that will enable them to continue to make land payments on the property. Clearly the Sinclair’s land is worth significantly more under rural uses as opposed to commercial agricultural uses.

5. In addition, the Sinclair parcels are small when compared to large farms and not conductive to large agricultural operations. Mr. Sinclair has indicated that he has not been able to lease the property because economically he is unable to lease it and still continue to develop an economic return to make the payments on the land.

6. When you consider the land use patterns in the area, this land would be better designated as rural land which would then provide the appropriate buffer between
the more intensive uses of suburban and urban residential uses that are occurring in the Ellensburg Urban Growth Area and the immediate vicinity. It makes no sense to have a tract of commercial agricultural land sandwiched in between established rural land uses.

These factors, coupled with the statistical data submitted which indicates agricultural production in Kittitas County has been decreasing over time suggests that this property would be better suited as rural land. The Kittitas County Conference of Governors adopted the high population numbers in 2005. In April of 2006, the City of Ellensburg adopted a 45% growth number. According to the estimated 20 year growth period, it is projected that the City of Ellensburg’s population will increase to approximately 23,000. Designated as rural, this property would be able to meet increased housing needs that Kittitas County has recognized will occur when it adopted the high end of the population projections. By having this property available to meet those rural residential needs, there is less development pressure on other resource lands within Kittitas County. Good planning also dictates that future rural land inventory be concentrated around existing areas of more intensive development. The Sinclair’s property given its proximity to the Ellensburg Urban Growth Area and more intensive land uses immediately adjacent to it is ideally suited to be changed to a rural land use designation.

Existing urban services (water and sewer) have already been extended to the general vicinity of the area and logically can be extended to this property. Kittitas County also extended Bowers Road from the airport to Reecer Creek Road which is close to this property. This new road will increase and change the traffic flow and development patterns in the area. One of the reasons Bowers Road was extended, was
specifically to encourage development in and around the vicinity of the airport. The Sinclair's property is also within the immediate vicinity of the Iron Horse State Park, a designated statewide recreational area managed by the Washington State Department of Parks and Recreation. The Iron Horse State Park use continues to increase. It is now used by bicyclists, joggers, hikers, and for equestrian uses. The location of the property near these types of uses creates a situation where there are a number of recreational users coming into contact with commercial agricultural uses in the area.

In summary, Sinclair's position is that their property, when considering all of the criteria established by the Kittitas County Comprehensive Plan and by considering the criteria established in WAC 365-190-050, does not support a designation of commercial agricultural lands of long term commercial significance. Instead, the property should be designated as rural.
DECLARATION OF BASIL SINCLAIR

My name is Basil Sinclair and I am over the age of 18. I am competent to testify herein and I testify herein based upon my own information and belief.

My wife and I acquired the 10 acres we currently reside on in 1970, along with the property that my son Arthur Sinclair now owns and additional property. Between 1970 and 1978, we owned slightly over 200 acres. Even owning 200 acres we were unable to make a living farming the 200 acres and I was forced to have a job off the farm at the same time I tried to farm the property. Ultimately, it became economically unviable for me to farm the property and I attempted to lease the property out for a short time in the mid 1970’s. In 1978, I sold 120 acres of the original 200 acres. Between the sale in 1978 of the 120 acres and 1994 when I sold the bulk of my land to my son Art in addition to working on the farm worked a job off the farm in order to pay bills. Since 1994 when I sold the property to my son Arthur, my wife and I have lived on 10 acres. This 10 acres is currently designated as commercial agricultural land. However, as you can see by the information I have submitted, it is an odd shaped piece of property and is only 10 acres in size. It is incapable of raising crops by any means other than sprinkler irrigation and given the size and the cost of raising crops on the property, it is not a parcel of property that is economically viable to lease to a larger farmer. Most larger farmers in the area are looking for property that is significantly larger than 10 acres.
In the mid 1990’s, I was not informed that my property was going into commercial agriculture. I recall it being a voluntary program. I assumed because I did not volunteer my property I did not go into commercial agriculture.

I have also reviewed my son Art Sinclair’s Declaration and believe the statements in that Declaration are accurate.

I hereby certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Ellensburg, Washington this 18 day of August, 2006.

Basil Sinclair
DECLARATION OF ARTHUR SINCLAIR

My name is Arthur Sinclair and I am over the age of 18. I am competent to testify herein and I testify herein based upon my own information and belief.

I acquired the property I own in 1994. The property I own is described in the county records as Kittitas County Tax Parcel No. 18-18-21040-0001 and 18-18-28000-0001. Parcel No. 18-18-21040-0001 currently has a Comprehensive Plan designation as commercial agriculture and a zoning designation as commercial agriculture. It is 62.68 acres. I own a contiguous parcel of property which is 3 acres in size. That parcel of property contains a Rural Comprehensive Plan designation and is currently zoned AG-20. There is no dividing line on the property which designates one piece of property from the other. I acquired this property in 1994 from my father, Basil Sinclair. My father acquired this property in 1970. He originally owned approximately 200 acres and what he sold to me, except for the 10 acres he retained, is all of the agricultural land he had in 1994.

I was not informed that the property was designated as commercial agriculture in 1995 and 1996, when it was designated. When I bought the property it was AG-20. I was under the impression that it was still zoned AG-20 as opposed to being designated as Commercial Agriculture property of long term significance and zoned as Commercial Agriculture. I never signed anything authorizing the Comprehensive Plan designation of Commercial Agriculture. I never requested it and it is my personal opinion that it was
imposed upon me by the County, without consultation with me, and certainly without explanation of the impacts on my use of the property.

In 1994, when my wife and I bought the property, we had jobs in town. After buying the property we continued to maintain those jobs and have maintained those jobs ever since. We have never been able to economically produce crops on the property that would sustain our family being completely dependent upon agriculture. Over the years I have contemplated leasing the property out. However, given prevailing market lease rates in Kittitas County, if I were to lease the property at the prevailing lease rates for agriculture land I would not be able to make our payment on the land. This is very similar to the experience my father has gone through since 1970. Even then, owning 200 acres, he was not able to make a living from farming and was forced to work off the farm at the same time he operated the farm in order to make a living.

In addition, the size of our property and the configuration of our property is not conducive to easy farming. That makes it difficult to lease to another farmer in the area if one showed an interest. Because of the size of our property we do not have the ability to buy equipment with which to economically farm the property.

The character of the neighborhood has changed significantly since 1970 and certainly since 1994. We are only several thousand feet from the City of Ellensburg’s Urban Growth Area. We border land that is zoned as Suburban. The Town of Ellensburg has continued to move north and west towards our property. Our immediate neighbor to the south who had a large agricultural operation recently sold his farm for approximately $21,000 per acre. In checking with realtors, agriculture property does not sell for anywhere near that price.
We have no plans to sell the property, but we are also mindful of our future and the difficulties we have had operating the property as a going agricultural concern in the past. It is also apparent to me that the agricultural economy in this county is not the same as it was in 1994, and certainly not the same as it was in 1970. Attached as additional evidence is a packet of information that we are providing in support of our Comprehensive Plan request are certain agricultural statistics generated as a result of census data which show that overall, the Kittitas County agricultural economy is decreasing and that, coupled with the increase in the market value of land, decreases the return on our investment to the point that the property is not economically viable to use for agricultural purposes.

