TO: Kittitas County Planning Commission

From: Joanna Valencia, CDS Staff Planner

Date: August 31, 2006

RE: Supplemental Information for Open Space/Open Space taxation designations.

Please find attached:

- RCW
- County Resolutions
BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITITAS STATE OF WASHINGTON

RESOLUTION NO 2002-98

AMENDING RESOLUTION 94-25 OPEN SPACE AND TIMBERLAND CRITERIA

WHEREAS: Kittitas County adopted Resolution 94-25 on February 22, 1994 to establish standards and policies for open space and timberland classification for tax purposes; and

WHEREAS: The current adopted criteria prohibits all lands located within subdivisions from being eligible for Open Space or Timberland Classification even if the land would otherwise meet the criteria for such classification; and

WHEREAS: Cluster subdivision and other subdivisions that would create and preserve open space as part of their condition of approval should be promoted and encouraged through the tax relief incentives available under the open space classification system.

NOW, THEREFORE, BE IT RESOLVED That the Kittitas County Board of County Commissioners after having reviewed the current adopted standards and considering the testimony presented, hereby amend requirement (2) on page 5 of Resolution 94-25 as follows:

Delete: (2) Lands within platted subdivisions shall not be eligible for Open Space or Timberland Classification.

Add: (2) Within platted subdivisions, only those parcels that prohibit residential structures shall be eligible for Open Space or Timberland Classification.

DATED THIS 8th day of October, 2002

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Bill Hinkle - Chairman

Perry Huston – Vice Chairman

Max Golladay - Commissioner
BOARD OF KITTITAS COUNTY COMMISSIONERS

RESOLUTION NO. 94-25

APPLICATION STANDARDS AND POLICIES FOR OPEN SPACE AND TIMBERLAND CLASSIFICATION PURSUANT TO THE OPEN SPACE/TIMBERLAND TAXATION ACT OF 1970

WHEREAS, the 43rd Washington State Legislature adopted in 1970 Chapter 84.34 RCW, an act for the purpose of maintaining, preserving, conserving and otherwise continuing in existence adequate open space lands for the production of food, fiber and forest crops and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens; and,

WHEREAS, the Legislature further declared that "assessment practices must be so designed as to permit continued availability to open space lands for these purposes"; and,

WHEREAS, contrary to popular notion, The Open Space Taxation Act is not intended as a mechanism to subsidize an individual or industry with their taxes, but, rather, the law is intended to preserve the open space for the welfare and benefit of the general public with tax relief as an attractive incentive;

WHEREAS, the review of applications for Open Space or Timberland classification, therefore, is focused on demonstrated public benefit; and,

WHEREAS, the Kittitas County Board of Commissioners did adopt standards and policies for open space and timberland classification in Resolution 93-138 and a review of the subject and said Resolution now requires some slight amendments to Resolution 93-138.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

RESOLUTION NO. ______
PAGE 1
1. OPEN SPACE LAND IS DEFINED AS:

A. Any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or

B. Any land area, the preservation of which in its present use would

   (1) conserve and enhance natural or scenic resources, or
   (2) protect streams or water supply, or
   (3) promote conservation of soils, wetlands, beaches or tidal marshes, or
   (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or
   (5) enhance recreation opportunities, or
   (6) preserve historic sites, or
   (7) preserve visual quality along highway, road, and street corridors or scenic vistas, or
   (8) 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 open space classification.

C. Any land meeting the definition of farm and agricultural conservation land under RCW 84.34.020(4)(8).

2. THE CRITERIA FOR OPEN SPACE LAND CLASSIFICATION ARE AS FOLLOWS:

A. Conservation - Applications for Open Space classification based on conservation or enhancement of natural resources must meet at least one of the following:

   (1) Geologically significant rock formations that may be appropriate for educational study.

RESOLUTION NO. ____
(2) Archeological sites that are registered with the State of Washington and protected.

(3) Game preserves and nesting grounds as agreed by the State of Washington Department of Wildlife. (Public access may be controlled. Hunting and fishing may be denied.)

B. **Stream Protection** - Applications for Open Space classification based on protection of streams and water supplies will meet at least one of the following:

(1) Preservation or protection of major drainage ways (major drainage ways being defined as the areas where feeder streams intersect with major streams) flowing directly into streams of 20 C.F.S. or more.

(2) Tracts continuous to or straddling major streams flowing at a rate of 20 C.F.S. or more.

(3) Significant aquifer recharge areas and areas of significant springs identified as water resources.

C. **Soil Conservation** - Applications for Open Space classification based on promotion of the conservation of soil, control or erosion, wet lands or marshes will be restricted to at least one of the following:

(1) Tracts with 25% or greater slope on at least 50% of the tracts or where there is physical evidence of erosion.

(a) Applications for this category shall be accompanied with a conservation plan prepared by the Soil Conservation Service including implementation program for the plan. (Failure to implement the plan in a timely manner will be cause for removal from the Open Space category and subject to penalties under RCW 84.34.)

(2) Tracts within the 100 year flood plain.
(3) Tracts where commercial development would destroy the natural cover and could result in erosion, loss of natural habitat and such action would result in damage to adjacent property.

3. TIMBERLAND IS DEFINED AS FOLLOWS:

A parcel of land five acres or more in size or contiguous parcels of land which, when taken together, are five or more acres in size, devoted primarily to the commercial growth and harvest of forest crops, but does not include land listed on the assessment roll as classified or designated forest land according to RCW 84.33, and does not include the land on which non-forest crops or any improvements to the land are sited.

4. THE CRITERIA FOR TIMBERLAND IS AS FOLLOWS:

(1) Tracts containing any commercial forest trees species which will produce a merchantable stand of timber on a particular site. (Christmas trees and ornamentals are excluded.)

(2) Tracts on which trees are distributed over the acreage with a crown covering of at least one-third of the area. Seedlings must be established with the required minimums as established by the Department of Natural Resources for the area.

(3) If the tract does not meet categories 2 and 3 above, then the owner must include the time period involved and the stocking plan or a commitment to the Forest Practices Act minimum standards. (Failure of the applicant to perform to the approved timber management plan shall cause the property to be removed from this classification and subject to penalties under RCW 84.34.)

BE IT FURTHER RESOLVED that the application of the OPEN SPACE AND TIMBERLAND CLASSIFICATION POLICY shall be subject to the following requirements:

RESOLUTION NO. ________

PAGE 4
(1) The established fee for Open space or Timberland Classification is $300.

(2) Lands within platted subdivisions shall not be eligible for Open Space or Timberland Classification.

(3) An effective noxious weed eradication program shall be implemented on all Open Space and Timberland classified tracts.

(4) Lands not expressly eligible or ineligible for Open Space or Timberland Classification under the guidelines established by this Resolution will be evaluated carefully and not allowed eligibility unless the applicant clearly demonstrates a significant public benefit from the granting of Open space or Timberland Classification.

(5) Lands in Open Space and Timberland Classification may be open to public use on such conditions as may reasonably be required by the granting authority.

(6) If application is denied it shall not be acceptable for resubmission for at least one year.

(7) Failure of applicant to fulfill the conditions outlined in the change of classification shall constitute a default in the contract resulting in the applicant's removal from the classification and shall result in imposition of penalties outlined in RCW 84.34.

BE IT FURTHER RESOLVED that the Kittitas County Assessor is hereby instructed to make and apply any checklists and
application forms necessary to implement this Resolution.

ADOPTED this 22nd day of February, 1994.

BOARD OF KITTITAS COUNTY COMMISSIONERS

Donald E. Sorenson, Chairperson

Mary Seubert, Vice Chairperson

Ray Owens, Commissioner

ATTEST:

Anita J. Karze, Clerk of the Board

APPROVED AS

David A. Pitts
Prosecuting Attorney

RESOLUTION NO. _______ PAGE 6
RCW 84.34.037
Applications for current use classification — To whom made — Factors — Review.

(1) Applications for classification or reclassification under RCW 84.34.020(1) shall be made to the county legislative authority. An application made for classification or reclassification of land under RCW 84.34.020(1) (b) and (c) which is in an area subject to a comprehensive plan shall be acted upon in the same manner in which an amendment to the comprehensive plan is processed. Application made for classification of land which is in an area not subject to a comprehensive plan shall be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing: PROVIDED, That applications for classification of land in an incorporated area shall be acted upon by a granting authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located.

(2) In determining whether an application made for classification or reclassification under RCW 84.34.020(1) (b) and (c) should be approved or disapproved, the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider:

(a) The resulting revenue loss or tax shift;

(b) Whether granting the application for land applying under RCW 84.34.020(1)(b) will (i) conserve or enhance natural, cultural, or scenic resources, (ii) protect streams, stream corridors, wetlands, natural shorelines and aquifers, (iii) protect soil resources and unique or critical wildlife and native plant habitat, (iv) promote conservation principles by example or by offering educational opportunities, (v) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (vi) enhance recreation opportunities, (vii) preserve historic and archaeological sites, (viii) preserve visual quality along highway, road, and street corridors or scenic vistas, (ix) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and

(c) Whether granting the application for land applying under RCW 84.34.020(1)(c) will (i) either preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under chapter 84.33 or 84.34 RCW, (ii) preserve land with a potential for returning to commercial agriculture, and (iii) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of property.

(3) If a public benefit rating system is adopted under RCW 84.34.055, the county legislative authority shall rate property for which application for classification has been made under RCW 84.34.020(1) (b) and (c) according to the public benefit rating system in determining whether an application should be approved or disapproved, but when such a system is adopted, open space properties then classified under this chapter which do not qualify under the system shall not be removed from the public benefit rating system but may be rated according to the public benefit rating system.

(4) The granting authority may approve the application with respect to only part of the land which is the subject of the application. If any part of the application is denied, the applicant may withdraw the entire application. The granting authority in approving in part or whole an application for land classified or reclassified pursuant to RCW 84.34.020(1) may also require that certain conditions be met, including but not limited to the granting of easements. As a condition of granting open space classification, the legislative body may not require public access on land classified under RCW 84.34.020(1)(b)(iii) for the purpose of promoting conservation of wetlands.

(5) The granting or denial of the application for current use classification or reclassification is a legislative determination and shall be reviewable only for arbitrary and capricious actions.

[1992 c 69 § 6; 1985 c 393 § 1; 1984 c 111 § 1; 1973 1st ex.s. c 212 § 5]
Submitted by Mr. Tony Schumacher for Open Space Docket “D.”

Tony Schumacher from (Marie Monahan, seller)
Joanna F. Valencia

From: Schumacher, Tony (RBC Dain) [Tony.Schumacher@Rbcdain.com]
Sent: Monday, August 28, 2006 2:22 PM
To: Joanna F. Valencia
Cc: taschumacher@idahovandals.com
Subject: Open Space letter
Attachments: Open Space letter.rtf

Joanna-

Here is the letter for your review and submittal to your committee. Let me know if I’m leaving anything out that you advise putting in the letter. Also, please respond so that I know you received it in good form. Thanks!

Tony Schumacher
tony.schumacher@rbcdain.com
(509) 521-2714

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8/29/2006
Kittitas County Community Development Services  
411 N Ruby ST, Suite 2  
Ellensburg WA 98926

To whom it may concern:

I am writing at the request of the Kittitas County planning committee and representing the owners of Tax Parcel # 20-14-18040-0014. Because I haven’t received any communication from the county regarding this request until I initiated contact with Kittitas Planner Joanna Valencia on Thursday August 24th, this letter is coming to you after an apparent request for our presence at a county planning meeting. It seems that the communication has not been directed to the current owners (Schumacher, Roberts, Trent), but rather the previous owner (Monahan) who filed the request for the change in taxation of the property. Please direct all future communication to Tony Schumacher and Scott Roberts at the addresses below.

Our plan for the above referenced tax parcel is to first sub-divide the one 18+- acre parcel, into 3 - 6+- acre tax parcels. We have already had a Certified Senior Ecologist from Resource Analysis and Management do a study to delineate the wetlands and the buffers from those wetlands. Once this sub-division is complete and the single tax-parcel becomes 3 tax parcels, the plan is to build one dwelling on each of the parcels within the building envelopes provided after proper setbacks from wetlands and buffers.

Upon preliminary estimates, it looks as if each of the 3 parcels would have approximately 1 acre building envelope. Beyond that 1 acre, the remaining 5 acres are being requested to stay in Open Space taxation, just as the application from Monahan states. Please refer to application for further clarification on this topic. Beyond the dwellings on each parcel, the plan is to continue to adhere to open space and wetland regulations respectively and continue to fit in with the natural habitat already established.

**Our plan for the Open Space is to fully comply with Open Space regulations per stated in the RCW.** As stated in the application, the only development taking place will be in spaces where such development is allowed based on wetland and buffer setbacks as well as elevation requirements.

If there are any questions for the current owners, please direct them to the contacts below:

Tony Schumacher  
100902 Ridgeview Dr.  
Kennewick, WA 99338  
(509) 521-2714

Scott Roberts  
6813 80th St. East  
Puyallup, WA 98371  
(253) 677-2800
Susan Barret

From: Darryl Piercy
Sent: Wednesday, August 30, 2006 4:19 PM
To: Susan Barret; Joanna F. Valencia
Subject: FW: Water Resource management

I am not sure if this is part of the annual amendment or update so I am treating it as an update element and ask that you place it into the PC record.

Dina Lund [mailto:granitecreekhuskies@yahoo.com]
Sent: Wednesday, August 30, 2006 1:53 PM
To: Darryl Piercy
Subject: Water Resource management

August 30, 2006

Darryl Piercy
Kittitas County Development Services

Re: Water Resource Management

Mr. Piercy and the Planning Department,

Unfortunately, I was unable to attend the scheduled Comprehensive Plan Update meetings, August 21-24. I had wanted to present an idea to follow up on (2) updates that I presented and helped write in coordination with "Ridge" group in regards to water and related issues in Kittitas County.

I have included these in this email for clarity. GPO2.11A is fairly self explanatory, but is intended to require safer guidelines for these developments. Since most of these developments are using a community water system, Group B, then there should not be any significant barriers to the requirement of adequate fire hydrants. If water is not sufficient to maintain a hydrant, then closer scrutiny to the density of housing must be determined at the rezoning and most definately by the platting stage of said development.

The second GPO 2.20 is a call for a study to include the upper county as well. As you were made aware in multiple hearings, of which my neighbors and myself began participating and attending after 3-26-06, that there is a water study to be published this coming year, but it's boundaries do not reach above Taneum Creek and the remainder of upper county. I believe this places Kittitas County out of compliance with it's own ordinances about completing such a study.

Regardless, at this point, I would like to present a water resource concept, similar to what the State of Michigan adopted in a water management inventory website. They collaborated resources through Michigan State University Dept. of Geology, Dept. of Ecology, and several other resource agencies to create a single managed website. I do believe that if this is endorsed by Kittitas County Planning Dept., CDS, and Commissioners, that such a collaboration could be successful. Central Washington University could have such resources to maintain the website, but a Qualified Professional, such as a hydrologist, licensed in the State of Washington, could be hired to update and interpret the site. I believe that this will clarify many issues regarding areas undergoing intense development, and perhaps a county-wide

8/30/2006
"Index" of water resource could identify areas, not appropriate from a water standpoint, for intense development.