Though our property does receive irrigation water from the Ellensburg Water Company, we have suffered through several droughts over the last 10 years, all of which have negatively impacted our property.

The soils on our property are not, when compared to other soils in Kittitas County, what I would consider prime farm soil. We have a number of areas of our property which are very rocky, making them more difficult to farm. The property owned by my father is incapable of being irrigated with anything but sprinkler irrigation which further drives up the cost of producing agricultural crops on our property. My property is irrigated with a combination of sprinkler and rill irrigation. Given the low economic return from agricultural use of my property, it makes it impossible to justify the cost installing sprinklers on all of my property.
I hereby certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.


Arthur Sinclair
COMPREHENSIVE PLAN AMENDMENT DOCKETING FORM

I. CHECK THE APPROPRIATE BOXES

COMP PLAN MAP [X] COMP PLAN TEXT [ ]

NOTICE: If the amendment you are applying for is within an URBAN GROWTH AREA or you are proposing a UGA expansion of the Ellensburg, Cle Elum, or Roslyn UGA you are required to docket your item with that City as well. You must contact the appropriate City for filing deadlines, fees, application, and costs.

II. GENERAL INFORMATION

A. APPLICANT'S NAME: Basil L. Sinclair
   MAILING ADDRESS: 2910 Faust Road
                      Ellensburg, Wa 98926
   E-MAIL ADDRESS: 
   BUSINESS PHONE: _____________________ HOME PHONE: _____________________

B. AGENT'S NAME: Jeff Slothower
   MAILING ADDRESS: PO Box 1088
                      Ellensburg, Wa 98926
   E-MAIL ADDRESS: jslothower@iwshd.com
   BUSINESS PHONE: 509-925-6916

III. FOR MAP AMENDMENTS

A. TAX PARCEL NUMBER(S): 10167 (18-18-21040-0006)
   ACREAGE: 10.2
   SITE ADDRESS: 2910 Faust Road
   OWNER(S): Basil L. Sinclair
   MAILING ADDRESS: 2910 Faust Road
                     Ellensburg, Wa 98926
   HOME PHONE: _____________________

(Additional sheets may be attached if more then one parcel is involved)

RECEIVED
JUN 27 2006
Kittitas County

411 N. Ruby St., Suite 2, Ellensburg, WA 98926 Phone (509) 962-7506 Fax (509) 962-7682
Kittitas County
Community Development Services
Darryl Piercy, Director

B. EXISTING COMPREHENSIVE PLAN DESIGNATION:
   Commercial agricultural lands of long term commercial significance

C. EXISTING ZONING:
   Commercial Agriculture

D. PROPOSED COMPREHENSIVE PLAN DESIGNATION:
   Rural

E. PROPOSED ZONING DESIGNATION:
   Ag 5

F. THE PRESENT USE OF THE PROPERTY IS:
   Agriculture

G. SURROUNDING LAND USE:
   Rural Residential, Agriculture and Suburban Uses

H. SERVICES

Please provide the following information regarding the availability of services.

The site is currently served by sewer _____; septic X (check one)
Sewer purveyor (if on public sewer system): _______________________

The site is currently served by a public water system _____; well X
Water purveyor (if on public water system): _______________________

The site is located on a public road X private road _____ (check one)
Name of road: Faust Road

Fire District #: 2

411 N. Ruby St., Suite 2, Ellensburg, WA 98926 Phone (509) 962-7506 Fax (509) 962-7682
IV. FOR TEXT AMENDMENTS

Identify the sections of the Comprehensive Plan and Zoning Ordinance that you are proposing to change and provide the proposed wording (attach additional pages if necessary).
The request is for a map amendment not a text amendment.

V. FOR ALL AMENDMENTS

A. Why is the amendment needed and being proposed?
   Property does not meet the definition of Agricultural land of long term commercial significance under RCW 36.70A.030(2).

B. How does the proposed amendment consistent with the County-Wide Planning Policies for Kittitas County?
   The county wide planning policies do not specifically address a map amendment of this type. The Policies do call for and encourage orderly development. This will enhance orderly development.

C. How is the proposed amendment consistent with the Kittitas County Comprehensive Plan?
   Section 2.3(c) specified the criteria for identifying Ag lands of long term commercial significance. The criteria when applied to this property no longer support this property by designated as Ag lands of long term commercial significance.

D. How have conditions changed that warrant a comprehensive plan amendment?
   Rural/Urban development associated with Ellensburg abuts or is very near this property.
   The property size is too small to a viable commercial agricultural operation. WAC 365-190-050(1)(d), (e), (f), (g), (h) and (i) support changing the designation of this property from Ag lands of Long term significance to Rural. Also see more on back.
VI. SUPPORTING INFORMATION (ATTACH THE FOLLOWING)

A. SITE PLAN OF THE PROPERTY WITH THE FOLLOWING FEATURES: buildings; points of access, ABUTTING roads, and parking areas; septic tank and drainfield and replacement area. Tax parcel map attached. Additional information will be submitted prior to or at the public hearing on this proposed map amendment.

B. Application is hereby made for A COMPREHENSIVE PLAN AMENDMENT 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.

Signature of Authorized Agent 6/27/06

Signature of Land Owner of Record (required for application submittal) Date

Revised 07/06/05

411 N. Ruby St., Suite 2, Ellensburg, WA 98926 Phone (509) 962-7506 Fax (509) 962-7682
Property Summary (Appraisal Details)

Parcel Information

- **Parcel Number:** 10167
- **Map Number:** 18-18-21040-0006
- **Situs:** 02910 \ FAUST RD ELLensburg
- **Legal:** ACRES 10.02, CD. 8643-2, SEC. 21; TWP. 18; RGE. 18; PTN. SW1/4 SE1/4 SLY OF TOWN DITCH (PARCEL A SURVEY #577564 B20/F189)

Ownership Information

- **Current Owner:** SINCLAIR, BASIL L.
- **Address:** 2910 FAUST ROAD
- **City, State:** ELLensburg WA
- **Zipcode:** 98926

Assessment Data

- **Tax District:** 22
- **Open Space:** YES
- **Open Space Date:** 1/1/1978
- **Senior Exemption:**
- **Deeded Acres:** 10.02
- **Last Revaluation for Tax Year:**

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<th>Taxable Value</th>
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Sales History

NO SALES HISTORY RECORDS FOUND!

Building Permits

- **Permit No.:** 94-10065
- **Date:** 10/21/1994
- **Description:** RESOB
- **Amount:** 40,572

5 Year Valuation Information

- **2006 SINCLAIR, BASIL L:**
  - Land: 44,280
  - Impr.: 161,150
  - Perm Crop Value: 0
  - Total: 205,430
  - Exempt: 205,430
  - Taxable: 205,430
  - Taxes: View Taxes
- **2005 SINCLAIR, BASIL L:**
  - Land: 36,100
  - Impr.: 145,670
  - Perm Crop Value: 0
  - Total: 181,770
  - Exempt: 181,770
  - Taxable: 181,770
  - Taxes: View Taxes
- **2004 SINCLAIR, BASIL L:**
  - Land: 36,100
  - Impr.: 145,670
  - Perm Crop Value: 0
  - Total: 181,770
  - Exempt: 181,770
  - Taxable: 181,770
  - Taxes: View Taxes
- **2003 SINCLAIR, BASIL L:**
  - Land: 36,100
  - Impr.: 145,670
  - Perm Crop Value: 0
  - Total: 181,770
  - Exempt: 181,770
  - Taxable: 181,770
  - Taxes: View Taxes
- **2002 SINCLAIR, BASIL L:**
  - Land: 36,100
  - Impr.: 145,670
  - Perm Crop Value: 0
  - Total: 181,770
  - Exempt: 181,770
  - Taxable: 181,770
  - Taxes: View Taxes
- **2001 SINCLAIR, BASIL L:**
  - Land: 23,660
  - Impr.: 132,450
  - Perm Crop Value: 0
  - Total: 156,110
  - Exempt: 156,110
  - Taxable: 156,110
  - Taxes: View Taxes

Parcel Comments

NO PARCEL COMMENTS FOR THIS RECORD!
Kittitas County Treasurer

205 W 5th Ave Suite 102
Ellensburg, WA 98926
Phone: (509)962-7535
Fax: (509)933-8212

Parcel Information

Parcel Number: 10167
Map Number: 18-18-21040-0006
Situs: 02910 \ FAUST RD ELLensburg
Legal: ACRES 10.02, CD. 8643-2; SEC. 21; TWP. 18;
RGE. 18; PTN. SW1/4 SE1/4 SLY OF TOWN
DITCH (PARCEL A SURVEY #577564 B20/P189)

Ownership Information

Current Owner: SINCLAIR, BASIL L.
Address: 2910 FAUST ROAD
City, State: ELLensburg WA
Zipcode: 98926

Current Tax Year 2006

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<th>Misc Amnts</th>
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Current Tax Year Interest as of 8/16/2006

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Prior Tax Years Interest as of 8/16/2006
NO INFORMATION FOUND FOR THIS PARCEL

Filedate: 8/15/2006 5:04:48 PM

http://www.co.kittitas.wa.us/taxiftpublic/t_treasurer.asp?pid=10167
Legend

Land Use

Agricultural
- AGRICULTURAL

Commercial
- COMMERCIAL
- COMMERCIAL FOREST

Industrial
- INDUSTRIAL

Miscellaneous
- FOREST MULTIPLE USE
- MOUNTAIN STAR SUBAREA
- PUBLIC RECREATION
- RURAL
- UNCLASSIFIED

Residential
- RURAL RESIDENTIAL
- URBAN RESIDENTIAL
GPO 2.109G Kittitas County will consider creating a wildfire protection policy tied to land use zoning that will protect both the private landowner and public lands from wildfire. When the use of forested lands is changed, the party doing the changing is responsible for providing a fire resistant buffer around the property.

GPO 2.109H Kittitas County will to the extent possible create a policy to preserve the grandfathered rights of private landowners to build roads on public lands under statute RS 2477.

GPO 2.109I Kittitas County will consider establishing a board to coordinate with the federal and state fish and wildlife agencies to provide local input into decisions about wildlife introduced into the area.

GPO 2.109J All agencies and jurisdictions shall recognize the area's traditions, customs, cultures and economy.

GPO 2.109K Kittitas County recognizes that local tax burden on private lands is increased when private land is changed to public ownership. Such changes should be discouraged.

2.3(C) Resource Lands

Commercial Agriculture Land Use

The purpose and intent of this designation is to comply with the requirements of the Growth Management Act [RCW 36.70A.060]. The county has considered the Minimum Guidelines [WAC 365-190] in the classification, designation and conservation of commercial agricultural lands in Kittitas County. It is the county's intent to meet these requirements by establishing a Commercial Agricultural designation. Based on the review criteria established by Kittitas County, land located in the Commercial Agricultural Zone [CAZ] has been formally designated as Agricultural Lands of Long-term Commercial Significance.

Agricultural lands of long-term commercial significance have been identified by considering the following criteria:

- The current zoning and parcel sizes of the area.
- The availability of an adequate and dependable water supply.
- The soil types (prime, unique, local, and statewide) of the area.
- The criteria contained under WAC 365-190-050.

Upon review of these considerations, Kittitas County determined that there were two different categories of land appropriate for designation: irrigated crop lands and non-irrigated grazing lands. Irrigated croplands identified for designation were lands located within the Agricultural 20 zone, within an irrigation district, consisting primarily of prime or unique soils, and complied with the other criteria under the GMA. Non-irrigated grazing lands were lands that lacked adequate water for crop growing purposes, but have a capacity for and historic use for grazing, and are lands that are predominately a section of land in size with contiguous blocks of ownership of those lots.
Kittitas County was able to identify large, contiguous areas containing parcels which met the review criteria. Kittitas County then reviewed the areas, which were consistent with the review criteria, taking into consideration topography and natural designation boundaries. The lands designated as agricultural lands of long-term commercial significance depict the final review of all the factors considered for designation.

GPO 2.110  Oppose laws and regulations which restrict agriculture, and support laws and regulations which enhance agriculture.

GPO 2.111  Continue and expand support for right-to-farm ordinances.

GPO 2.112  Develop and distribute “Rural Landowners Rights and Responsibilities” handout and require signature of having read it for any permits issued to non-farmers in agricultural areas.

GPO 2.113  Support efforts to see that all lands receive their full allocation of water.

GPO 2.114  Look at solutions to the problems of needing to sell house lots without selling farm ground.

GPO 2.114A  Agricultural activities within areas designated as Commercial Agriculture shall take precedent over recovery activities targeted for the recovery of threatened and endangered species.

GPO 2.114B  Economically productive farming should be promoted and protected. Commercial agricultural lands includes those lands that have the high probability of an adequate and dependable water supply, are economically productive, and meet the definition of “Prime Farmland” as defined under 7 CFR Chapter VI Part 657.5.

For the purpose of this chapter, “Adequate and dependable water supply” means enough water as outlined in those engineering reports available on most commercial farmlands in the Kittitas Valley, from Adjudication records (i.e. Aquavela et al) that detail the water duty necessary for each parcel to remain viable as commercial agricultural lands.

For the purpose of this chapter, “Economically productive” means the ability to provide and continue to provide sufficient return on investment to allow present and future farmers to continue using the designated commercial agricultural land. This would include but not be limited to being economically realistic as ag lands with respect to land value, property taxes, market conditions, water costs and other economic factors.

GPO 2.115  Oppose special taxing districts associated with urban growth on agricultural land.

GPO 2.116  Support an information campaign to educate our non-farm populace on agricultural activities.

GPO 2.117  Encourage non-farmers in agricultural areas to meet farm performance standards.
GPO 2.118 Encourage development projects whose outcome will be the significant conservation of farmlands.