I could certainly put my ideas together in a presentation at a future point, but would like the GPO's discussed in this email, to be updated to allow for such planning.

Thank you for your consideration,

Dina Lund
Kittitas County Conservation Coalition
Fowler Creek Conservation
resident, Cle Elum, WA (206 714 0392 cell #)

(Revised) GPO 2.11A Much of Kittitas County receives little natural precipitation and is highly susceptible to fire hazard during much of the year. Meanwhile, more people are moving to previously uninhabited forest and rural areas. As this number increases, the need to provide adequate and efficient fire services to these areas also increases. Prior to approval new cluster developments and subdivisions shall be required to demonstrate availability of water sufficient to provide 1,000 gpm (as referenced in the FireWise Program document) so that fires can be efficiently and adequately fought and appropriate resources can be directed toward saving the forest.

Why proposal is needed and how conditions have changed to warrant the amendment?
Recent rezones in Kittitas County have increased the number of homes in the forest and wildland fire interface. These new homes/developments are not currently required to have fire hydrants. Cluster development increases the density and thus the risk and potential for forest fires.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
This proposal simply details the method by which the intent of the existing GPO 211A can be fulfilled. It will also help protect neighboring properties from the increased fire threat that denser development and more people bring to forest, farm, and range land.

***

New GPO 2.20 The County shall conduct and maintain a comprehensive survey of groundwater resources and aquifers and shall identify all critical aquifer recharge zones. This survey shall be initiated in 2007 and shall be completed in 2008.

Why proposal is needed and how conditions have changed to warrant the amendment?
There currently no authoritative resource available to Kittitas County planner's (CDS) regarding water resources and as a result planning decisions are made without regard to the environmental impact of proposed land actions on groundwater in Kittitas County. There is no complete County map of aquifers, groundwater sources and critical aquifer recharge areas compiled together with information regarding their safe yield. There is no coordination of information that is available from the USGS, maps with Water Resource Inventories and statistics on Domestic Water Use, and Ground Water Use versus Surface Water (Irrigation) use. With the rapid growth and development in the headwaters of the Yakima River, Kittitas County must adopt a more authoritative and comprehensive system to map its water resources so that impacts from proposed land use actions may be evaluated and the resource be protected.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
This proposal is consistent with existing GPOs 2.67, 2.68, 2.69 which call for but have not resulted in
the completion of an aquifer and groundwater survey covering all of Kittitas County.

****

Stay in the know. Pulse on the new Yahoo.com. Check it out.
August 30, 2006

Mr. David Black, Chair
Kitittas County Planning Commission
Kitittas County Community Development Services
411 N Ruby Street, Suite 2
Ellensburg Washington  98926

Comments regarding proposed 2006 Comprehensive Plan Amendments:
06-18 American Forest Resources LLC, map amendment
approximately 6,256.91 acres
County Commercial Forest to County Rural AND
Commercial Forest to Forest and Range

06-19 American Forest Resources LLC, map amendment
approximately 640 acres
County Commercial Forest to County Rural AND
Commercial Forest to Forest and Range

Dear Chair Black and Members of the Planning Commission:

Cascade Land Conservancy is interested in adding to the public record comment on the above mentioned Comprehensive Plan Amendments submitted by American Forest Resources.

The Teanaway River watershed is an important area in Kittitas County. Consequently, any short-term or long-term land use decisions for the area should have appropriate review. While we believe a plan conducted by an external consultant that includes environmental review, economic analysis, and mitigation options for a variety of land use scenarios may be useful for the region, we hope that such a plan does not limit the long-term conservation options on the property or deny appropriate flexibility for the landowner.

Sincerely,

Jill Arango
Kittitas County Conservation Director
Cascade Land Conservancy
August 30, 2006

I have been attending public meetings about the County Comp Plan update whenever possible. These comments are in regard in particular to the public hearings on August 22nd and 23rd.

I was heartened and impressed by the depth of thought that has gone into the proposed amendments by RIDGE. I hope you consider them carefully. I think these amendments can help us to have growth and the quality of life that we now enjoy in our valley. The key is planning carefully for growth- and then following our Plan.

I was troubled Wednesday night by the extortive tone of the presentation by American Forest Resources. There seemed to be an undercurrent of “Approve our proposal or we will leave and you will not have your forestland”.
I also have trouble following their logic of changing the land use designation to rural. They said that they chose the acreage in this proposal because it is near some land that is already developed. This nearby development is making their logging operations more difficult. If they increase the acreage of land that is developed, does it not follow that they will increase the impact on their logging operations? The most worrisome comment however, was “and then hopefully we can stay in business another 5 to 10 years”. This is a band-aid for 5 to 10 years. What is their plan then- to sell the remaining acreage?

I sincerely hope you say “no” to this proposal. If you decide to approve it, please require a sub area plan so we have some idea of their intentions. In their presentation, they insist this proposal is less than 1% of their holdings, but changing 6896.91 acres from commercial forest land to rural will have a huge impact on our county. For that reason, I also ask that if you decide to approve this proposal that you require an EIS.

Other comments: I am impressed by the RLAC policy recommendations, especially:
the vision “of a landscape that supports the full range of human uses… while maintaining a rural setting and quality of life that Kittitas County is known for.”

- The recommendation that a viable and demonstrated water supply will be required prior to all final plat approvals.
- The implementation of Transfer of Development Rights and Purchase of Development Rights programs.
- The requirement for sub area planning in the Teanaway Drainage Basin prior to development other than at one unit per 80 acres.
- The recommendation to consider how the county will develop not just within the 20 year planning period but within the next 100 years.
- The recommendation that loss of agricultural lands with good soils and irrigation, regardless of land use designation, should be minimized to the greatest extent possible,
- The recommendation that density in the rural land use designation should be based on a public benefit rating system.
- Clustering should be used to maximize the retention of open space and minimize the development footprint.
- The Land Use Map and Zoning Map should be consistent.

We are lucky to have citizens willing to put in long hours and careful thought about the future of our county. Please honor the time and effort that RIDGE and RLAC has given in these recommendations and amendments by carefully considering, and hopefully adopting them.

Thank you for your time.

Respectfully submitted,

[Signature]
Rosemary Harrell
August 30, 2006

Kittitas County Planning Commission
411 North Ruby, Suite 2
Ellensburg, WA 98926

Re: Additional Written Comments on 2006 Annual Kittitas County Comprehensive Plan Amendment Docket Nos. 06-05 and 06-06

Dear Members of the Planning Commission:

The following additional written commentary is submitted to supplement the record prior to the August 30, 2006 deadline.

Docketed Request File No. 06-05 and Docketed Request File No. 06-06 are separate and distinct requests for Comprehensive Plan Map Amendments. While No. 06-05 and No. 06-06 are adjoining properties, they are owned by different owners and should be considered by the Planning Commission independent of the other even though the evidence presented and materials in support presented in both of them is similar.

One speaker in opposition to the amendments suggested that there was an error in the docketed request in that there was a box checked which identified it as a Comprehensive Plan Text Amendment as opposed to a Comprehensive Plan Map Amendment. A thorough review of the application makes it clear that it is a request for a map amendment, not a text amendment. In IV, the application specifically says “The request is for a map amendment not a text amendment”. Section III requested information For Map Amendments and all of the requested information, A thru H, is provided.

Futurewise, a Seattle based environmental group, formerly known as 1000 Friends of Washington, submitted written comment recommending denial of Mr. and Mrs. Sinclair’s Comprehensive Plan Map Amendment request. Their comment was:
"Our preliminary research shows that the properties proposed for comprehensive plan amendments and rezones from Commercial Agriculture and AG-20 continue to meet these criteria."

The Growth Management Act that requires an analysis of the attributes of the particular piece of property prior to a designation. RCW 36.78.030(2) defines "agricultural lands" as lands devoted to commercial production of agricultural products. Long term commercial significance is defined by RCW 36.78.030(10) as:

"...the growing capacity, productivity, and soil composition of the land for a long term commercial production, in consideration of the land’s proximity to population areas, and the possibility of more intensive uses of the land".

In addition, Washington Supreme Court cases have mandated a review of the criteria set forth in Washington Administrative Code Section 365-190-050 (provided in the initial packets). City of Redmond v. Central Puget Sound Growth Management Hearings Bd., 136 Wn.2d 38, 959 P.2d 1091 (1998). Sinclairs, in their submission to the Planning Commission, point to the criteria set forth in WAC 365-190-050 and assert a review of those factors should lead to the conclusion that this land should be redesignated. Comments from Futurewise did not provide any type of an analysis let alone an acknowledgement that the factors contained in WAC 365-190-050 were controlling. This property is in extremely close proximity to the City of Ellensburg UGA and the public facilities and services that are available within the UGA. The predominant parcel size in the area indicates that the area is characterized by a number of small parcels. There is clear movement of the City of Ellensburg and the growth associated with it west towards this property. These land use settlement patterns are critical in reviewing these particular docket requests. Kittitas County has recently extended Bowers Road to Reecer Creek. In addition, Bender Road intersects with Reecer Creek in the area and this property is in close proximity to Highway 10. All of these roads facilitate the movement of the City of Ellensburg and its associated residential growth into this area. That residential growth is a land use settlement pattern within the definition of the Washington Administrative Code which needs to be considered by the Planning Commission. The land uses nearby are shifting from agricultural use to a more intensive residential development. The criteria set forth in the Washington Administrative Code suggests that this Comprehensive Plan Amendment should be approved.

If the Planning Commission desires additional information, the applicant is more than willing to provide it upon request.

Very truly yours,

Jeff Slappey
cc: Ellent
August 28, 2006

Joanna Valencia  
KCCDS  
411 N. Ruby, Suite 2  
Ellensburg, WA 98926

RE: Proposed amendments to the Comp. Plan by the Ridge

Dear Ms. Valencia:

Please submit this letter as testimony against the Ridge proposal. My wife and I live and own property within Kittitas County and we feel that this an aggressive move to take away our property rights. Although we understand the goal of the proposal, we do not feel that this type of regulations that will promote smart growth in our County. I strongly urge the Planning Commission to recommend their proposal for denial and for the Commissioner’s to do the same.

Thank you for this opportunity and we look forward to following this through.

Best Regards,

Marc & Tammi Kirkpatrick  
404 East 2nd St.  
Cle Elum, WA 98922
Susan Barret

From: Joanna F. Valencia  
Sent: Wednesday, August 30, 2006 2:07 PM  
To: Susan Barret  
Subject: FW: against the RIDGE proposal

For PC record.

Joanna Valencia  
Planner II  
Kittitas County Community Development Services  
[P] 509.962.7046  
[F] 509.962.7682  
joanna.valencia@co.kittitas.wa.us

From: darkoman@juno.com [mailto:darkoman@juno.com]  
Sent: Monday, August 28, 2006 2:35 PM  
To: Joanna F. Valencia  
Subject: against the RIDGE proposal

Joanna,

After reading the RIDGE proposal, I feel that my rights as a property owner in Kittitas County would be infringed. I am 100% against this proposal! Thanks for consideration.

Darko Hrle  
41303 SE 125th Street  
North Bend, WA 98045
Kittitas County Planning Commission  
c/o Community Development Services  
411 N. Ruby, Suite 1  
Ellensburg, WA 98926  

August 24, 2006  

Re: 2006 Comprehensive Plan Proposed Amendment, GPO 6.35  

Honorable Planning Commissioners:  

I am writing regarding the proposed changes to the Kittitas County Comprehensive Plan’s Utility Element to designate Wind Farm Resource Overlay Districts as Major Industrial Developments. Kittitas County already has a thorough permitting process and these proposed changes will only serve to add an unnecessary layer of bureaucracy to that process. We are also curious as to why this proposed change singles out only clean, renewable wind energy and not other forms of energy development that would pose real risks to the health and safety to the County and its citizens.  

RNP has been involved for years in renewable energy siting policy across the Pacific Northwest. Please understand that we do support a siting process that: 1) ensures that projects are developed responsibly with input from the local community; 2) that any potential environmental impact is minimized and mitigated; and 3) establishes a predictable process and guarantees a decision in a timely manner. Many siting processes in counties across the region accomplish this without being overly burdensome. We are not aware of any other jurisdiction in the region that designates wind power as “major industrial development.”  

The Existing Process is More Than Sufficient  
The Kittitas County process is one of the most complicated in that it already requires four approvals from two different regulatory bodies; the County Planning Commission and the Board of County Commissioners. The County’s current permitting process requires:  
1. Site-specific amendment of the Comprehensive Plan land use designation map;  
2. Site-specific rezone of the County zoning map to Wind Farm Resource Overlay zoning district;  
3. Approval of a wind farm resource development permit;  
4. Execution of a Development Agreement.  

Proposed Change Would add Unnecessary Bureaucracy  
The proposal to designate wind development as “major industrial development” would add even more regulatory burden on top if what is currently required. The proposal would require:  
1. Approval from the Kittitas County Conference of Government;  
2. Amendments to the countywide Planning Policies.
**Why is Wind Power Singled Out?**

We question why this proposed change to the Comprehensive Plan only singles out wind power development. This proposal says nothing about deeming a coal, natural gas, or nuclear plant as “major industrial development.” These types of facilities would have far more detrimental impact on the health of Kittitas County’s citizens, its air and its water resources than wind turbines would. Such a proposal to make siting clean renewable energy technologies more difficult than polluting fossil fuel and nuclear facilities simply is not smart public policy.

In conclusion, the existing permitting process for wind power in Kittitas County is more than sufficient. Requiring a wind developer to seek a permit from yet another, third level of government (the Conference of Governments) is unnecessarily bureaucratic and onerous. Wind turbines contribute to the local economy, generate clean pollution-free electricity, and help Washingtonians become more self-reliant in terms of where they get their electricity. We urge the BOCC to reject the proposed change to the County’s Comprehensive Plan language represented by GPO 6.35.

Thank you for your consideration.

Sincerely,

Troy Gagliano  
Senior Policy Associate
Planning commission record

Joanna....Please add the following to the public record for the UGN enlargement docketed items and to the testimony regarding UGN’s in general....Thanks Pat Deneen

I would suggest that the Planning Commission modify GPO 2.11 as follows:

Currently GPO 2.11 reads as follows:

_Kitittas County does not have any plans to adopt provisions for impact fees at this time and as such, any reference to impact fees in this comprehensive plan not be included._

As the county begins to review it UGN’s one of the planning tools that it will be using, and as has been suggest by RIDGE and its supporters is the provision in GMA “New Fully Contained Communities” as provided by RCW 36.70A.350.

One of the requirements for the adoptions of “New Fully Contained Communities” as provided by RCW 36.70A.350 is the following:

RCW 36.70A.350 (1) (a) New infrastructure is provided for and impact fees are established consistent with the requirements of RCW HYPERLINK "http://apps.leg.wa.gov/RCW/default.aspx?cite=82.02.050"82.02.050.

Therefore I ask the Planning Commission to support the modification of GPO 2.11 to read as follows:

_Kitittas County does not have any plans to adopt provisions for impact fees at this time and as such, any reference to impact fees in this comprehensive plan not be included except as provided for in RCW 36.70A.350 (1) (a) under the section titled “New Fully Contained Communities”.

Thank you for reviewing this suggestion.

Pat Deneen
For the Planning Commission Record

From: Tim Trohimovich [mailto:Tim@futurewise.org]
Sent: Wednesday, August 30, 2006 10:51 AM
To: Darryl Piercy
Cc: Doug Kilgore
Subject: Additional Comments on the 2006 Comprehensive Plan Update and proposed 2006 Amendments

Mr. Piercy:

Enclosed please find a letter answering the Planning Commission’s question as to whether densities greater than one dwelling unit per five acres are legal outside urban growth areas. We are also mailing the original and nine copies as well.

Thank you and the Planning Commission for considering our comments.

futurewise
Building communities
Protecting the land

Tim Trohimovich
Planning Director

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8/30/2006
August 30, 2006

Mr. David Black, Chair
Kittitas County Planning Commission
Kittitas County Community Development Services
411 N Ruby Street, Suite 2
Ellensburg Washington  98926

Dear Chair Black and Members of the Planning Commission:

Subject: Answer to the question as to whether densities of greater than one dwelling unit per five acres are legal in the rural area during the deliberations on the Kittitas County 2006 Kittitas County Comprehensive Plan Amendments and the 2006 Kittitas County Comprehensive Plan Update
Sent via e-mail and U.S. Mail

Thank you again for the opportunity to comment on the update of the Kittitas County 2006 Kittitas County Comprehensive Plan Amendments and Update. At last week’s hearing, the Planning Commission asked if rural densities greater than one dwelling unit per five acres are legal. The answer is no, unless one of several very limited exemptions are met.

**Densities greater than one dwelling unit per five acres are illegal outside urban growth areas with limited exceptions.**

The Growth Management Act (GMA) created three state agencies to interpret the GMA and to hear appeals alleging that cities, counties, or state agencies are in violation of the GMA. Kittitas County is in the jurisdiction of the Eastern Washington Growth Management Hearings Board.

The Eastern Washington Growth Management Hearings Board, in defining what is “urban growth” and what is allowable rural development, has held that in rural areas, densities no greater than one housing unit per five-acres is allowed.1 As this Growth Board wrote:

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The Board takes specific notice of the parcels zoned at a density of 1 DU-2.5 acres. The area under scrutiny is 8,717 acres in rural areas. This approximately 15 square miles is spread throughout the unincorporated area of Grant County. The County designated these areas in addition to the 22 RAIDS, some of which allow residential development at similar or greater density. This creates an impermissible pattern of urban growth in the rural area. The Board cannot conclude that such a large area that would permit, as a matter of right, over 3,486 land-consuming 2.5-acre lots, is anything other than classic low-density sprawl. While RCW 36.70A.070(5)(d) allows higher density in the rural area, the County did not establish these lot sizes under that exception or any other.²

This decision is based on the requirements of the Growth Management Act (GMA). The GMA prohibits urban growth outside the urban growth area, including rural areas.³ The GMA, in 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. .... When allowed to spread over wide areas, urban growth typically requires urban governmental services."

The Census of Agriculture shows that the average Kittitas County farm in 2002 totaled 248 acres.⁴ The smallest category of farm reported by the Census of Agriculture is farms from one to nine acres in size. In Kittitas County in 2002 there were 120 farms in that category and they consisted of 682 acres.⁵ So the average size of these farms was 5.86 acres. Since a little over five acres is the smallest size that supports agriculture and lots that are too small to support agriculture are defined as urban growth, this data certainly supports the Eastern Board’s holding on rural densities.

2.5 acres "would allow for urban-like development" and are prohibited outside urban growth areas including in rural areas).

² City of Moses Lake v. Grant County, EWGMHB Case No. 99-1-0016 Final Decision and Order p. *4 of 8 (May 23, 2000).
⁵ Id.
The Eastern Board is not alone in this holding. The other two boards have reached the same conclusion.\(^6\)

There are four limited exceptions to this rule.

- **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."\(^7\) This has never been expanded to any other county.

- Higher densities and smaller minimum lot sizes are allowed in limited areas of more intense rural development (LAMIRDs). LAMIRDs cannot be expanded beyond the logical outer boundary.\(^8\) The logical outer boundary is delineated predominately by the "built environment" that existed on July 1, 1990.\(^9\)

- Higher densities are allowed in master planned resorts.

- 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."\(^10\)

Cluster densities, including any density bonuses, cannot exceed one dwelling unit per five acres in the rural area.\(^11\) Cluster development regulations must include a limit on the maximum number of lots allowed on the land included in the cluster.\(^12\) This is needed to prevent urban growth in rural areas and to preclude demands for urban governmental services.\(^13\) Other measures are needed to protect rural character as well. The county's

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\(^7\) Gary D. Woodmansee and Concerned Friends of Ferry County v. Ferry County, EWGMHB Case No. 95-1-0010 Final Decision and Order p. *5 (May 13, 1996).

\(^8\) RCW 36.70A.070(5)(d)(iv).

\(^9\) Id.

\(^10\) RCW 36.70A.520(2).

\(^11\) Gig Harbor, et al. v. Pierce County, CPGMHB Case No. 95-3-0016c Final Decision and Order pp. *44 of 50 (October 31, 1995); Warren Dawes et al. v. Mason County, WWGMHB No. 96-2-0023 Finding of Invalidity, Partial Compliance, Continued Noncompliance, and Continued Invalidity p. *16 of 20 (January 14, 1999). See 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."


clustering regulations need to be updated to reflect these requirements as part of the 2006 comprehensive plan update.

As this analysis shows, the Rural-3 (R-3) and Agriculture-3 (A-3) zones, both of which allow urban densities outside the urban growth areas, are illegal and must be corrected as part of the 2006 periodic update.

The Periodic Update Requirements

You are probably wondering: “If this is true, then why has no one appealed the rural densities greater than one dwelling unit per five acres in the Kittitas Comprehensive Plan?” The answer is that all appeals must be filed within 60 days of the adoption of a comprehensive plan or development regulation or after a planning deadline. Since they were not appealed within 60 days of their adoption they cannot be appealed until the next periodic update deadline. For Kittitas County that deadline for comprehensive plans and development regulations (other than critical areas regulations) is December 1, 2006.

The Growth Management Act, in RCW 36.70A.130(1), requires each city and county in Washington State that fully plans under the Growth Management Act “to take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter...” This means that each county and city must review their entire comprehensive plan and development regulations to ensure they comply with the Growth Management Act. If Kittitas County’s comprehensive plan or development regulations do not fully comply with the GMA and they do not, they must be revised by an ordinance or resolution adopted by the Board of County Commissioners.

Appeals can be filed within 60 days of the adoption of the periodic update or anytime after December 1, 2006 if that deadline is not met.

Rural Densities Greater than One Dwelling Unit per Five Acres Outside the Urban Growth Area are Poor Public Policy

Rural densities of one dwelling unit per five acres or greater outside the urban growth area will lead to many adverse impacts on Kittitas County land owners, residents, and taxpayers. These densities lead to what is called rural sprawl.

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14 RCW 36.70A.290(2).
15 RCW 36.70A.130.
17 RCW 36.70A.130(1) & 1000 Friends of Washington and Pro-Whatcom v. Whatcom County; WWGMHB Case No. 04-2-0010 Order on Motion to Dismiss p. *14 of 16 (August 2, 2004).
In *Rural Sprawl: Problems and Policies in Eight Rural Counties*, Rick Reeder, Dennis Brown, and Kevin McReynolds of the United States Department of Agriculture’s Economic Research Service described the results of a telephone survey of eight fast growing rural counties.\(^\text{18}\) With its 1996 to 2006 population growth rate of 21.43 percent, Kittitas County is within the range of the counties studied.\(^\text{19}\) Among the problems the study found were school crowding, traffic congestion, and water supply problems, and pollution from septic tanks.\(^\text{20}\) Most of the eight counties also reported problems maintaining public services including police and fire services.\(^\text{21}\) Interestingly, Washington and Florida counties appeared to be in the best shape to manage public services, due in part to both states’ growth management laws.\(^\text{22}\) The authors also concluded that Mason County’s Growth Management Act required zoning regulations had “significantly contained rural sprawl.”\(^\text{23}\) Outside of limited areas of more intense rural development and historic towns, Mason County’s highest density rural zone is one dwelling unit per five acres.\(^\text{24}\)

Professor Tom Daniels also wrote about the adverse impacts of rural sprawl in a paper entitled *What to Do About Rural Sprawl?*\(^\text{25}\) Professor Daniels wrote:

> Rural sprawl creates a host of planning challenges. Rural residential sprawl usually occurs away from existing central sewer and water. Homeowners rely on on-site septic systems and on wells for water. Often, these systems are not properly sited or not properly maintained. For example, a 1998 study in Indiana reported that between 25 and 70 percent of the on-site septic systems in the state were failing.

> When septic systems fail in large numbers, sewer and water lines must be extended into the countryside, often a mile or more. Public sewer is priced according to average cost pricing. This means that when sewer lines are extended, there is a strong incentive to encourage additional hook-ups along the line. So when a sewer line is extended a mile or more, development


\(^{19}\) Rick Reeder, Dennis Brown, and Kevin McReynolds, *Rural Sprawl: Problems and Policies in Eight Rural Counties* p. 200, Table 1 (United States Department of Agriculture’s Economic Research Service).

\(^{20}\) Id. at 201 to 202.

\(^{21}\) Id. at 202.

\(^{22}\) Id.

\(^{23}\) Id. at 204.


\(^{25}\) Available at [http://www.mrsc.org/Subjects/Planning/rural/daniels.aspx](http://www.mrsc.org/Subjects/Planning/rural/daniels.aspx) and enclosed with our earlier letter.
pressure increases along the line. This usually results in a sprawling pattern, like a hub and spoke from a village to the countryside.

The spread-out rural residents are completely auto-dependent and are often long-range commuters. This puts greater demands on existing roads and increases the demand for more and better roads. The greater traffic also results in the burning of more fossil fuels, producing more air pollution.

Rural residents also have added to the national trend of Americans consuming more land per person for a residence. The demand for 2- to 10-acre house lots has driven up land prices in rural fringe areas beyond what a farmer or forester can afford to pay. Moreover, as land prices rise, farmers and foresters are more likely to sell their land for house lots. This in turn causes a greater fragmenting of the land base, making it more difficult for remaining farmers and foresters to assemble land to rent. Rented land is especially important for commercial farming. Nationwide, about 40 percent of farmland is rented.

Newcomers to the countryside often have little understanding of the business of farming or forestry. The conflicts between farmers and non-farm neighbors are well-known. Neighbors typically complain about farm odors, noise, dust, crop sprays, and slow moving farm machinery on local roads. Farmers point to crop theft, vandalism, trash dumping, and dogs and children trespassing and harassing livestock. In forested areas, the increase in residents bring a greater likelihood of fire. In short, farming and forestry are industrial uses. They should be kept as separate as possible from rural residential development.26

Another adverse effect of dense rural development is adverse impacts on streams and wetlands. In addition, the Rural Element of the Comprehensive Plan is required to protect "critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources...."27 Critical areas include wetlands and streams.28

In a recent review of these studies, Schueler []concludes that “this research, conducted in many geographical areas, concentrating on many different variables, and employing widely different methods, has yielded a surprisingly similar conclusion – stream degradation occurs at relatively low levels of

27 RCW 36.70A.070(5)(c)(iv).
28 RCW 36.70A.030(5).
imperviousness (10–20%)"[]. Recent studies also suggest that this threshold applies to wetland health. Hicks [] found a well-defined inverse relationship between freshwater wetland habitat quality and impervious surface area, with wetlands suffering impairment once the imperviousness of their local drainage basin exceeded 10%.

Densities of one housing unit per acre have 13 percent of the lot in impervious surfaces. Three to five acre lots have impervious surfaces of 8.3 percent. Five acre lots have impervious surfaces of 5.4 percent.

So, impervious surfaces above ten percent adversely affect streams and wetlands. Over the long-term, a five acre rural density is the highest density that can effectively maintain a ten percent effective impervious surface maximum. This is especially true given that many subbasins will include urban growth areas with much higher percentages of impervious surfaces. Some rural uses, such as agricultural product processing plants, may also have higher impervious surfaces. Higher densities, such as one housing unit per three acres or one dwelling unit per acre, mean that impervious surfaces will exceed this percentage in Kittitas County, resulting in significant adverse environmental impacts and adverse impacts on surface water quality.

The State of Washington Department of Community, Trade, and Economic Development (CTED) also recommends against this type of sprawling, low-density development. CTED recommends rural residential densities of one housing unit per five and 10 acres. For rural agricultural and forest uses outside of agricultural and forest lands of long-term commercial significance, CTED recommends densities of one dwelling unit per 20 acres.

High rural densities, densities greater than one dwelling unit per five acres, have the following additional adverse impacts:

- These densities increase costs to taxpayers by allowing land development that will require services that are expensive to provide. On average, rural residential

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31 Id.
32 Id.
34 Robert W. Burchell, Naveed A. Shad, David Listokin, Hilary Phillips, Anthony Downs, Samuel Seskin, Judy S. Davis, Terry Moore, David Helton, and Michelle Gall. The Costs of Sprawl—Revisited pp. 50 – 52 (Transit
development costs more than it generates in revenues. In contrast, working farms and forests cost less in services than they generate in taxes. "For every dollar of revenue from farm and open land, 51 cents was required to cover associated services."

- Put drinking water supplies at risk by allowing high density development in areas that contribute to drinking water for county property owners, farmers, ranchers, residents, and businesses.

- Harm the character of Kittitas County by allowing inappropriately high density developments in rural areas.

- Increase traffic because more people drive alone and must drive longer distances to work and to meet the needs of their families. Sprawling places are likely to have more traffic fatalities per capita than more compact regions due to higher rates of vehicle use.

- Harms critical areas and other environmentally sensitive areas. Sprawl results in fish and wildlife habitat losses and habitat fragmentation, the separation of habitats by development. Sprawl’s dispersed development pattern leads to the degradation of water quality by increasing runoff volume, altering regular stream flow and watershed hydrology, reducing groundwater recharge, and increasing stream sedimentation.

It is important to have a maximum density of one dwelling unit per five acres in the rural areas outside of properly designated “urban development nodes” in order to maintain the rural character of Kittitas County, to protect drinking water supplies for both urban and

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40 Id.
41 Id.
rural residents and farmers and ranchers, to protect water quality, and to protect rural residents.

We understand that the county is concerned that property owners not bite off more than they can chew as to the size of their lots. It would be unfortunate if property owners have lots so large they cannot appropriately manage them. The solution to this problem is well crafted clustering provisions that maintain a variety of rural densities but allows smaller lots. The balance of the property would then be permanently maintained in forest, pastures, and habitat. Well done clusters should be screened and buffered from roads and nearby uses and maintain the connected open spaces characteristic of rural Kittitas County. More information on measures to provide for high quality cluster subdivisions can be found in the report Planning for Sustainable Rural Areas enclosed with this letter.

Thank you for considering our comments. If you would like more information please contact us.

Sincerely,

Tim Trohimovich, AICP
Washington State Bar Association Membership Number 22367
Planning Director & Attorney for Futurewise
e-mail: tim@futurewise.org

Kittitas County Conservation Coalition

Doug Kilgore
RIDGE

Enclosure
Planning for Sustainable Rural Areas

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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. 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

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that rural areas be protected from inappropriate low-density sprawl.\textsuperscript{2} 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.\textsuperscript{3} 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: \url{http://www.legalwa.org/}. The published opinions of the Growth Management Hearings Boards and their excellent digests that summarize and index these opinions are available at: \url{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.\textsuperscript{4} 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.