GPO 2.119 Oppose public trail systems in farming areas, and any other public use in currently active utility corridors in agricultural areas and enforce all trespass laws.

GPO 2.120 Set road standards in agricultural areas which discourage non-farm use and do not present problems to agricultural users.

GPO 2.121 Cooperate in sound voluntary farm conservation or preservation plans (i.e., be recipients and overseers for conservation easements and/or assist with transferable development rights programs).

GPO 2.122 Look into additional tax incentives to retain productive agricultural lands.

GPO 2.123 Value agricultural lands for tax purposes at their current agricultural land use.

GPO 2.124 Create a growth management agricultural advisory council comprised only of agriculture producers to review and make recommendations to the Board of County Commissioners on at least an annual basis over the coming 20 years on:
   a. the status of agriculture in Kittitas County, and
   b. county agriculture policies and regulations.

GPO 2.125 If any lands are reclassified out of the Commercial Agricultural designation, then the land reverts to the Agricultural designation.

_Incentives for Commercial Agriculture Land Use_

It is the policy of Kittitas County to encourage and support agricultural uses of lands within the Commercial Agricultural designation. The county will continue to explore additional incentives for conserving both rural and resource lands. These incentives may be developed through the Kittitas County Comprehensive Plan and subsequent implementation mechanisms.

GPO 2.126 Where appropriate, Kittitas County will exert its influence to help provide the delivery of water to all lands within the county whether the deliveries are through Bureau of Reclamation, Districts, or private facilities; other government agency action impairing water rights or delivery.

GPO 2.127 Irrigation delivery facilities shall be managed and maintained by adjacent landowners to facilitate the unimpeded delivery of waters to agricultural lands in Kittitas County. No existing contractual agreement pursuant to any water system shall be impaired by this ordinance.
GPO 2.128  To the extent possible the Board of County Commissioners shall promote processing facilities for the products produced upon those lands designated as Commercial Agricultural under this Chapter.

GPO 2.129  In determining the current use value of open space land, the County Assessor shall consider only the use to which such property and improvements is currently applied and shall not consider potential uses of such property. In determining the current use value of farm and agricultural land the County Assessor shall consider the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years.

Commercial Forest Land Use

Commercial forestland claims approximately half of the Kittitas county land area. A checkerboard pattern of land ownerships characterizes the County forests separating private and public sectors. Public ownership accounts for approximately sixty percent of forestland in Kittitas County. A great majority of private forestland is owned corporately by Boise Cascade and by Plum Creek.

Forestlands represent a vital portion of the County economic base providing employment and income in resource management, harvesting, fishing, hunting and recreation. The purpose of this section and classification is to focus on the importance of sustaining forest productivity and associated forest values including watershed, wildlife, mining and recreation.

Major concerns in Kittitas County forest lands are the rate of timber harvest, the long term consequences such harvesting has on a sustaining forest economy, and that amount of conversion to non-forestry land uses following the harvest. A related issue is the amount of clear cutting occurring on public and private lands and the potential environmental impacts on water quality and quantity, flooding and soil stability, as well as aesthetic considerations. In addition, the continued subdivision of commercial forestlands for residential and other purposes represents a potential threat to the natural resource land base and creates conflicts for forestry, wildlife and watershed management.

To address the concerns identified above, this designation is applied to those lands which have long-term significance for the commercial production of timber. The designation recognizes that some other land uses and activities which do not conflict with long-term forest management are necessary and/or appropriate on commercial forest lands. Commercial forest lands have been identified by: parcel size; current lands use; tax status as classified forest land, designated forest lands, or forest open space; the availability of public services and facilities; land uses and long-term commercial significance; history of land use permits issued nearby; feasibility of alternative uses; long-term economic and technological conditions which affect the ability to manage forest lands for long-term commercial production; and soil productivity, geology, topography and other physical characteristics conducive to growing merchantable crops of timber within conventional rotation periods and under traditional and accepted forest practices.
RCW 36.70A.060. Natural resource lands and critical areas--Development regulations

(1)(a) Except as provided in RCW 36.70A.1701, each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.040. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

(b) Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

[2005 c 423 § 3, eff. May 12, 2005; 1998 c 286 § 5; 1991 sp.s. c 32 § 21; 1990 1st ex.s. c 17 § 6.]
365-190-050. Agricultural lands.

(1) In classifying agricultural lands of long-term significance for the production of food or other agricultural products, counties and cities shall use the land-capability classification system of the United States Department of Agriculture Soil Conservation Service as defined in Agriculture Handbook No. 210. These eight classes are incorporated by the United States Department of Agriculture into map units described in published soil surveys. These categories incorporate consideration of the growing capacity, productivity and soil composition of the land. Counties and cities shall also consider the combined effects of proximity to population areas and the possibility of more intense uses of the land as indicated by:

(a) The availability of public facilities;

(b) Tax status;

(c) The availability of public services;

(d) Relationship or proximity to urban growth areas;

(e) Predominant parcel size;

(f) Land use settlement patterns and their compatibility with agricultural practices;

(g) Intensity of nearby land uses;

(h) History of land development permits issued nearby;

(i) Land values under alternative uses; and

(j) Proximity of markets.

(2) In defining categories of agricultural lands of long-term commercial significance for agricultural production, counties and cities should consider using the classification of prime and unique farmland soils as mapped by the Soil Conservation Service. If a county or city chooses to not use these categories, the rationale for that decision must be included in its next annual report to department of community development.

(3) Counties and cities may further classify additional agricultural lands of local importance. Classifying additional agricultural lands of local importance should include consultation with the board of the local conservation district and the local agriculture stabilization and conservation service committee.

These additional lands may also include bogs used to grow cranberries. Where these lands are also designated critical areas, counties and cities planning under the act must weigh the compatibility of adjacent land uses and development with the continuing need to protect the functions and values of critical areas and ecosystems.

Statutory Authority: RCW 36.70A.050, 91-07-041, 365-190-050, filed 3/15/91, effective 4/15/91.
Trends indicate that Ellensburg’s population will continue to increase over the 20-year planning period and to increase at a sustained rate exceeding 2% per year. Kittitas County, with development of “Suncadia” and the increasing popularity of the upper county, will also likely experience rapid and sustained population growth. Ellensburg anticipates that OPM’s High Series will be the most accurate picture of population growth in Kittitas County, and that Ellensburg will continue to have 45% of the county’s residents. For this reason, this comprehensive plan is designed for a population of approximately 23,000.