\textsuperscript{2} RCW 36.70A.070(5)(c)(iii).
\textsuperscript{3} Jeffrey D. Kline. \textit{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).

Planning for Sustainable Rural Areas 2

\textsuperscript{*11}
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.

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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).\textsuperscript{9}

The Growth Board’s have held that these definitions include requirements applicable to planning for rural areas.\textsuperscript{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)) preservation; AND

b. consistent with the requirements of [RCW 36.70A.070](5).\textsuperscript{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, ....”\textsuperscript{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.”\textsuperscript{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.\textsuperscript{14}

\textsuperscript{9} RCW 36.70A.030(16).
\textsuperscript{11} Id. at p. *11 (March 5, 2001) (emphasis in the original).
\textsuperscript{12} Id. at p. *12.
\textsuperscript{13} RCW 36.70A.010.
\textsuperscript{14} Id.
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.\textsuperscript{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.”\textsuperscript{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

\textsuperscript{15} RCW 36.70A.011.

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}

**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}

\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).
\textsuperscript{20} Panesko, et al. v. Lewis County, et al., WWGMHBC Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. *12 (March 5, 2001), accord the Washington Supreme Court in King County v. Cent. Puget Sound Growth Mgmt. Hearings Bd., 142 Wn.2d 543, 561, 14 P.3d 133, 142 (2000) ("Local governments have broad discretion in developing [comprehensive plans] and [development regulations] tailored to local circumstances.") Diehl v. Mason County, 94 Wn. App. 645, 651, 872 P.2d 543 (1999). Local discretion is bounded, however, by the goals and requirements of the GMA.")
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."\textsuperscript{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.\textsuperscript{22}

Rural Uses

- "The rural element shall permit rural development, forestry, and agriculture in rural areas."\textsuperscript{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.\textsuperscript{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."\textsuperscript{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 ...."\textsuperscript{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.\textsuperscript{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."\textsuperscript{28}

\textsuperscript{21} RCW 36.70A.070(5)(a).
\textsuperscript{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).
\textsuperscript{23} RCW 36.70A.070(5)(b).
\textsuperscript{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).
\textsuperscript{25} RCW 36.70A.200(1).
\textsuperscript{26} Vashon-Maury v. King County, CPSGMHB Case No. 95-3-0008 Final Decision and Order p. *69 (October 23, 1995) and followed by Timberlake Christian Fellowship v. King County, 114 Wn. App. 174, 184 – 185, 61 P.3d 332, 337 – 338 (2002).
\textsuperscript{27} 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.
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.” 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).” 42

■ There are four exceptions to this rule.

■ 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.” 43

■ Higher densities and smaller minimum lot sizes are allowed in limited areas of more intense rural development (LAMIRDs).

■ Higher densities are allowed in master planned resorts.

■ 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.” 44

■ 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. 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.

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44 RCW 36.70A.520(2).

critical areas, and resource lands before adopting development regulations that authorize ADUs.\textsuperscript{46}

- A variety of rural densities is required.\textsuperscript{47} 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.\textsuperscript{48} 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.\textsuperscript{49}
  - Lower rural densities can help conserve resource-based uses in the rural area such as forestry and farming.\textsuperscript{50} 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.\textsuperscript{51}
  - Use lower rural densities to reduce rural sprawl.\textsuperscript{52}
  - One to five acre lots along urban growth area boundaries make the extension of public facilities, annexation, and future resubdivision at urban densities difficult, hindering the logical expansion of urban growth areas if needed in the future.\textsuperscript{53} Use

\textsuperscript{46} 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).
\textsuperscript{49} RCW 36.70A.070(5)[c].
\textsuperscript{50} Manke Lumber Co., Inc. v. Central Puget Sound Growth Management Hearings Bd., 113 Wn. App. 615, 625, 53 P.3d 1011, 1016 (2002). The comprehensive plan designations that complied with the Growth Management Act were the Interim Rural Forestry (IRF) designation with a density of one dwelling unit per 20 acres, the Urban Reserve designation with a density of one dwelling unit per 10 acres, the Rural Residential designation with a density of one dwelling unit per five acres, and the Rural Protection designation with a density of one dwelling unit per 10 acres. \textit{Id.}
\textsuperscript{53} City of Gig Harbor, et al. v. Pierce County, CPSGMHB Case No. 95-3-0016c Final Decision and Order, 1995 WL 903183 pp.*40 – 44 (October 31, 1995). In this case the board also held that even though there were more rural comprehensive plan designations, because the densities of several designations were the same there were effectively only two rural densities and this was not a variety of densities. The board gave as an example of compliance with the GMA's variety of densities requirement a comprehensive plan with designations that had
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."  

- "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)."

- 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."

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

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." 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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70 Id.

71 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.

72 City of Anacortes v. Skagit County, WWGMB 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. It is a local option. Nor are counties required to designate any particular part of the county, such as shorelines areas, as LAMIRDs. LAMIRDs were authorized by the 1997 amendments to the GMA that clarified and expanded the GMA’s policy towards rural areas.

Requirements for Designating LAMIRDs and Allowed Uses

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. LAMIRDs are not “to be the predominant pattern of future rural development.” 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).

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),

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74 RCW 36.70A.070(5)(d), Manke 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.”
75 1997 Session Laws, Chapter 429 § 7.
76 RCW 36.70A.030(17).
78 City of Anacortes v. Skagit County, WWGMHB Case No. 00-2-0049c Compliance Order p. *16 (January 31, 2002).
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.\(^7^9\)

**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.\(^8^0\) 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.\(^8^1\) 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).\(^8^2\) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the existing character of the LAMIRD.\(^8^3\) 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."\(^8^4\) 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.\(^8^5\)

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.\(^8^6\)

\(^7^9\) RCW 36.70A.070(5)(d).
\(^8^0\) RCW 36.70A.050(5)(d)(1)(B).
\(^8^1\) RCW 36.70A.050(5)(d)(1)(B).
\(^8^2\) RCW 36.70A.050(5)(d)(1)(C).
\(^8^3\) RCW 36.70A.050(5)(d)(1)(C).
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

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87 RCW 36.70A.070(5)[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).
undeveloped property is to provide for infill.  

Infilling is allowed if it is "'minimized' and 'contained' within a 'logical outer boundary.'"  

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." 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. 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. 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.

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. Demand or need for commercial or residential development does not permit the expansion of LAMIRDs beyond their logical outer boundaries. To do so would discourage commercial and residential development within urban growth areas as required by the GMA. 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

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95 Panesko v. Lewis County, WWGMHB Case 00-2-0031c Decision and Order p. 19 (March 5, 2001).  
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. 01-1-0014cz Final Decision and Order, 2002 WL 32065594 *17 (May 1, 2002).  
97 RCW 36.70A.070(5)[d][iv].  
100 Panesko v. Lewis County, WWGMHB Case No. 00-2-0031c Final Decision and Order p. 19 (May 5, 2001).  
101 Olympic Environmental Council v. Jefferson County, WWGMHB Case No. 00-2-0019 Final Decision and Order p. 5 of 8 (November 22, 2000).  
102 Olympic Environmental Council v. Jefferson County, WWGMHB Case No. 00-2-0019 Final Decision and Order p. 5 of 8 (November 22, 2000).  
103 Id.
acknowledge historical reality under RCW 36.70A.020(5) and not to provide for” additional development.104

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

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

**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.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.”112

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104 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).
105 RCW 36.70A.070(5)(d)(ii) & 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).
106 Id.
107 Id.
108 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).
109 RCW 36.70A.070(5)(d)(ii).
110 RCW 36.70A.070(5)(d)(ii) & 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).
111 RCW 36.70A.070(5)(d)(iii).
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

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

Planning for Sustainable Rural Areas
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]."\textsuperscript{122}

"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."\textsuperscript{123}

**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."\textsuperscript{124}

- 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.\textsuperscript{125} "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."\textsuperscript{126}

- The resort can provide a full range of capital faculties and services to serve resort.\textsuperscript{127} On-site capital faculties 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."\textsuperscript{128}

- Master planned resorts are allowed to permit urban growth outside urban growth areas.\textsuperscript{129}

- "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."\textsuperscript{130}


\textsuperscript{124} RCW 36.70A.360(1).

\textsuperscript{125} RCW 36.70A.360 & RCW 36.70A.362.

\textsuperscript{126} RCW 36.70A.362.

\textsuperscript{127} RCW 36.70A.360(2).

\textsuperscript{128} RCW 36.70A.360(2).

\textsuperscript{129} RCW 36.70A.360(1) & RCW 36.70A.362.

\textsuperscript{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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-----Original Message-----  
From: Dale Leavitt [mailto:northernallstars@hotmail.com]  
Sent: Tuesday, August 29, 2006 8:21 PM  
To: Joanna F. Valencia  
Subject: FW: Important Read  

Joanna:  
We are all for the RIDGE initiative. We must do it now before its too late.\\  

>This email was inadvertently sent to me; Encompass must have me on a  
>mailing list from a few years ago when they first did some surveying  
>for your property. The developers are starting to get nervous about the  
>new Comp Plan for Kittitas County. Groups like RIDGE in Roslyn and  
>others are calling for the developers to prove they have ample water  
>for forest fires and other mitigations. This will be a real contentious  
>battle. Of course, the author of the email states that "there is a  
>multiple attacks taking place against property owners at this time". He  
>really means that free-for-all development is under attack.  
>
>
>Hello Everyone,  
>
>Please read the email below.....Please write a letter or email to  
>Joanna in order to protect your investments and property rights!!!!!!!  
>
>
>Thank you,  
>
>
>Marc Kirkpatrick  
>
>Encompass Engineering & Surveying  
>
>
>To all: There is a multiple attacks taking place against property  
>owners at this time....This is the 10 year comp plan up date ... RIDGE
presented its changes it wants in the comp plan at a public hearing in front of the county Planning Commission last week ... It states that every rezone, cluster subdivision, plat will need to have an EIS ... all existing open space SHALL not be built on or developed .... And much more ... If it is adopted it will shut down all development and building in the county....Over the next 4 months there are going to be decisions made by the county and the cities that will effect all property owners in the county for the next 10 years .... This is not something that can be fixed latter ... we must speak and attend these meetings now ... Not one individual stood up and testified against the RIDGE proposal ... It has a good chance of going through ... I would ask each of you, today or to night, write a email to Joanna F. Valencia (joanna.valencia@co.kittitas.wa.us) and simply state that you are against the ridge proposal ... I have attached a copy of the proposal for your review ... Read it and you will get nervous ... If you have any questions please contact me on my cell phone 509-260-0462 ... Please come to the Critical Areas meeting in Ellensburg and all of the comp plan hearings as they come up ..... 

On another note the county needs at least two new planning commission members from the lower county ... we need to find some individuals that wish to serve on this board ...

Pat Deneen

509-260-0462

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No virus found in this incoming message.
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Checked by AVG Free Edition.
Proposed 2006 amendments of the Kittitas County Comprehensive Plan presented by RIDGE, Futurewise and others (see attached cover letter)

The format of these proposed amendments is to show the affected portion of the existing Comprehensive Plan in “bill form” with new language underlined, deleted language struck out and unaffected language not marked up. Electronic or color-printed versions of this document show the supporting statements in the color brown. No amendments are proposed for those sections of the Comprehensive plan not included in this document.

EXECUTIVE STATEMENT

H. The County-Wide Planning Policies allocate 55% of the projected population to the unincorporated County. The Board of County Commissioners believe that the unincorporated county is not adequately represented in the Kittitas County Conference of Governments and therefore, any amendments to the Kittitas County Comprehensive Plan or Development Regulations, originating from the Kittitas County Conference of Governments, shall be reviewed by the Kittitas County Planning Commission for recommendation before consideration by the County Commissioners for adoption.

Why proposal is needed and how conditions have changed to warrant the amendment? The Kittitas County Conference of Governments is comprised of duly elected officials representing all of Kittitas County Governments. Since all comprehensive plan amendments must be reviewed by the planning commission anyway, there is no need to single out amendments recommended by the Conference of Government and removing the provision may improve relations between the different local governments in our community.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies? The proposed amendment would upgrade the status of the Kittitas County Conference of Governments from the inferior status accorded to it by the existing Comprehensive Plan.

CHAPTER TWO: LAND USE

2.2 GENERAL GOALS AND POLICIES

(Revised)
GPO 2.11 Kittitas County does not have any plans to adopt provisions for impact fees at this time and as such, any reference to impact fees in this comprehensive plan not be included. Kittitas County shall conserve and protect existing open space, farmland and forest land and shall support conservation and protection of connected corridors and public access to open space as mitigation for any development that is proposed or approved involving conversion of
forestlands or agricultural lands (whether or not the forestland or agricultural land is
designated as resource land of long-term commercial significance). Such corridors and public
access provisions may be established through voluntary agreements, conservation easements,
purchase or other instruments as appropriate and available.

Why proposal is needed and how conditions have changed to warrant the amendment:
Cumulative conversions of existing forest and agricultural lands, and open space to residential real estate
have reduced such rural amenities as, public access to public lands and other open space for hunting,
fishing or other recreational purposes, habitat connectivity and the visual integrity of a rural landscape
and may otherwise harm property rights of existing property owners due to reduced water availability to
senior water rights holders and interference with traditional farming, ranching, and forest practices.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies:
Within the fiscal portion of the Comprehensive Plan (GPO 5.29) impact fees are already enabled. This
change would revise GPO 2.11 to become consistent with that existing policy. It would also provide an
important revised policy addressing the need to protect the working landscapes on which forestry,
farming, ranching, and tourism depend.

*******

(Revised) GPO 2.11A Much of Kittitas County receives little natural precipitation and is highly
susceptible to fire hazard during much of the year. Meanwhile, more people are moving to
previously uninhabited forest and rural areas. As this number increases, the need to provide
adequate and efficient fire services to these areas also increases. Prior to approval new cluster
developments and subdivisions shall be required to demonstrate availability of water sufficient
to provide 1,000gpm (as referenced in the FireWise Program document) so that fires can be
efficiently and adequately fought and appropriate resources can be directed toward saving the
forest.

Why proposal is needed and how conditions have changed to warrant the amendment?
Recent rezones in Kittitas County have increased the number of homes in the forest and wildland fire
interface. These new homes/developments are not currently required to have fire hydrants. Cluster
development increases the density and thus the risk and potential for forest fires.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
This proposal simply details the method by which the intent of the existing GPO 211A can be fulfilled.
It will also help protect neighboring properties from the increased fire threat that denser development
and more people bring to forest, farm, and range land.

*******

(New) GPO 2.12 In order to ensure that the impact of certain land use decisions are adequately
analyzed, in the event that any of the following requested actions should come before the
County, a Determination of Significance with respect to the action shall be made with respect to
those requested actions and the County shall prepare an environmental impact statement as
per the State Environmental Policy Act (SEPA) for:

1. Any proposed comprehensive plan amendments (including creation of any Urban
   Growth Node (UGN) or Urban Growth Area (UGA), rezones or subdivisions that would
   permit an increase in the intensity of use on the affected land to a level of one or more
   unit(s) per twenty acres.
2. Any proposed comprehensive plan amendments, rezones or subdivisions involving conversion of use from forest or agricultural use to residential, commercial or industrial use.

3. Any proposed comprehensive plan amendments, rezone or subdivision that would require an amendment of the Kittitas County Comprehensive Plan.

Further, no rezone shall be approved except as part of a comprehensive plan amendment.

Why proposal is needed and how conditions have changed to warrant the amendment?
Currently in Kittitas County many land use decisions including rezones or subdivisions are routinely deemed to be “non-project actions” and are granted “determinations of non-significance” for purposes of the State Environmental Policy Act (SEPA). As such, the key decisions enabling a greater intensity of land use are made without the benefit of analysis of impacts on capital facilities, infrastructure, public services, transportation, recreation, housing critical habitat and water resources. In recent years the number of such decisions has increased and the cumulative impacts have multiplied. It is time to take account of the impacts caused by these proposed actions at the time they are being proposed.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
Kittitas County Code already provides for the application of the SEPA process where proposed actions are determined to be of significant impact. This new policy would simply apply the existing process categorically to those actions listed within the proposed GPO.

******

New GPO 2.12A Where subdivisions involving conversion of use from forest or agricultural use to residential, commercial or industrial use are approved, they shall be clustered and connected open space shall be reserved within or adjacent to the subdivision with appropriate easements for public access, habitat and recreational use. The County shall encourage and require such features in any approved rezone or subdivision within the designated area(s).

Why proposal is needed and how conditions have changed to warrant the amendment?
Cumulative conversions of existing forest and agricultural lands, and open space to residential real estate have reduced such rural amenities as, public access to public lands and other open space for hunting, fishing or other recreational purposes, habitat connectivity and the visual integrity of a rural landscape and may otherwise harm property rights of existing property owners.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
This proposal would amend the Comprehensive Plan to be consistent with those provisions of the GMA that encourage enhancement of open space.

******

New GPO 2.13 Whereas a large inventory of platted but undeveloped lots currently exist in Kittitas County, prior to any further approval of any rezone, or subdivision of lands to allow more intense use of those lands, the County shall undertake a process of monitoring the number type and location of such lots. The County shall then regularly update that assessment. New subdivisions, rezones permitting a more intense use of the affected lands or will not be approved unless it can be demonstrated that such approvals are necessary to accommodate
projected population growth for Kittitas County and the applicable incorporated cities, Urban Growth Areas (UGA) or Urban Growth Nodes (UGN) as per population allocations prepared by the Washington State Office of Financial Management (OFM). Such approvals shall be counted and assigned according to OFM population allocations.

Why proposal is needed and how conditions have changed to warrant the amendment?
In Kittitas County parcels of land are rezoned and/or subdivided without consideration or demonstration of the need for additional residential lots in particular regions of the County in order to accommodate projected population growth assigned or projected for the applicable jurisdiction. In recent years a large inventory of undeveloped lots has accumulated while new subdivision approvals continue.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
Current policies of Kittitas County and the GMA already require that land-use planning be done in coordination with OFM population allocations. The proposed GPO 2.13 would simply enable this policy to be carried out more effectively.

******

New GPO 2.14 Consistency of Development Regulations, Zoning Map and Zoning Regulations with Comprehensive Plan: Kittitas County’s development regulations, including its zoning map and zoning regulations, shall be consistent with and implement the adopted Kittitas County Comprehensive Plan. Any amendments to the development regulations, including the zoning map or zoning regulations shall be consistent with and implement the adopted Kittitas County Comprehensive Plan.

New GPO 2.15 Consistency of County Activities and Capital Budget Decisions with the Comprehensive Plan: Kittitas County shall perform its activities and make capital budget decisions in conformity with the adopted Kittitas County Comprehensive Plan.

Why proposal(s) are needed and how conditions have changed to warrant the amendment?
A comprehensive plan is a guide to a community’s desired future. A comprehensive plan is implemented in many ways including public investments in capital facilities and services, education, incentives, and regulations. Unless these measures are consistent with and carryout the comprehensive plan, the county will not achieve its desired future. For this reason comprehensive plans and development regulations must be consistent.

Kittitas County’s comprehensive plan and zoning regulations are not consistent, they should be made consistent as part of the 2006 comprehensive plan and development regulations update. Further, there is concern that some rezones may not be consistent with the comprehensive plan, so policies should be so be adopted to maintain consistency between the comprehensive plan and development regulations and to ensure the county’s activities are consistent with its comprehensive plan. The Resource Lands Advisory Committee (RLAC) also recommended that the comprehensive plan’s Land Use Map and the Zoning Map should be consistent. These policy changes will help achieve the future preferred by Kittitas County, its citizens, and its property owners. In order to avoid the liability of non-compliance with the GMA the County must update the zoning regulations and zoning map so they are consistent with and implement the comprehensive plan and adopt the following new GPO policies:

4 8/30/2006
How proposal(s) are consistent with Kittitas County Comprehensive Plan and Planning Policies?

The Kittitas County Comprehensive Plan and Planning Policies must be presumed to be consistent with the Growth Management Act (GMA) and if they are found to be inconsistent with the GMA they must be amended to become consistent. RCW 36.70A.040, requires consistency between the comprehensive plan, including the future land use map, and development regulations, including the zoning map. Further, the GMA requires that Kittitas County “shall perform its activities and make capital budget decisions in conformity with its comprehensive plan.” These new GPO’s will assist Kittitas County in meeting these requirements.

*****

New GPO 2.20 The County shall conduct and maintain a comprehensive survey of groundwater resources and aquifers and shall identify all critical aquifer recharge zones. This survey shall be initiated in 2007 and shall be completed in 2008.

Why proposal is needed and how conditions have changed to warrant the amendment?

There currently is no authoritative resource available to Kittitas County planner’s (CDS) regarding water resources and as a result planning decisions are made without regard to the environmental impact of proposed land actions on groundwater in Kittitas County. There is no complete County map of aquifers, groundwater sources and critical aquifer recharge areas compiled together with information regarding their safe yield. There is no coordination of information that is available from the USGS, maps with Water Resource Inventories and statistics on Domestic Water Use, and Ground Water Use versus Surface Water (Irrigation) use. With the rapid growth and development in the headwaters of the Yakima River, Kittitas County must adopt a more authoritative and comprehensive system to map its water resources so that impacts from proposed land use actions may be evaluated and the resource be protected.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?

This proposal is consistent with existing GPOs 2.67, 2.68, 2.69 which call for but have not resulted in the completion of an aquifer and groundwater survey covering all of Kittitas County.

*****

Amended 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. In recent years Kittitas County has experienced a significant conversion of acreage from forest and agricultural purposes to residential real estate use. Much of this land was formerly part of large corporate timber holdings adjacent to public lands. This conversion has had the consequence of restricting or eliminating public access to many acres of land that historically have been available for fishing, hunting and other recreational purposes. In addition this conversion has fragmented the connectivity and reduced the functionality of wildlife habitat. County planning policies shall support public acquisition of private lands for public uses such as recreation and/or preservation of critical habitat and habitat connectivity and shall cooperate with private land owners, organizations, qualified land trusts, state agencies, tribal and local governments interested in protecting our diminishing open space, public access and wildlife habitat. This policy is also intended to enhance Kittitas County’s
economic development including tourism.

Why proposal is needed and how conditions have changed to warrant the amendment?
The loss of open space due to conversions to residential real estate of resource lands formerly used for hunting, fishing and recreation has increased pressure on recreational lands and the remaining open space. It has also in some cases curtailed access to public lands. The amenity of access to open space has enabled much of the increased economic development and expansion of tourism in Kittitas County in recent years.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
A policy that constrains the County from acquiring private land for public purposes now is likely to discourage improvements that would enhance the revenue picture for the County by increasing economic development. The existing policy may also be inconsistent with existing fiscal policies that may involve acquisition of private land needed for public infrastructure or facilities as well as for recreational purposes.

New GPO 2.110 Overlay Districts: An Overlay District is a planning mechanism that seeks to protect and enhance the character of the district for generations to come. It is a wise investment in property values.

Whereas there exist numerous sub-regions within the County that possess desirable characteristics that may be threatened by over-development, in 2007 Kittitas County shall undertake and conclude a public process by which such sub-region(s) are identified and policies and overlay districts are adopted by which development shall be discouraged or managed in such a way as to preserve those specific rural landscape features and functions found to be worthy of protection.

Policy and planning tools to be considered and that may be adopted include but are not limited to enabling language to create such overlay districts. Each overlay district include a set of regulations that is applied to property within the overlay zone in addition to the requirements of the underlying or base zoning district, and may provide requirements (or incentives) intended to protect a specific resource and to guide and direct development in certain areas, and may create community design review boards.

Common Overlay District Ordinances elements could include:
- Design Standards
- Open Space Preservation
- Site design standards
- Parking
- View protection
- Circulation and access
- Lighting and utilities
- Signage
- Building dimensions and layout
- Redevelopment of existing property
- Architectural standards

Incentives may include:
TDRs (transfer of development rights)  
PDRs (purchase of development rights)  
compensation to landowners  
purchase of lands

GPO 2.110 A  
Interchange Overlay Districts: Interchange Overlay Districts can be designed and regulated in a manner that will lure travelers to spend more time in our towns. They may be thought of as entryway corridors. Setting interchange goals and policies will help alleviate future misunderstanding and confrontation concerning land use decisions.

Elements to be included in Interchange Overlays:  
Setting standards for the areas adjacent to the interchanges involves the following:  
1) Identifying the current land uses that are adjacent to the interchange. What do these uses suggest about the characteristics of the interchange? Is that good or bad?  
2) What characteristics of future development should be adjacent to the interchange?  
3) What characteristics of future development should not be adjacent to the interchange?  
4) Does the current land use pattern complement the downtown?  
5) What types of future development would have a negative impact on the businesses located in the downtown?

This approach allows the County to accomplish two essential but often forgotten tasks: identify the incompatible development before it occurs and identify the outcomes it wishes to achieve.

Why proposal is needed and how conditions have changed to warrant the amendment?  
As development increases in Kittitas County’s rural areas, cities and urban growth areas, planners and citizens have an increasing need for more flexible planning tools to identify and achieve specific planning goals unique to a particular district, whether that should be a freeway interchange or a rural area.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?  
The two overlay district GPO’s are consistent with the existing Comprehensive Plan and Planning Policies and merely enable plans to “overlay” existing plans, without conflicting with them.

******

New: GPO 2.111 Dark Skies: The County shall support planning policies and ordinances that set forth provisions for outdoor lighting consistent with Dark Sky Ordinance and/or requirements currently in place within the City of Roslyn and on the Suncadia Master Planned Resort.

Why proposal is needed and how conditions have changed to warrant the amendment?  
As development expands in Kittitas County and especially in rural areas of Kittitas County, light pollution and glare threaten our view of the stars and planets in the night sky. As energy costs increase the energy-saving benefits of lighting systems that protect the sky from excessive light directed up rather than down upon the earth also increase. Increased growth need not require the loss of the dark night sky. A county-wide policy and ordinance would protect it.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
The proposed policy would not conflict with existing policies but would increase the quality of life in Kittitas County.

********

New GPO 2.112 Designation Criteria: Kittitas County shall undertake a process of developing criteria for application of its Comprehensive Plan designations. This process shall be complete by December 1, 2006.

Why proposal is needed and how conditions have changed to warrant the amendment?
There is currently a high level of controversy and conflict over rezones in Kittitas County. One technique for reducing these controversies and conflicts is to spell out clear criteria for where the county’s comprehensive plan designations are to be applied. “Comprehensive plan designation” is the term for each category on the future land use map. The comprehensive plan has designation criteria for agricultural lands of long-term commercial significance in existing policy GPO 2.114B, but that is the only designation with designation criteria. We also have some recommendations for improving those criteria in another section of our recommendations.

Since comprehensive plan designations are sometimes implemented by more than one zoning district, a policy should be adopted identifying which zones are consistent with each comprehensive plan designation. Some counties do this in table format. This type of policy makes it clear which zones can be located in areas designated for a particular comprehensive plan designation.

Including designation criteria for each comprehensive plan designation and a policy on which zones implement the various comprehensive plan designations would provide more predictability for property owners and the community, reduce conflicts, make the comprehensive plan more useful as a guide to decision making, and make land use decision making fairer, more efficient, and quicker. These policy changes would certainly benefit Kittitas County, its residents, and its property owners.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
The Kittitas County Comprehensive plan contains various designations, but currently lacks a complete set of criteria by which to judge which designation should be applied in a given circumstance. By developing such a system of criteria, it might more successfully achieve consistent application of provisions of the Comprehensive Plan and Planning Policies.

********

New GPO 2.113 Roslyn Historic District: Whereas the City of Roslyn has been designated National Historic District, Kittitas County will consider the impact of land use actions on lands adjacent to the City of Roslyn that would have a negative impact on the protection of the historic character of the National Historic District and other recognized historic features surrounding the City of Roslyn.

Why proposal is needed and how conditions have changed to warrant the amendment?
The City of Roslyn was designated a National Historic Landmark in 1978 and has maintained its historic character with a process of design review and the formation of a Historic Preservation Commission. In order to protect this national asset it is important that the County avoid land use actions adjacent to the City that would threaten its historic status.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
County Planning Policies already include sections for such historic districts as Liberty. This proposed GPO would include a similar planning policy covering the City of Roslyn.
Urban Growth Nodes

Recommendation
As will be explained below in more detail, the urban growth nodes seem to be a hybrid between urban growth areas and limited areas of more intense rural development. Urban growth areas must meet the requirements for urban growth areas and cannot, by definition, be allowed in the rural area or on resource lands.

Limited areas of more intense development (LAMIRDS) maybe allowed in rural areas, but only if they comply with the Growth Management Acts requirements for them. We have the following recommendations:

1. All references to Urban Growth Nodes should be deleted from the plan.

2. In the rural element, create a section for LAMIRDS that complies with the requirements of the Growth Management Act. This section should have appropriate GPO’s, one of which must reflect the realities of the services currently available. Piped water and sewers necessary to serve LAMIRDS are allowed, although by definition they are not urban services. Another GPO should be written stating LAMIRD’s should have logical outer boundaries [LOB] which cannot be expanded and urban services cannot be extended beyond the LOB in order to prevent urban sprawl.

3. A GPO should perhaps be created directing the formation of a local citizens council within the LAMIRD,s to provide for representation of the people in decisions made by county government concerning LAMIRD’s.

4. We also have some recommendations for specific areas.

a. At the time UGN's were formed not enough attention was given to their ability to provide urban services. Because Ronald is contractually restricted as to the area it can supply urban services (especially water and sewer- both of which are supplied via contract with the City of Roslyn) it is unable to provide these services outside the boundaries of its water district (Kittitas County Water District #2). Ronald cannot thereby “function in much the same way as an UGA”.