The plan proposes four different land use scenarios, each of which can accommodate the forecast population of 23,000 within the urban growth area. Table 2.x illustrates that, if developed to their mean densities, the proposed land use designations more than fit 23,000 residents within Ellensburg’s UGA.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Scenario One</th>
<th>Scenario Two</th>
<th>Scenario Three</th>
<th>Scenario Four</th>
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<tr>
<td></td>
<td>Acres</td>
<td>Mean Density</td>
<td>Units</td>
<td>Pop/Unit</td>
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<td>High Density Residential</td>
<td>227.28</td>
<td>12 du/ac</td>
<td>2,727</td>
<td>2.14</td>
</tr>
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<td>Low Density Residential</td>
<td>3580.73</td>
<td>4 du/ac</td>
<td>14,323</td>
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<td>Medium Density Residential</td>
<td>589.95</td>
<td>6 du/ac</td>
<td>3,540</td>
<td>2.25</td>
</tr>
<tr>
<td>Total Population</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Density Residential</td>
<td>227.28</td>
<td>12 du/ac</td>
<td>2,727</td>
<td>2.14</td>
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<td>6 du/ac</td>
<td>3,540</td>
<td>2.25</td>
</tr>
<tr>
<td>Total Population</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
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<td>225.37</td>
<td>12 du/ac</td>
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<tr>
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<td>Total Population</td>
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</table>

Chapter 2 Community Profile – 10
### Effect of proposed formula vs current KCCOG formula

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>2005</td>
<td>2010</td>
<td>2015</td>
<td>2020</td>
<td>2025</td>
</tr>
<tr>
<td>36,759</td>
<td>40,545</td>
<td>44,806</td>
<td>48,794</td>
<td>52,810</td>
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</table>

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Population Allocation</th>
<th>KCCOG Formula</th>
<th>#</th>
<th>Proposed formula</th>
<th>#</th>
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<tr>
<td>Roslyn/UGA</td>
<td></td>
<td>1.0%</td>
<td>528</td>
<td>3%</td>
<td>1584</td>
</tr>
<tr>
<td>So. Cle Elum/UGA</td>
<td></td>
<td>1.5%</td>
<td>792</td>
<td>1.5%</td>
<td>792</td>
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<tr>
<td>Kittitas/UGA</td>
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<td>2.5%</td>
<td>1,320</td>
<td>3.0%</td>
<td>1584</td>
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<tr>
<td>CleElum/UGA</td>
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<td>19.0%</td>
<td>10,034</td>
<td>19%</td>
<td>10,034</td>
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<tr>
<td>Ellensburg/UGA</td>
<td></td>
<td>35.0%</td>
<td>18,483</td>
<td>45%</td>
<td>23,764</td>
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</table>

**Kittitas County:**

<table>
<thead>
<tr>
<th>Urban Growth Nodes</th>
<th>County*</th>
<th>KCCOG Formula</th>
<th>#</th>
<th>Proposed formula</th>
<th>#</th>
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</thead>
<tbody>
<tr>
<td>Urban Growth Nodes</td>
<td></td>
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<td>7,921</td>
<td>10%</td>
<td>5,281</td>
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<tr>
<td>County*</td>
<td></td>
<td>26.0%</td>
<td>13,732</td>
<td>18.5%</td>
<td>9,771</td>
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</table>

100.0% 52,810 100% 52,810

* On October 26, 2005, the Conference of Governments (COG) requested planning jurisdictions to develop a new formula to reflect a more accurate formula based on recent estimates for 2005.
SPECIAL MEETING AGENDA
Wednesday, JUNE 28, 2006 - 7:00 P.M.

I. Call to Order and Introduction of KCCOG members.

II. Correspondence

III. Minutes - April 26, 2006

IV. New Business

A. FY 2007 SALES & USE TAX PUBLIC FACILITIES APPLICATIONS
   1. staff presentation(s)
   2. public testimony
   3. discussion and deliberation
   4. motion

B. LAW & JUSTICE SALES TAX DISCUSSION

IV. Chairman's Report.
Meeting Minutes – April 26, 2006

Those Present: Chair City of Ellensburg Ed Barry, City of Roslyn Jeri Porter, Kittitas County David Bowen, Town of South Cle Elum Jim DeVere, City of Cle Elum Charles Gondo and Kittitas County Jerry Pettit.

Also Present: Director of Community Development Services Darryl Piercy, City of Cle Elum Gregg Hall, City of Roslyn Jennifer Horwitz, TerraDesign Works Chad Bala, and Clerk of the Board Susan Barret.

I. Call to Order.

With a quorum present, the regular meeting of the Kittitas County Conference of Governments was called to order at 7:01 PM with the introduction of members and staff.

II. Correspondence.

Clerk reports no new correspondence.

III. Minutes

Jim DeVere moved to approve the October 26, 2005 minutes as written. The motion was seconded carried by a unanimous poll of the Board.

IV. New Business

1. Election of Chair and Vice-Chair

Jim DeVere moved to nominate Jerry Pettit for the position of Chair and volunteered himself as Vice-Chair. The motion was seconded. There was no discussion. The motion was carried by a unanimous poll of the Board to accept Jerry Pettit as Chair and Jim DeVere as the Vice-Chair for the 2006 annual term.

2. Urban Growth Areas Population Allocation

The Chair opened the meeting to staff presentation. Director of Community Development Services Darryl Piercy stated that in October 2005 the Conference of Governments requested planning jurisdictions develop a new formula to more accurately reflect recent estimates for 2025. The proposed formula was adjusted downward for Roslyn/UGA to 2.5%; upward for So. Cle Elum/UGA to 2%; upward for Kittitas/UGA to 3%; Cle Elum remained the same at 19%; upward for Ellensburg to
45%; downward for Kittitas County Urban Growth Nodes to 10%; and downward for the County to 18.5%. Piercy stated that this was the best projection based on trends and populations that the cities feel they can handle based on geographical size; density; and capital facilities.

The Chair opened the meeting to public testimony; Jennifer Horwitz asked what the current population is in the Urban Growth Nodes. Piercy responded that the numbers are derived through Census track with an estimation of just under 4,000.

The Chair opened the meeting to discussion and deliberation. Discussion ensued over the potential annexations affect on populations over time; how the UGN populations are allocated; the impact of capital facilities on growth; potential for Ronald’s future services to be independent of Roslyn; and the diversity between UGA and UGN for future planning; and new alternatives in water reclamation.

David Bowen moved to adopt the amended formula for Roslyn/UGA to 2.5% and South Cle Elum/UGA 2% in the population allocation. The motion was seconded carried by a unanimous poll of the Board.


David Bowen gave an overview of the board formation; representation needs; and time commitment. Discussion ensued and the issue was tabled to the next meeting.

IV. Good of the Order

Ed Barry announced the next meeting will be in June to go over the FY 2007 Sales & Use Tax Public Facilities Applications.

Ed Barry opened the meeting to discussion of Animal Shelter and Control. Barry stated that there is much interest on this topic. Porter stated that there is forward momentum; possible five way combined effort; several ideas were discussed but plans at this point are still nebulous.

David Bowen opened discussion of city’s input in setting UGA’s for the comprehensive plan update. Piercy spoke to various details of UGA arrangements. Further discussion ensued. Piercy stated that the UGA Boundaries and Comprehensive Plan update are in a parallel process with the annual update and the 10 year update cycles.

V. Chairman’s Report.

Stated that the next meeting will be held in Ellensburg, June 28, 2006 in the Commissioner’s Auditorium.

With no additional business to conduct Porter moved to adjourn the meeting. The motion carried and the meeting adjourned at 7:58 p.m.

Susan Barret, Clerk of the Board.
2002 Census of Agriculture
State Profile

Washington

Number of farms

Land in farms

Average size of farm
426 acres in 2002, 393 acres in 1997, up 8 percent.