We recommend that the town of Ronald and the community of Pine Loch Sun III, which abuts Ronald, has it’s own water system but cannot expand it, be classified as Category 1 LAMIRD’s. Both communities qualify as LAMIRD’s under the Growth Management Act [RCW 36.70]. Other communities within the UGN (Evergreen Ridge, Evergreen Valley and Bakers Acres) which are served by the Evergreen Water System (a Class A system) and can meet the requirements for LAMIRDS can also be given that designation.

b. The Thorp UGN, which currently has about 93 water hookups in it’s water district, and has another 60+ available based on existing usage levels and water rights, is approximately one-third (1/3) larger than it’s water district boundaries. Thorp could also be classified as a Category 1 LAMIRD and its limits set at its logical outer boundary. Proper infilling will probably utilize the 60+ potential water hookups.
c. The Easton UGN is served by a water district but has no sewer system. Each residence is served by an individual septic system. The Boundaries of the Easton UGN are much too large and without a sewer system additional development will cause too much waste to be introduced into the soil creating health hazards.

d. Snoqualmie Pass and Vantage have both sewer and water systems. Vantage is serviced by a private sewer operator. Do they have enough capacity to serve the projected population for the next 20 years without upgrades that may be too expensive for the areas residents and taxpayers to absorb?

Why proposal is needed and how conditions have changed to warrant the amendment?
The Washington State Department of Community, Trade and Economic Development in their November 2, 2004 letter to Kittitas County Board of County Commissioners the commented that: “Both the Kittitas County Comprehensive Plan and county-wide planning policies indicates several urban growth nodes have been designated and mapped because they exhibit urban characteristics. This language indicates that these urban growth nodes are Category 1 LAMIRD’s - Easton, Snoqualmie, Thorp, Vantage and Ronald.” This can most clearly be seen in GPO 2.97 which sets as a goal to “[r]educing the inappropriate conversion of undeveloped land into sprawling, low-density development” which is a rural requirement with “[i]nclude sufficient vacant and buildable land” which is an urban requirement.

In Ordinance No. 2005-40 the Kittitas County Board of County Commissioners have stated on Page 13, 23(D): "The Board of Commissioners finds that the policies for dealing with land use issues in the Urban Growth Nodes (UGN’s) needs review during the 2006 updating of the Comprehensive Plan to determine the actual land use capacity, taking into account the availability of urban services, including but not limited to, sanitary sewer, potable water and emergency services to better resolve growth related issues in UGN's and Urban Growth Areas (UGA's). We agree that such a review is needed and that is the basis for our recommendations above.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
The proposals for UGN’s would bring the comprehensive plan into compliance with the GMA and would increase the quality of life in Kittitas County.

CHAPTER THREE: HOUSING ELEMENT

New GPO 3.21 Kittitas County shall support policies that increase and maintain the availability of affordable housing, throughout the County. Affordable housing shall be defined as housing that can be afforded by families or individuals earning no more than 75% of the median income for Kittitas County.

New GPO 3.23 Kittitas County shall undertake and maintain survey of existing housing stock in all Kittitas County communities and shall identify those areas of the County where a sufficient stock of affordable housing is not available or where population trends indicate that it will not be available in the near future. This survey shall include a comprehensive assessment of housing prices and rental rates, existing residential patterns, demographic trends, projected population growth, age of residents, household size, and special needs, if any.
New GPO 3.24 Kittitas County shall employ a variety of strategies to increase and maintain the availability of affordable housing as per Strategy 3.21, below.

3.5 KITTITAS COUNTY HOUSING STRATEGIES

New Strategy 3.21 Encourage the development of new and maintenance of existing affordable housing stock dispersed throughout Kittitas County through employment of a variety of strategies including but not limited to:

3.21 (a) Approval of accessory dwelling units, cooperative housing and, within urban growth areas, mixed-use (commercial/residential) developments.
3.21 (b) Establishment of minimum affordable housing requirements for new planned unit developments.
3.21 (c) Use of density bonuses for new housing developments that include at least 10% affordable housing within urban growth areas.
3.21 (d) Use subsidies and grants, such as Block Grants from HUD’s Community Development Block Grant Program (CDBG), Hope VI program (supporting redevelopment of run-down structures as mixed-income developments) and the Home Investment Partnership (HOME) (for re-development of community facilities for housing), for homebuyer and renter assistance and home-buying counseling, Housing Trust Fund, and low-income housing tax credits.
3.21 (e) Use of non-profit community housing land trust that will own and lease land and/or structures to homeowners and guarantee permanent affordability of the homes in the event of resale.
3.21 (f) Identify areas of Kittitas County where affordable housing is most scarce and target programs to encourage development of affordable housing in those areas.

Why proposal is needed and how conditions have changed to warrant the amendment?
The upward pressure on real estate prices from buyers of 2nd and 3rd homes has caused significant increases in land values and home prices throughout Kittitas County. This increase is pushing home ownership beyond the reach of working families. The 2000 census calculated the median income of Kittitas County to be $32,546 per household and that 19.6% of individuals and 10.5% of families live below the poverty line. Much of the new employment resulting from increased development will be in the form of low wage service jobs in retail, and hospitality. If these workers are to live in the communities where they are employed, more will need to be done to encourage creation and maintenance of a stock of affordable housing.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
Current policies call for affordable housing, but these policies are explicitly set forth only in the Master Planned Resort sections of the Comprehensive Plan. These proposed GPOs and strategies, extend existing policies beyond the MPR to the entire county. Affordable housing plans are required by the GMA and these proposed changes would assist the County in producing a Comprehensive Plan that is consistent with the GMA.
CHAPTER FOUR: TRANSPORTATION

GPO 4.14 To recognized non-motorized travel as a viable, energy-efficient transportation mode by developing a county-wide non-motorized system plan and by assessing, improving and maintaining existing non-motorized facilities. In connection with any new development Kittitas County shall require construction of sidewalks and pathways to enable safe, non-motorized transportation alternatives and motorized wheelchairs. As future transportation plans are prepared or existing infrastructure upgraded such projects shall include insertion of trails and pedestrian pathways to accommodate non-motorized transportation modalities such as walking, bicycling, and horse riding. Kittitas County shall also undertake a process of assessing and upgrading existing transportation plans and infrastructure to address increased safety concerns of non-motorized transport as levels of traffic increase.

Why proposal is needed and how conditions have changed to warrant the amendment?
As development increases in Kittitas County, traffic increases hazards for those traveling by foot, bicycle, horse, and wheelchair. In addition new development does not always include accommodation for non-motorized methods of transportation. As energy prices increase, investments in infrastructure that enable safe, non-motorized transport, are increasingly worthwhile.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
Existing policies already support non-motorized travel. These amendments simply strengthen existing policy in this area. Current fiscal policy also calls for new development to pay its fair share of the cost of development. Provisions that include sidewalks and pathways for non-motorized travel within such developments are consistent with existing fiscal policies.

CHAPTER FIVE: CAPITAL FACILITIES PLAN

Amended: 5.2.2(B) Parks and Recreation

As growth continues to occur both in the urban and rural areas of Kittitas County, there may be increased impacts on existing recreational areas and a demand for additional recreational areas and opportunities. In order to address the potential demands and impacts, Kittitas County shall work cooperatively with other local governments and state agencies to provide a balanced approach that incorporates communities should be responsible for organized recreational opportunities and park systems, and while the County is responsible for the unorganized, passive recreational opportunities. The parks and recreational facilities needed to accommodate growth shall be provided in areas convenient to serve the new development and existing residents. The County shall give particular emphasis to establishment of trail systems that connect with existing public and private trail systems and that provide public access to public and private open space. These efforts may be carried forward in cooperation with incorporated cities and or park and recreation districts within Kittitas.

Why proposal is needed and how conditions have changed to warrant the amendment?
While Kittitas County continues to rely on areas outside of incorporated cities to accommodate a majority of its projected population growth. existing policy places the entire burden of maintaining organized recreational opportunities and park systems on incorporated cities that enjoy none of the
property tax revenue from growth occurring outside their boundaries. Currently, a boat launch on the eastern boundary of Kittitas County is the only organized recreational facility operated by Kittitas County. In order to meet the needs of all County citizens the County should at least enable itself to play a larger role in this arena. Facilitation and cooperation with the establishment of public trails would be a good place for this expanded role to be initiated.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
This amendment would expand the current role of the County in developing organized recreational opportunities and park systems. It would serve to make the Comprehensive Plan consistent with those provisions of the GMA calling for planning of recreational resources for all citizens in the County.

5.3 GOALS, POLICIES AND OBJECTIVES

Amended GPO 5.29 Future development:

A. Future development may be required to pay its fair share of the capital improvements needed to address the impact of such development, and may pay a portion of the cost of the replacement of obsolete or worn out facilities. Upon completion of construction, "future" development becomes "existing" development, and shall contribute to paying the costs of the replacement of obsolete or worn out facilities as described in GPO 5.28 (A), above.

B. Future development's payments may take the form of, but are not limited to, voluntary contributions for the benefit of any public facility, impact fees, mitigation payments, capacity fees, dedications of land, provision of public facilities, and future payments of user fees, charges for services, special assessments and taxes. Future development shall not pay fees for the portion of any public facility that reduces or eliminates existing deficiencies.

New GPO 5.144a Special taxing districts that benefit part or all of the county shall be supported when they are also supported by a majority of voters in within the district.

Why proposal(s) are needed and how conditions have changed to warrant the amendment?
In 2005 voters approved the formation of The Kittitas County Parks and Recreation District No. 1 whose boundaries include incorporated cities and unincorporated rural lands in Upper Kittitas County. This District will enable citizens to tax themselves to provide services and receive donations of land that Kittitas County may decline to provide or accept. County Planning policy should not oppose creation of such districts where local residents support them.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
The proposed amendment would add a new policy and delete existing GPO 8.34 but would be consistent with other aspects of the Kittitas County Comprehensive Plan and Planning Policies.

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Libraries
(Amended Table of Service Providers)

GPO 5.97 Library Services   Cities of Kittitas, Cle Elum, Ellensburg, Roslyn/Kittitas County via agreements and direct services and/or support for existing and new services.

New GPO 5.115 Libraries: As growth continues to occur both in the urban and rural areas of Kittitas County, there are and will be increased impacts on existing library services and an increasing demand for additional library services. In order to address the potential demands and impacts, Kittitas County shall undertake responsibility for developing and financing the coordination of existing and new library services that serve all areas of Kittitas County.

Why proposal is needed and how conditions have changed to warrant the amendment? While Kittitas County continues to rely on areas outside of incorporated cities to accommodate a majority of its projected population growth, existing policy places the entire burden of maintaining public libraries on incorporated cities that enjoy none of the property tax revenue from growth occurring outside their boundaries. In order to meet the needs of all County citizens the County should at least enable itself to play a larger role in this arena. This could take the form of more support for existing library systems within incorporated cities or eventually in the form of a County Library System.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies? This amendment would expand the current role of the County in supporting public libraries. It would serve to make the Comprehensive Plan consistent with those provisions of the GMA calling for planning of public infrastructure for all citizens in the County.

CHAPTER EIGHT: RURAL LANDS

8.1 INTRODUCTION

(Proposed to be deleted in entirety and replaced as part of the 2006 review and update to the Comprehensive Plan)

The State of Washington's land use regulation, called the Growth Management Act, suggests that rural lands be a separate element in a county's comprehensive plan. While Kittitas County considers it more logical to include the rural lands element with the other land use categories of urban, resource, critical areas, etc., there has been a request that it be discussed in a chapter of its own. This Chapter 8 is to honor that request.

Recent clarification at the state level about rural lands has outdated some prior planning and where there is a conflict between this chapter and past GMA products, the older documents will conform to this chapter as adopted December 1997.

Rural lands planning and implementation in Kittitas County is a complex process due to the variety of topographic, biologic, economic, and climatic zones it includes. The vast amount of land currently designated as rural lands (over 33% of the county's land mass) as compared to more urbanized counties (King 15%) or those where resource lands predominate, makes rural lands planning in Kittitas County more difficult. Rural lands in Kittitas County are now, and have historically been, a mix of resource lands, rural neighborhoods, and varied developments scattered throughout the county. Liberty, diversity, and flexibility are and have been
characteristic of these rural uses and as such make it difficult to fix them into the rigid molds and divisions that orderly planning documents envision. This diversity and independence was demonstrated in many of the rural areas of the county where extensive subarea planning (19931996) resulted in many hours of public participation, but very little uniformity or consensus.

Kittitas County has a thirty-year history of land use planning. The present patterns of development and conservation are a result of the combination of efforts in planning and market-driven forces. Sometimes plans have not been met (such as Central's plan for 15,000 students in the 1960's which led to the destruction of city neighborhoods via urban renewal condemnations). Sometimes plans have been changed (agricultural lands from 1 acre minimum lot sizes to 3 and 20 acre minimum lot sizes and forest lands from 1 acre minimum lot sizes to 20 and 80 acre minimum lot sizes) or ignored (the state's siting of Interstate 90 through the best farm ground instead of using a route north of the City of Ellensburg with its rocky ground and sunny exposures). However successful this planning was or wasn't, throughout the last three or four decades, considerable time and expense has been devoted in Kittitas County government planning. That tradition continues under the state land use regulations called the Growth Management Act and its present requirements.

How has history and that planning effort affected our rural lands? What are rural lands? The state defines them by default as lands which are not urban, UGA, or resource lands. In this county, historically there have been large tracts broken into small divisions, but also small tracts gathered together into larger holdings or farms. Diverse activities have taken place there. Small industries, farms, ranches, mines, sawmills, tree growing, animal keeping holdings of all kinds, guest ranches, dance halls, roadside cafes, gas stations, hotels, agricultural-processing plants, feedlots, airports, day care centers, schools, churches, game farms, and conservancies have all located on what the state would call rural lands in Kittitas County.

Continuation of this diversity on rural lands is imbedded in the WAC recommendations and also in Governor Locke's message as he vetoed parts of ESHB No. 6994 on May 19, 1997. He vetoed Section 8 saying, "Section 7 of this bill provides all the direction needed by counties to plan for the rural element, including guidelines for rural development. Governor Locke went on to say, "Section 7 provides that the rural element shall permit rural development...for a variety of rural densities, uses, essential public facilities... rural governmental services... businesses to serve the local population... infill existing development, small-scale recreational or tourist uses and cottage industries and small-scale businesses."

"The GMA does not set out one plan for rural areas that all counties must follow," two other statewide groups acknowledged in a joint publication (January 1997) by the League of Women Voters of Washington and the Department of Community, Trade, and Economic Development. They point out that "local jurisdictions have the flexibility to develop a plan that will meet local needs."11

As in all of Kittitas County zoning, rural lands planning must take into account that public ownership is a huge factor. Small private ownerships total approximately 24 to 28% of the land in Kittitas County. Because of this, planning decisions that do not include control of publicly managed land will have little effect here. Also, because most of the public ownership is of lands often thought to be of rural character (i.e. agriculture, timber, farmland, range, and public
local officials will not be able to determine and protect rural character without the ability to mandate cooperation from the public "owners." The benefit or burden of vast acreage of public lands needs to be considered when assessing how much public benefit rural lands might be expected to provide (i.e., trails, scenic areas, open space, habitat, etc.). Requiring public benefits from private lands in Kittitas County not only involves finding a method of compensation, but may be needlessly duplicating uses already available on public lands. What is this rural character we all think we know, but find so difficult to describe?

Synonyms include Arcadian, bucolic, rustic, pastoral, and sylvan; and definitions say "country" as in "not city." Common planning definitions suggest that the natural environment dominates the built environment in rural areas. GMA documents allude to the necessity for jobs and residences located within rural areas rather than resource lands. Tourists might expect certain scenic landscapes as they speed past. In fact, some cities or localities have developed a "theme park" mentality to cater to tourists. Traditional Kittitas County rural families think of rural areas as a place without conveniences where you earn your living. Others might conceive of these areas as bedroom communities and may even want to curtail economic activities by the rural people already living there.