Market Value of Production
$5,330,740,000 in 2002, $4,947,886,000 in 1997, up 8 percent.
- Crop sales accounted for $3,582,818,000 of the total value in 2002.
- Livestock sales accounted for $1,747,922,000 of the total value in 2002.

Market Value of Production, average per farm

Government Payments
$133,763,000 in 2002, $101,318,000 in 1997, up 32 percent.

Government Payments, average per farm receiving payments
$18,244 in 2002, $15,055 in 1997, up 21 percent.
## Washington County Data - Livestock

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Year</th>
<th>State</th>
<th>County</th>
<th>District</th>
<th>Cattle All</th>
<th>Beef Cows</th>
<th>Milk Cows</th>
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</thead>
<tbody>
<tr>
<td>Cattle &amp; Calves</td>
<td>1986</td>
<td>Washington</td>
<td>Kittitas</td>
<td>20</td>
<td>57,100 head</td>
<td>22,300 head</td>
<td>1,100 head</td>
</tr>
<tr>
<td>Cattle &amp; Calves</td>
<td>1987</td>
<td>Washington</td>
<td>Kittitas</td>
<td>20</td>
<td>50,800 head</td>
<td>21,600 head</td>
<td>1,000 head</td>
</tr>
<tr>
<td>Cattle &amp; Calves</td>
<td>1988</td>
<td>Washington</td>
<td>Kittitas</td>
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<td>19,500 head</td>
<td>1,100 head</td>
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<td>1989</td>
<td>Washington</td>
<td>Kittitas</td>
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<td>20,300 head</td>
<td>1,000 head</td>
</tr>
<tr>
<td>Cattle &amp; Calves</td>
<td>1990</td>
<td>Washington</td>
<td>Kittitas</td>
<td>20</td>
<td>54,000 head</td>
<td>21,100 head</td>
<td>900 head</td>
</tr>
<tr>
<td>Cattle &amp; Calves</td>
<td>1991</td>
<td>Washington</td>
<td>Kittitas</td>
<td>20</td>
<td>56,000 head</td>
<td>22,300 head</td>
<td>1,000 head</td>
</tr>
<tr>
<td>Cattle &amp; Calves</td>
<td>1992</td>
<td>Washington</td>
<td>Kittitas</td>
<td>20</td>
<td>53,000 head</td>
<td>22,600 head</td>
<td>700 head</td>
</tr>
<tr>
<td>Cattle &amp; Calves</td>
<td>1993</td>
<td>Washington</td>
<td>Kittitas</td>
<td>20</td>
<td>55,000 head</td>
<td>22,200 head</td>
<td>800 head</td>
</tr>
<tr>
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<td>Washington</td>
<td>Kittitas</td>
<td>20</td>
<td>55,500 head</td>
<td>23,600 head</td>
<td>1,800 head</td>
</tr>
<tr>
<td>Cattle &amp; Calves</td>
<td>1995</td>
<td>Washington</td>
<td>Kittitas</td>
<td>20</td>
<td>55,000 head</td>
<td>20,900 head</td>
<td>1,700 head</td>
</tr>
<tr>
<td>Cattle &amp; Calves</td>
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<td>Washington</td>
<td>Kittitas</td>
<td>20</td>
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<td>18,200 head</td>
<td>1,400 head</td>
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<td>40,500 head</td>
<td>15,900 head</td>
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<td>38,500 head</td>
<td>16,000 head</td>
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<td>33,500 head</td>
<td>14,500 head</td>
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<td>Washington</td>
<td>Kittitas</td>
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<td>33,000 head</td>
<td>14,300 head</td>
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<td>Washington</td>
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<td>31,500 head</td>
<td>13,300 head</td>
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<td>20</td>
<td>28,500 head</td>
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20 Records displayed

Your request has been processed.
Click the 'Download CSV' Link below to download data retrieved.
Click Header to sort column (currently sorted ascending ↑).

CSV and GIS download options are available at the bottom of the displayed data.

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<th>Data</th>
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<td>53,278</td>
</tr>
<tr>
<td>Washington\Kittitas</td>
<td>Total farm production expenses - Average per farm (dollars, 1997)</td>
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</table>

The following footnotes, headnotes, abbreviations and symbols are used throughout this table:

- Data are based on a sample of farms.
- 1/ Data for 1997 do not include lime and manure.
- 2/ Data for 1997 do not include grazing fees.

2 Records displayed

Your request has been processed.
Click the 'Download CSV' link below to download data retrieved.
Download CSV

Click here for Geographical Information Systems (GIS) version of this output

Click here to find out more about cartographic boundary files and GIS software.

Main Menu  Help
2002 Census of Agriculture
State Profile
United States Department of Agriculture, Washington Agricultural Statistics Service

Washington

Ranked items within U.S., 2002

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>U.S. Rank</th>
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<td>Total value of agricultural products sold</td>
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<td>Value of crops including nursery and greenhouse</td>
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<td>Value of livestock, poultry, and their products</td>
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<td>50</td>
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<tr>
<td>VALUE OF SALES BY COMMODITY GROUP ($1,000)</td>
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<tr>
<td>Grains, oilseeds, dry beans, and dry peas</td>
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<tr>
<td>Tobacco</td>
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<td>-</td>
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<tr>
<td>Cotton and cottonseed</td>
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<td>-</td>
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<td>Vegetables, melons, potatoes and sweet potatoes</td>
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<tr>
<td>Fruits, tree nuts, and berries</td>
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</tr>
<tr>
<td>Nursery, greenhouse, floriculture, and sod</td>
<td>391,930</td>
<td>9</td>
<td>50</td>
</tr>
<tr>
<td>Christmas trees and short rotation woody crops</td>
<td>26,270</td>
<td>5</td>
<td>50</td>
</tr>
<tr>
<td>Other crops and hay</td>
<td>472,622</td>
<td>6</td>
<td>50</td>
</tr>
<tr>
<td>Poultry and eggs</td>
<td>143,962</td>
<td>26</td>
<td>50</td>
</tr>
<tr>
<td>Cattle and calves</td>
<td>709,585</td>
<td>14</td>
<td>50</td>
</tr>
<tr>
<td>Milk and other dairy products from cows</td>
<td>634,908</td>
<td>10</td>
<td>50</td>
</tr>
<tr>
<td>Hogs and pigs</td>
<td>6,803</td>
<td>33</td>
<td>50</td>
</tr>
<tr>
<td>Sheep, goats, and their products</td>
<td>4,902</td>
<td>25</td>
<td>50</td>
</tr>
<tr>
<td>Horses, ponies, mules, burros, and donkeys</td>
<td>18,599</td>
<td>15</td>
<td>50</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>315,130</td>
<td>1</td>
<td>50</td>
</tr>
<tr>
<td>Other animals and other animal products</td>
<td>14,033</td>
<td>19</td>
<td>50</td>
</tr>
</tbody>
</table>

TOP LIVESTOCK INVENTORY ITEMS (number)

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>U.S. Rank</th>
<th>Universe ¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Layers 20 weeks old and older</td>
<td>5,008,881</td>
<td>18</td>
<td>50</td>
</tr>
<tr>
<td>Broilers and other meat-type chickens</td>
<td>4,712,035</td>
<td>23</td>
<td>50</td>
</tr>
<tr>
<td>Cattle and calves</td>
<td>1,100,181</td>
<td>29</td>
<td>50</td>
</tr>
<tr>
<td>Horses and ponies</td>
<td>75,951</td>
<td>20</td>
<td>50</td>
</tr>
<tr>
<td>Colonies of bees</td>
<td>67,909</td>
<td>11</td>
<td>50</td>
</tr>
</tbody>
</table>

TOP CROP ITEMS (acres)

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>U.S. Rank</th>
<th>Universe ¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Wheat for grain</td>
<td>2,355,451</td>
<td>6</td>
<td>48</td>
</tr>
<tr>
<td>Forage - land used for all hay and haylage, grass silage, and greenchop</td>
<td>914,054</td>
<td>25</td>
<td>50</td>
</tr>
<tr>
<td>Barley</td>
<td>337,483</td>
<td>4</td>
<td>43</td>
</tr>
<tr>
<td>All Vegetables harvested</td>
<td>215,135</td>
<td>5</td>
<td>50</td>
</tr>
<tr>
<td>Apples</td>
<td>172,810</td>
<td>1</td>
<td>50</td>
</tr>
</tbody>
</table>

Other State Highlights

<table>
<thead>
<tr>
<th>Economic Characteristics</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farms by value of sales</td>
<td></td>
</tr>
<tr>
<td>Less than $1,000</td>
<td>10,420</td>
</tr>
<tr>
<td>$1,000 to $2,499</td>
<td>4,585</td>
</tr>
<tr>
<td>$2,500 to $4,999</td>
<td>3,244</td>
</tr>
<tr>
<td>$5,000 to $9,999</td>
<td>3,106</td>
</tr>
<tr>
<td>$10,000 to $19,999</td>
<td>2,628</td>
</tr>
<tr>
<td>$20,000 to $24,999</td>
<td>826</td>
</tr>
<tr>
<td>$25,000 to $39,999</td>
<td>1,643</td>
</tr>
<tr>
<td>$40,000 to $49,999</td>
<td>735</td>
</tr>
<tr>
<td>$50,000 to $99,999</td>
<td>2,157</td>
</tr>
<tr>
<td>$100,000 to $249,999</td>
<td>2,893</td>
</tr>
<tr>
<td>$250,000 to $499,999</td>
<td>1,741</td>
</tr>
<tr>
<td>$500,000 or more</td>
<td>1,961</td>
</tr>
</tbody>
</table>

| Total farm production expenses ($1,000)      | 4,430,693 |
| Average per farm ($)                        | 123,215   |

| Net cash farm income of operation ($1,000)   | 1,219,896 |
| Average per farm ($)                        | 33,925    |

<table>
<thead>
<tr>
<th>Operator Characteristics</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal operators by primary occupation:</td>
<td></td>
</tr>
<tr>
<td>Farming</td>
<td>21,013</td>
</tr>
<tr>
<td>Other</td>
<td>14,926</td>
</tr>
</tbody>
</table>

| Principal operators by sex: |          |
| Male                      | 30,307   |
| Female                    | 5,622    |

| Average age of principal operator (years) | 55.4 |

| All operators ² by race: |          |
| White                    | 53,209   |
| Black or African American| 47       |
| American Indian or Alaska Native | 755 |
| Native Hawaiian or Other Pacific Islander | 50 |
| Asian                    | 493      |
| More than one race       | 307      |

| All operators ² of Spanish, Hispanic, or Latino Origin | 1,821 |

(D) Cannot be disclosed. See "Census of Agriculture, Volume 1, Geographic Area Series" for complete footnotes.

¹ Universe is number of states in U.S. with item.
² Data were collected for a maximum of three operators per farm.
2002 Census of Agriculture  
County Profile  
United States Department of Agriculture, Washington Agricultural Statistics Service  

Kittitas, Washington  

Ranked items among the 39 state counties and 3,078 U.S. counties, 2002  

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>State Rank</th>
<th>Universe</th>
<th>U.S. Rank</th>
<th>Universe</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD ($1,000)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total value of agricultural products sold</td>
<td>56,364</td>
<td>20</td>
<td>39</td>
<td>1,020</td>
<td>3,075</td>
</tr>
<tr>
<td>Value of crops including nursery and greenhouse</td>
<td>38,432</td>
<td>19</td>
<td>39</td>
<td>869</td>
<td>2,070</td>
</tr>
<tr>
<td>Value of livestock, poultry, and their products</td>
<td>17,932</td>
<td>19</td>
<td>39</td>
<td>1,189</td>
<td>1,070</td>
</tr>
<tr>
<td><strong>VALUE OF SALES BY COMMODITY GROUP ($1,000)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grains, oilseeds, dry beans, and dry peas</td>
<td>709</td>
<td>19</td>
<td>24</td>
<td>1,881</td>
<td>2,871</td>
</tr>
<tr>
<td>Tobacco</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>560</td>
</tr>
<tr>
<td>Cotton and cottonseed</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>656</td>
</tr>
<tr>
<td>Vegetables, melons, potatoes, and sweet potatoes</td>
<td>3,869</td>
<td>14</td>
<td>36</td>
<td>366</td>
<td>2,747</td>
</tr>
<tr>
<td>Fruits, tree nuts, and berries</td>
<td>3,798</td>
<td>14</td>
<td>39</td>
<td>170</td>
<td>2,618</td>
</tr>
<tr>
<td>Nursery, greenhouse, floriculture, and sod</td>
<td>(D)</td>
<td>(D)</td>
<td>(D)</td>
<td>(D)</td>
<td>(D)</td>
</tr>
<tr>
<td>Cut Christmas trees and short rotation woody crops</td>
<td>(D)</td>
<td>(D)</td>
<td>31</td>
<td>1,774</td>
<td>1,046</td>
</tr>
<tr>
<td>Other crops and hay</td>
<td>29,599</td>
<td>5</td>
<td>39</td>
<td>46</td>
<td>2,875</td>
</tr>
<tr>
<td>Poultry and eggs</td>
<td>8</td>
<td>30</td>
<td>39</td>
<td>2,074</td>
<td>2,918</td>
</tr>
<tr>
<td>Cattle and calves</td>
<td>15,489</td>
<td>8</td>
<td>39</td>
<td>679</td>
<td>3,053</td>
</tr>
<tr>
<td>Milk and other dairy products from cows</td>
<td>1,050</td>
<td>24</td>
<td>24</td>
<td>1,246</td>
<td>2,493</td>
</tr>
<tr>
<td>Hogs and pigs</td>
<td>93</td>
<td>1</td>
<td>38</td>
<td>1,471</td>
<td>3,919</td>
</tr>
<tr>
<td>Sheep, goats, and their products</td>
<td>158</td>
<td>12</td>
<td>28</td>
<td>549</td>
<td>2,997</td>
</tr>
<tr>
<td>Horses, ponies, mules, burros, and donkeys</td>
<td>671</td>
<td>7</td>
<td>39</td>
<td>239</td>
<td>1,014</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>2</td>
<td>35</td>
<td>35</td>
<td>1,175</td>
<td>1,220</td>
</tr>
<tr>
<td>Other animals and other animal products</td>
<td>452</td>
<td>11</td>
<td>37</td>
<td>311</td>
<td>2,727</td>
</tr>
<tr>
<td><strong>TOP LIVESTOCK INVENTORY ITEMS (number)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cattle and calves</td>
<td>31,415</td>
<td>10</td>
<td>39</td>
<td>1,018</td>
<td>3,059</td>
</tr>
<tr>
<td>Milk</td>
<td>2</td>
<td>6</td>
<td>(D)</td>
<td>(D)</td>
<td>117</td>
</tr>
<tr>
<td>Horses and ponies</td>
<td>3,749</td>
<td>7</td>
<td>39</td>
<td>117</td>
<td>3,065</td>
</tr>
<tr>
<td>Sheep and lambs</td>
<td>2,254</td>
<td>8</td>
<td>39</td>
<td>492</td>
<td>2,967</td>
</tr>
<tr>
<td>Layers 30 weeks old and older</td>
<td>756</td>
<td>28</td>
<td>39</td>
<td>1,592</td>
<td>2,983</td>
</tr>
<tr>
<td><strong>TOP CROP ITEMS (acres)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forage - land used for hay and haylage, grass silage, and greenchop</td>
<td>58,132</td>
<td>4</td>
<td>39</td>
<td>207</td>
<td>3,059</td>
</tr>
<tr>
<td>All Vegetables harvested</td>
<td>1,178</td>
<td>9</td>
<td>36</td>
<td>175</td>
<td>2,170</td>
</tr>
<tr>
<td>Sweeet corn</td>
<td>2,834</td>
<td>7</td>
<td>23</td>
<td>40</td>
<td>2,279</td>
</tr>
<tr>
<td>All Wheat for grain</td>
<td>2,152</td>
<td>18</td>
<td>26</td>
<td>1,263</td>
<td>2,217</td>
</tr>
<tr>
<td>Oats</td>
<td>846</td>
<td>5</td>
<td>30</td>
<td>594</td>
<td>2,217</td>
</tr>
</tbody>
</table>