The assumption is that some people move to the rural areas to "escape" the city, but they intend to have all of the conveniences of the city and often want to continue their city jobs and salaries. If fewer people in the rural areas is a goal of GMA or Kittitas County, the central problem of making cities and urban growth areas (UGAs) more desirable living places must be addressed. As the Land Use Study Commission pointed out in the 1996 annual report, "...it is not possible to dictate that people must live in the urban area. People may choose to live in the rural area for many reasons such as lifestyle, schools, housing cost, traffic, safety, and amenities. Unless the urban centers are desirable places to live, it will be difficult to achieve the anti-sprawl goals of GMA."  

Further studies into why people want to leave cities (not just Kittitas County, but also the cities west of here) and what can be done to make them more liveable are appropriate to finding a solution. In a conference held at Central Washington University in 1996, Mayor Kemmis, of Missoula, Montana, said that unfortunately most of the things that make the most liveable urban areas desirable, have now been prohibited by municipal planning and zoning (i.e., narrow streets, a residential/retail mix, closer spacing). Perhaps county government in Kittitas County can take the lead in examining and correcting the factors within our municipalities that lead to rural "flight." If this is a preference on the part of a substantial segment of the county population to live in the rural lands rather than in or near the towns and cities of the county, a basic part of the county's rural lands planning might focus on attempting to help change those conditions within the municipalities.

Are large numbers of people in the rural areas really a problem? How much population transfer from urban to rural areas can take place while still calling rural areas "rural?" Kittitas County has struggled with this question without finding an answer. Population allocation is a guessing game in Kittitas County where so many of the people have out of county residences such as college students, "snow-birds," Seattle area commuters, and vacation homeowners. Seasonally occupied homes have different impacts on services than do those occupied by permanent residents. These impacts need to be studied.

There exists a generalization that 5-acre minimum lot sizes might preserve "rural character."
The County Planning Department has GIS data showing over 603,716 acres eligible for consideration as rural land. If so, Kittitas County will retain rural character for a long-time based on the five-acre density criteria. State planners are concerned about "urban sprawl" with less than five-acre minimum lots sizes. However, over the past fifteen to twenty years Kittitas County has experienced "rural sprawl" through the adoption of 20-acre minimum lot sizes, which has caused the conversion of farmland into weed patches. Small-lot zoning with conservation easements for agriculture, timber, or open space may be preferable to the wasteful "sprawl" developments of large lot zoning and could be more conducive to retaining rural character. Where do our rural neighborhoods fit into the lot size debate? In Kittitas County, there are rural settlements of all sizes and descriptions, some resembling small towns and others simple "crossroads clusters." While attaining higher densities, these areas remain rural in character.

Density alone may not describe rural character but the "appearance" of density might. More and more "appearance," rather than actual substance or function seems to be the goal of planning. Perhaps our rural lands do not have to be rural, they just have to "appear to be rural" to satisfy those aggressively demanding that government mandate "ruralness." However, the government's ability to require citizens to appear to be rural, or urban, or tidy, or artists, or professors, or bureaucrats, or farmers, is limited in a free society. Land use regulation probably would work best in a totalitarian society, but we do not yet allow our government to dictate where each person will live and what work and lifestyle they will adopt. Cities cannot even require their own employees to live within the city limits and indeed, many do not.

Can our free society require its rural citizens to appear to be peasants, or to actually be indentured to their own property in an agrarian role? Can we require that everyone living in a rural area be rustic? Can we force people to leave unless they adopt or reject certain behaviors? Will "growth management" become such a totalitarian process that it will dictate economic pursuits and lifestyles? To an extent it does. Can it tell people where to live and what they must do for a living? We have begun to accept size of residence requirements but have not yet adopted a county-wide uniform house color. Is that next? Can we require that all rural residents adopt and portray a rural or agrarian lifestyle even if unsustainable? Will we establish rural reservations and urban ghettos in the name of planning? The extent to which this may be done is being described in the Chapter.

With the complexity and diversity of the various subjects and issues outlined in this introduction, coupled with the flexibility needed, this chapter to the extent possible, contains the goals, policies, and objectives addressing the rural land needs of Kittitas County.

Why proposal is needed and how conditions have changed to warrant the amendment?
The existing introduction to the Rural Element of the Comprehensive Plan is less of an introduction to a planning policy, than an extended diatribe demeaning the entire project of planning for rural lands. The introduction is loaded with rhetorical questions and sarcastic remarks that do little to guide planners and the public in any good faith effort to meet the goals of the Growth Management Act with respect to Rural Lands. The Introduction to the Rural Lands Chapter should be re-written, in a fashion that is without a bias hostile to proper planning on rural lands.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
The GMA requires the Comprehensive Plan to include a planning element for Rural Lands. An introduction to that section of the Comprehensive Plan that acknowledges this obligation would serve to make the Comprehensive Plan consistent with the GMA.

**Rural Lands Revised or New GPOs**

Revised GPO 8.7 Private owners should not be expected to provide public benefits without just compensation. If the citizens desires open space, or habitat, or scenic vistas that would require a sacrifice by the landowner or homeowner, all citizens should be prepared to shoulder their share in the sacrifice. All property owners shall be treated fairly and their rights respected. All properties shall be entitled to reasonable economic uses consistent with the county’s rural vision. Permit processes and decisions shall be timely, predictable and fair to the property owner who applied, their neighbors, and the community.

**Deleted GPO 8.12** Descriptions of rural character included in the Comprehensive Plan shall not be used as a criteria in the evaluation of an individual project application.

Why proposal is needed and how conditions have changed to warrant the amendment? The current GPO's should be amended or removed as they may serve to constrain Kittitas County from meeting other planning goals necessary to a proper rural lands planning policy relative to rural lands.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies? By allowing descriptions of rural character to be used as criteria for individual project applications, the Comprehensive Plan would enable County Actions taken with respect to individual projects to conform to Planning Policies that may include descriptions or rural character as an element.

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**New GPO 8.12** Kittitas County shall provide for a variety of rural densities and uses, provided however that rural densities shall not exceed one dwelling per five acres outside limited areas of more intense rural development. Comprehensive Plan and zoning regulations shall be updated to provide that the allowed density does not exceed one dwelling unit per five acres outside of urban growth areas and limited areas of more intense rural development.

**New GPO 8.54** Clustering may allow smaller lots while maintaining densities of no more than one dwelling unit per five acres and providing for a variety of rural densities. The resource tracts, the portions of the land not included in building lots, shall be permanently protected from development and shall result in large, unfragmented areas characteristic of Kittitas County’s rural area. The resource tracts should link up with other resource tracts and habitats. The building lots shall be buffered and screened from roads, neighboring properties, and critical areas. Resource tracts are encouraged to be made available to the property owners and the public for hunting, fishing, accesses to federal lands, and other characteristic rural uses.
Why proposal(s) are needed and how conditions have changed to warrant the amendment?
Retaining the quality of life that keeps people and businesses in Kittitas County will require
protecting the county's rural character. Protecting rural character will help maintain the traditional uses
that Kittitas property owners and residents have made of the rural area such as ranching,
farming, logging, hunting, fishing, and other forms of recreation. Protecting rural character will help
prevent development from overwhelming the limited water resources in the county and protect senior
water rights holders from the costs of having to enforce their water rights against users of exempt
wells. Rural developments often use exempt wells and large rural development can significantly
reduce the water available to senior water rights holders. Protecting rural character will also help
prevent taxpayers from having to pay dramatically higher taxes to serve developments in areas that
are costly to provide with public facilities, such as roads, and services, such as schools and Sheriff
protection. Protecting rural character will also help business and employment opportunities built on a
high quality of life or recreation and tourism.

For these reasons, the Growth Management Act (GMA) requires the protection of rural character and
prohibits urban growth outside urban growth areas. The GMA created three state agencies to
interpret the GMA and to hear appeals alleging that cities, counties, or state agencies are in violation
of the GMA. Kittitas County is in the jurisdiction of the Eastern Washington Growth Management
Hearings Board. The Eastern Washington Growth Management Hearings Board, in defining what is
urban growth and what is allowable rural development, has held that in rural areas no more than one
housing unit per five-acres is allowed outside limited areas of more intense rural development.1

The GMA also recognizes that the rural area includes a variety of different areas with different needs
and opportunities. For this reason the GMA, in RCW 36.70A.070(5)(b), requires a variety of rural
densities and uses.

We understand that the county is concerned that property owners not bite off more than they can
chew as to the size of their lots. It would be unfortunate if property owners had lots so large they
cannot appropriately manage them. The solution to this problem is well-crafted clustering provisions
that maintain a variety of rural densities but allow smaller lots. The balance of the property would
then be permanently maintained in forest, pastures, and habitat. Well-done clusters should be
screened and buffered from roads and nearby uses and maintain the connected open spaces
characteristic of rural Kittitas County.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
Current planning policies have allowed certain approvals of densities that exceed the legal limit of
one dwelling per five acres outside of urban growth areas and limited areas of more intense rural
development. In order to bring the Kittitas County Comprehensive Plan and zoning regulations into
compliance with the GMA the County must update the comprehensive plan and zoning regulations so
that the allowed density does not exceed one dwelling unit per five acres outside of urban growth
areas and limited areas of more intense rural development and to provide for a variety of rural
densities. To achieve conformity with the GMA it may also be necessary to amend the County’s
clustering ordinances to achieve the one dwelling per five acre standard set forth in the GMA.

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1 *City of Moses Lake v. Grant County*, EWGMHB Case No. 99-1-0016 Final Decision and Order pp. *5 – 6 of 11* (May
densities of one housing unit, or more, per 2.5 acres "would allow for urban-like development" and are prohibited outside
urban growth areas including in rural areas).
(Amended and moved to 5.144A, above) GPO 8.34 Special taxing districts associated with urban growth should be opposed on rural lands

Deleted: GPO 8.62 Habitat and scenic areas are public benefits which must be provided and financed by the public at large, not at the expense of individual landowners and homeowners.

Why proposal(s) are needed and how conditions have changed to warrant the amendment?
As stated, GPO 8.62 unduly constrains the County from implementing planning goals related to protection of habitat and scenic areas that are important features of Rural Lands policy. As growth has increased on rural lands the importance of maintaining these protections has increased. Our proposed property rights policy above, addresses these concerns.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
Removal of GPO 8.62 would enable Kittitas County to more flexibly meet the requirements of the GMA and fulfill important planning goals for rural lands in Kittitas County.

Amended: GPO 8.65 If Kittitas County chooses to acquire additional lands for habitat and scenic areas, it may consider a variety of methods of financing, including grants of state or federal funds, or other instruments a method of financing which does not rely on the property tax should be found.

Why proposal(s) are needed and how conditions have changed to warrant the amendment?
As stated, GPO 8.65 unduly constrains the County from exercising certain financing options that it may otherwise wish to pursue for purposes of financing acquisition of lands for habitat or scenic areas. For example, the County may wish to implement an excise tax on new homes or subdivisions and use those funds to finance such purposes, but the current policy would constrain that choice. The County should keep its options open with respect to methods of financing such purchases.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
The proposed amendment would be consistent with existing fiscal policies that enable the County to require New Growth to pay the cost of growth, part of which may include the financing of acquisition of lands for habitat or scenic areas.

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Amended: GPO 8.66 The County should recognize the abundance of habitat, scenic areas and views on publicly-owned lands when assessing the need for additional such lands. Efforts to connect habitat and open space on private lands to habitat and open space on public lands shall be encouraged and efforts to retain access to public lands shall be encouraged.

Why proposal(s) are needed and how conditions have changed to warrant the amendment?
In the years since this provision was drafted, development on rural lands adjacent to publicly owned lands have had the effect of reducing the functionality of public lands by reducing their connectivity to other tracts of public land and open space. To maintain the abundance of habitat, scenic areas and views on public land, and to maintain access to public lands GPO 8.66 should be amended.

How proposal is consistent with Kittitas County Comprehensive Plan and Planning Policies?
The amendment is not inconsistent with the existing Comprehensive Plan and Planning Policies and merely extends them.
Comment for the record regarding RIDGE proposal ... Please place in record

**Susan Barret**

From: Joanna F. Valencia  
Sent: Wednesday, August 30, 2006 11:53 AM  
To: Susan Barret  
Subject: FW: Comment for the record regarding RIDGE proposal ... Please place in record

For PC Record

**Joanna Valencia**  
Planner II  
Kittitas County Community Development Services  
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From: Pat Deneen [mailto:pat@patrickdeneen.com]  
Sent: Tuesday, August 29, 2006 9:33 PM  
To: Joanna F. Valencia; Darryl Piercy  
Cc: 'Chad Bala'  
Subject: Comment for the record regarding RIDGE proposal ... Please place in record

Memo to: the Kittitas County Planning Commission

Memo From: Pat Deneen

Re: Ridge Request for Comp Plan Changes

I have been reviewing the Ridge Request for a Comp Plan Change. It is a very complex request and the unintended consequences that would follow the full adoption of this request are unexplored and not discussed. It appears it would stop in its tracks Cluster Subdivisions which we just put three years of work putting in pace. It would require an EIS on most actions. I do not believe that the state law would allow this.

I do not support the adoption of this proposal. At the best it should be passed on with no recommendation. This proposal must be further discussed and analyzed before any action can be taken.

In addition I do not believe that the Planning Commission has the option to pick and chose from the Ridge Request for a Comp Plan Change. The planning commission has the ability to recommend the adoption of the change, recommend the denial for the request for the change, or pass the request on with no recommendation.

Thank you for taking time to review this comment.

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Checked by AVG Free Edition.
August 29, 2006

Joanna Valencia, Staff Planner
Kittitas County Community Development Services
411 N.Ruby St. Suite 2
Ellensburg, Wa.98926

We were unable to attend the hearings held on August 21,22,23 and 24, 2006. I am very dismayed regarding the zoning changes which are being requested along the North Fork of the Teanaway River by American Forest Resources LLC. This free flowing river and the surrounding property is an irreplaceable wild area and should be left in its current state. It is a treasure which has been enjoyed by the public for many years. Places like it are very rare today. The rapid development which is going on in Kittitas County is changing the county tremendously. Once the wildness is gone it is gone forever.

Sincerely yours,

Jim & Susan Nunn
2510 Darst Road
Coupeville, WA 98239
360-678-9019
Susan Barret

From: Joanna F. Valencia  
Sent: Wednesday, August 30, 2006 11:54 AM  
To: Susan Barret  
Cc: Darryl Piercy  
Subject: FW: Spam: Ridge- Comp Plan Admendment

For PC Record.