**Other County Highlights**

<table>
<thead>
<tr>
<th>Economic Characteristics</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farms by value of sales</td>
<td></td>
</tr>
<tr>
<td>Less than $1,000</td>
<td>235</td>
</tr>
<tr>
<td>$1,000 to $2,499</td>
<td>113</td>
</tr>
<tr>
<td>$2,500 to $4,999</td>
<td>76</td>
</tr>
<tr>
<td>$5,000 to $9,999</td>
<td>19</td>
</tr>
<tr>
<td>$10,000 to $19,999</td>
<td>9</td>
</tr>
<tr>
<td>$20,000 to $24,999</td>
<td>18</td>
</tr>
<tr>
<td>$25,000 to $39,999</td>
<td>65</td>
</tr>
<tr>
<td>$40,000 to $49,999</td>
<td>24</td>
</tr>
<tr>
<td>$50,000 to $99,999</td>
<td>66</td>
</tr>
<tr>
<td>$100,000 to $249,999</td>
<td>74</td>
</tr>
<tr>
<td>$250,000 to $499,999</td>
<td>18</td>
</tr>
<tr>
<td>$500,000 or more</td>
<td>14</td>
</tr>
<tr>
<td>Total farm production expenses ($1,000)</td>
<td>49,602</td>
</tr>
<tr>
<td>Average per farm ($)</td>
<td>52,278</td>
</tr>
<tr>
<td>Net cash farm income of operation ($1,000)</td>
<td>7,647</td>
</tr>
<tr>
<td>Average per farm ($)</td>
<td>8,213</td>
</tr>
</tbody>
</table>

**Operator Characteristics**

<table>
<thead>
<tr>
<th>Principal operators by primary occupation:</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farming</td>
<td>483</td>
</tr>
<tr>
<td>Other</td>
<td>448</td>
</tr>
<tr>
<td>Principal operators by sex:</td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>815</td>
</tr>
<tr>
<td>Female</td>
<td>116</td>
</tr>
<tr>
<td>Average age of principal operator (years)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>55.7</td>
</tr>
<tr>
<td>All operators 1 by race:</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>1,415</td>
</tr>
<tr>
<td>Black or African American</td>
<td>-</td>
</tr>
<tr>
<td>American Indian or Alaskan Native</td>
<td>11</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>2</td>
</tr>
<tr>
<td>Asian</td>
<td>2</td>
</tr>
<tr>
<td>More than one race</td>
<td>-</td>
</tr>
<tr>
<td>All operators 1 of Spanish, Hispanic, or Latino Origin</td>
<td>7</td>
</tr>
</tbody>
</table>

1 Cannot be disclosed.  
2 Less than half of the unit shown. See "Census of Agriculture, Volume 1, Geographic Area Series" for complete footnotes.  
3 Universe is number of counties in state or U.S. with item.  
4 Data were collected for a maximum of three operators per farm.
Planning Commission Hearings for the Week of August 21 through 24, 2006 Comp Plan Amendments
Presented on Behalf of the KITITAS COUNTY
CONSERVATION COALITION

File #06-01, #06-05, #06-06, #06-09, #06-17 Removal of Commercial Agriculture Designation.

The issue presented in these amendments is removal of commercial agriculture land from this designation. Specific to removal of Commercial Agriculture land a recommendation to deny is appropriate for the following reasons:

1. The current Comprehensive Plan designated commercial agriculture lands by default.

2. The original designation process was not fully thought out, appropriate criteria were not used and lines were arbitrarily drawn.

3. This was followed by the amendments of 2001 to include additional lands without adequate analysis as an arbitrary response to the Eastern Growth Management Hearings Board directive to substantially increase acres within this designation.

4. At this time the County has not proposed changes to this designation for consideration in the update process, nor has the County proposed a plan to review and update the commercial agriculture designation for purposes of the 2007 amendment to the updated Comp Plan.

5. Until the County updates this designation in a process which incorporates appropriate criteria, in a process that recognizes the current GMA requirements, in a process that encourages public participation, in a process that includes adequate base data, etc. any amendment to the current 1996 Comp Plan as amended is inappropriate.

6. Until the process as outlined above is complete, the Planning Commission is urged to recommend denial of all proposed reduction to commercial agriculture lands.

7. Until the Board of Commissioners has adopted an updated Comp Plan wherein they have considered the global policies presented by the Resource Lands Citizen Advisory Committee and recommendations by others, it would be inappropriate for the Planning Commission to do anything other than recommend denial and include findings which state that these 2006 amendments are not appropriate for inclusion at this time. To do otherwise is to skew the discussion to specific sites rather than the appropriate discussion of county wide long range planning appropriate to update of the Comp Plan.

Submitted by Jan Sharar, Spokesperson for the Kittitas County Conservation Coalition - KCCC.