Joanna Valencia

Planner II  
Kittitas County Community Development Services

[P] 509.962.7046  
[F] 509.962.7682  
joanna.valencia@co.kittitas.wa.us

From: Jerry T. Martens [mailto:jtmc@inlandnet.com]  
Sent: Wednesday, August 30, 2006 8:32 AM  
To: Joanna F. Valencia  
Subject: Spam: Ridge- Comp Plan Admendment

Joanna,

I have just read the proposal from RIDGE and FutureWise. I hope this isn't getting much attention from the county level. If this is put into effect there would be no point in having a home or property within the confines of Kittitas County. The cost of implementing this would require a large increase in staffing, would end up costing land owners who wanted to try and plat their land more than it would be worth and basically just not be worth the time and effort. What baffles me is that for many years this area was what this proposal would do. A holding zone for people who wanted to get lost and waste their lives with without much accomplishment. Growth started to come in and raise the standards which scared the long time resident but it also brought the elements that figure am here let's work to close the door to anyone else. I think RIDGE and FutureWise are made up of these
people. I have been a land owner in the county for 16 years and a resident for 6+ now. The changes that I see are positive for the county and it's residence. Everyone understandably resist change especially those who do not understand or see what the out come will and can be. The people proposing this understand and see the future. They just do not want to see good that comes with it and will dwell on the negative. I wouldn't mind their attitudes so much if they would just try and understand that the future isn't just for them. We need a balance that allows for a future that most all can live in. Looking out at the wind farm now, I do not see a blight but a area that has features that are interesting and appealing. We need to keep stressing that the county only has +/- 18% of it's land mass that can be developed. HOW MUCH IS ENOUGH. Again, put me down as completely against this proposal.

Jerry Martens
200 Evergreen Valley Loop Rd.
Ronald, Wa 98940
August 30, 2006

Darryl Piercy
Director
Kittitas County Community Development Services
411 N. Ruby St.
Suite 2
Ellensburg, WA 98926

Dear Mr. Piercy,

Regarding proposed amendments to the Comprehensive Plan with respect to American Forest Resources land in the Teanaway and First Creek drainages, I request that the relevant parcels remain in long-term forest designation rather than be converted to the requested County Rural and Forest and Range. Please consider the following comments:

More planning should be required up front and an EIS should be written. As suggested by several folks at the public meeting, a sub-area plan would be appropriate.

A sub-area plan could address issues such as water availability, fire/policing services, impacts on public infrastructure in general, conflicts with adjacent resource lands (logging), conflicts with wildlife and fisheries restoration, etc.

I believe that the land in question meets the definition of resource lands of long-term significance and that there is no necessity demonstrated for additional housing in the area. I am unclear as to when GMA population projections are met and what Kittitas County is supposed to do if we are already approaching those limits – are we obligated to forego sustainable resource lands for the near-term profits assumed in the second home market?

Kittitas County should support the public acquisition of private resource lands in order to maintain a resource base, provide public access and recreational opportunities, and provide wildlife habitat connectivity.

Sincerely,

Henry Fraser
P.O. Box 409
Roslyn, WA 98941
Joanna please place the following comments into the public record with the docketed item on the expansion of the Ellensburg UGA west of Reecer Creek and north of Highway 10.

We have received a letter of intent from the Ellensburg School District to purchase twenty five acres of property from us within the proposed UGA expansion area.

This property has been identified by the Ellensburg School District as the best location for its new elementary school and middle school. This site provides an excellent transportation corridor for busses and parents that are driving the children to school. In addition, the John Wayne trail runs through the property which provides walkable and bikeable access to the proposed new school. The John Wayne trail will keep the students that are walking or riding their bikes to school off of the hard surface roads within the Ellensburg area which will provide an increased level of safety.

To accomplish the goals of the Ellensburg School District, the UGA needs to be expanded as requested by the above referenced docketed item. By placing this property in the UGA it will allow us to work with the Ellensburg School District to plan a community that will enhance walkability and access to the new schools from the new homes and will create off school ground recreational activities such a additional walking trails, biking trails, cross country training areas as well as providing the students opportunities to help with riparian projects and fish enhancement projects.

Thank you for your time in reviewing this new information

--
Pat Deneen
509-260-0462
Comprehensive Plan additional written information

Chad Bala <bala.ce@gmail.com>
To: susan.barret@co.kittitas.wa.us

Susan,
Here are the letters.
Hard copy's will be delivered to you by 1pm

thanks

chad

2 attachments

Ellensburg UGA Comp Plan Letter 2006.pdf
590K

Ronald UGN Comp Plan Letter 2006.pdf
1024K

http://mail.google.com/mail/?ik=42cc9c64c1&view=pt&th=10d60661cf410256&search...  8/30/2006
Terra Design Group, Inc.
PO Box 686
Cle Elum, WA 98922
509.649.3169

August 30, 2006

To: Kittitas County Planning Commission

RE: 2006 Comprehensive Plan Map Amendments 06-13

Dear County Planning Commission Members:

As stated at the comprehensive plan public hearing on the expansion of the Ellensburg Urban Growth Area (UGA) held August 22, 2006, please accept this letter as additional testimony. We would like to take this opportunity to address some of the issues that were expressed by the public.

There were only a couple of comments made regarding application 06-13. The main concerns seemed to be regarding water and the need for the involvement of the City of Ellensburg in this process.

The applicant owns approximately 304.49 acres west of the current Ellensburg Urban Growth Area. There was a question asked by the public regarding water rights. The answer to this question is that the applicant/landowner owns a water right priority date of pre 1905 that can service the property if it is not connected to the Ellensburg water system.

We would also like to address the importance of working with the City of Ellensburg on this request. This comprehensive plan amendment has been heard at a City of Ellensburg planning commission study session on August 10th, 2006. September 14th, 2006 is the planning commission hearing date, at which time they will forward a recommendation to the City of Ellensburg’s City Council. As part of this process the City of Ellensburg will also have to provide information regarding the population numbers they have agreed upon, where growth is headed in the city and how much buildable/useable land is available within the current Ellensburg UGA.

It must be noted that certain properties that are included within this urban growth area expansion request have been considered as a future location by the school district. On August 23, 2006 the City of Ellensburg’s School Board held a meeting to consider all possible locations. It has been decided upon that the property directly west of Bender Road is the best location and shall be pursued, pending the approval of the September
19th levy passing. Please refer to the attached school district letter. The property, west of Reecer Creek road and directly across from the Bender Road intersection, is part of the request to be included into the City of Ellensburg’s UGA. This property is the preferred choice, according the Ellensburg School District. By including this property within the urban growth area, it grants the flexibility for the school district to pursue and provide urban services to the possible new school location. Please refer to Ellensburg School District No. 401 letter.

In summary, as stated in the testimony presented by the applicant, the western area of Ellensburg seems to be the best option for future growth. Furthermore, the Ellensburg’s School District recognizes this, the western area, as the future area of growth and expansion. With that said, the school district recognizes that there is a need for additional schools, etc in this area. We also understand that the City of Ellensburg needs to conduct a land assessment of the property already located in the current UGA to determine which are buildable/useable lands. The City of Ellensburg City Council will hold their public hearing regarding their comprehensive plan amendments on October 3rd, 2006.

Thank you for the opportunity to give additional written comments. If you have any questions, please contact me.

Sincerely,

Chad Bala
Terra Design Group, Inc.
August 25, 2006

Patrick Deneen
PO Box 808
Cle Elum, WA 98922

Re: Reecer Creek/Bender Road Property

Dear Patrick:

During a public Board meeting, held August 23, 2006, in Ellensburg, Washington the Board of Directors of the Ellensburg School District authorized me to enter into negotiations, with you, for the purpose of purchasing property to locate a new middle school and elementary school.

Please accept this correspondence as a formal intent to enter into negotiations to purchase 25 acres of property. The property is located west of Reecer Creek Road and directly across from the intersection of Bender Road.

The purchase of this property is subject to a number of contingencies. We will be working with Mr. Tony Anselmo to help us develop a purchase and sale agreement that addresses these contingencies. Tony is an attorney with the Spokane, Washington law firm of Stevens-Clay-Manix.

While there are numerous details to work out I believe there are two issues that we have reached agreement on: 1) The purchase price of the property is $60,000/acre. 2) The Board is committed to using whatever influence or authority it possesses to have the property included in the Urban Growth Area (UGA). Mr. Anselmo has been informed of this last condition and is researching the process and authority of the school district regarding this action.

I want to personally thank you for your responsiveness in this matter and I look forward to working with you in what I am sure will be a productive, fair and mutually rewarding endeavor.

Please do not hesitate to contact me with any questions or concerns. You may reach me at work 509-925-8010, at home 509-925-7682 or via e-mail jglenwinkel@wonders.eburg.wednet.edu.

Sincerely,

John Glenewinkel
Superintendent Ellensburg School District

c/ Tony Anselmo
Bob Haberman, Board of Directors, President

All education programs and services are available and provided to all students regardless of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability.

(Title IX and Sec. 504 Compliance Coordinator is the Assistant District Superintendent - 925-8000)
Terra Design Group, Inc.  
PO Box 686  
Cle Elum, WA 98922  
509.649.3169

August 30, 2006

To: Kittitas County Planning Commission

RE: 2006 Comprehensive Plan Map Amendments 06-14, 06-15, & 06-16

Dear County Planning Commission Members:

As stated at the comprehensive plan public hearing regarding the expansion of the Ronald Urban Growth Node (UGN) held August 22, 2006, please accept this letter as additional testimony. We would like to take this opportunity to address some of the issues that were expressed by the public.

One of the biggest concerns expressed in public testimony was the need to reevaluate the Urban Growth Node and re-designate it to a LAMRID (limited area of more intensive rural development) designation. It was also mentioned that there is little information provided for the public regarding UGNs. The Planning Commission must be aware that during the comprehensive plan process of 2005 the Kittitas County Commissioners requested the applicant’s legal staff and county legal staff to present their interpretations of Urban Growth Nodes and LAMRIDS. Applicants legal representation, Mr. Steven Lathrop, submitted information explaining what an Urban Growth Node is and compare it to a LAMRID. It must be noted that the county wide planning policies specifically provide for urban growth nodes under Urban Growth Areas, Policy 5. This policy change was made, and no appeals were taken. The county’s policy provision for UGNs have been subject to review and are now clearly established. Please see the attached copy of Mr. Lathrop’s letter and white paper that was submitted to the county regarding this issue on November 23, 2005 and referenced court case.

An additional concern was in regards to water. There were many comments made concerning a lack of water. Additionally there was a request for a synopsis of our well report. We are happy to include a copy of our Group A water plan for 419 connections approved by the Washington State Department of Health.

The proposal in front of you (06-14, 15 & 16) has portions included within the Evergreen Valley water service area. It should also be noted that every 6 years a comprehensive plan amendment/review is required by the Washington State Department of Health.
Community septic systems were discussed as well. It was mentioned that the landowner has multiple community septic systems linked together. Some of the public wanted to know how this could be legal when the city of Roslyn had to install an expensive sewage treatment facility. Our response is that the Kittitas County Environmental Health department has approved our community septic systems. We are also in the process of implementing a Class A Reclaimed Water facility in the current Ronald Urban Growth Node. This facility will serve the same service area as the water system.

There is a concern that the Ronald UGN is targeted towards the second home market. This concern is valid. The homes being built in this area could easily house full-time residents, but the truth of the matter is that there is a large second home market in the area right now, meaning the market is driving this outcome. We do not feel it is our right to discriminate between primary and secondary homeowners. It was also stated that there are plenty of homes for sale in the towns of Ronald and Roslyn. Once again, this is a personal choice for the buyer and we are responding to the market.

In regards to concern for employment opportunities in the Ronald UGN, Mr. Pat Deneen stood up at the public hearing on August 22 and stated that the log cabin in the current Ronald UGN is the headquarters for his operation. He employs approximately 100 people within his different businesses. This area has an activity center with a pool, realty office, land planning firm, engineering company, private utilities company, and construction crews.

It is also a public concern that the Ronald UGN is being marketed to recreational activities. Recreation is a primary draw for this area. Residents constantly express enjoyment of recreational opportunities within this area. What is occurring when the landowner provides private recreation to the residents is a benefit for the community because the recreational opportunities do not require public funds therefore reducing the pressures on public recreational sites.

It was also mentioned during the public hearing that maybe this community should be considered a Fully Contained Community rather than expanding the urban growth node. We (the applicant) have been discussing the Fully Contained Community concepts, even prior to this comprehensive plan process.

As the county begins to review it UGN's one of the planning tools that it will be using, and as has been suggest by RIDGE and its supporters is the provision in GMA "New Fully Contained Communities" as provided by RCW 36.70A.350.

One of the requirements for the adoptions of "New Fully Contained Communities" as provided by RCW 36.70A.350 is the following:

RCW 36.70A.350 (1) (a) New infrastructure is provided for and impact fees are established consistent with the requirements of RCW 82.02.050.
Currently GPO 2.11 reads as follows:

Kittitas County does not have any plans to adopt provisions for impact fees at this time and as such, any reference to impact fees in this comprehensive plan not be included.

Therefore we request the Planning Commission to support the modification of GPO 2.11 to read as follows:

Kittitas County does not have any plans to adopt provisions for impact fees at this time and as such, any reference to impact fees in this comprehensive plan not be included except as provided for in RCW 36.70A.350 (1) (a) under the section titled "New Fully Contained Communities".

In summary, we are in compliance with the Growth Management Act (GMA) RCW 36.70A, specifically RCW 36.70A.090 which calls for innovative land use management techniques and adopted urban growth "areas" adjacent to or surrounding unincorporated communities. Kittitas County has met the requirements of GMA while allowing for the flexibility to expand thereby meeting the needs of the community. Furthermore, we would like the Planning Commission to support the modification of GPO 2.11.

Thank you for the opportunity to address these concerns. If you have any questions, please contact me.

Sincerely,

Chad Bala
Terra Design Group, Inc.
November 23, 2005

Kittitas County Commissioners
Kittitas County Courthouse, Room 108
205 West Fifth Avenue
Ellensburg WA 98926

Re: Expansion of the Ronald Urban Growth Node Boundary
Proposed by Teanaway Ridge LLC

Dear Commissioners:

As you requested at the comprehensive plan public hearing on the expansion of the Ronald Urban Growth Node held November 15, please accept this letter as additional authority on the subject in addition to my letter and white paper to you of November 8, 2004, copies of which are attached. While there is no new authority which specifically deals with urban growth nodes from that previously cited, the state of the law continues to be that: a) the only difference between an urban growth node and an urban growth area is that the latter is associated with a city while the former is not, and b) an urban growth node provides for urban densities while a limited area of more intensive rural development (a “LAMIRD”) provides for only rural densities. As their names reflect, the two are quite different.

The County Wide Planning Policies for urban growth areas specifically include and provide for urban growth nodes and identify them as having “urban characteristics.” Policy A, Unincorporated “Urban Growth Nodes,” page 5, CWPP. The expansion of all such growth areas is driven by population growth estimates. Policy B, Designation Criteria, page 4, CWPR.

The assertion that the Ronald UGN is a LAMIRD is without merit. To conclude otherwise, one must overcome the statutory dictates of RCW 36.70A.070(5)(d) which only allows for more intensive rural development in the rural element of a comprehensive plan. Further, categorizing the Ronald UGN as a LAMIRD would not, in any event, deny or restrict its expansion. The Central Puget Sound Growth Management Hearings Board in 1000 Friends of Washington v.
Snohomish County, CPSGMHB Case No. 03-3-0026, June 21, 2004, confirmed that a LAMIRD can be expanded:

"1. Can Type I LAMIRDS, once established, subsequently be expanded? - Yes

1000 Friends argues that a once a county establishes a [Type I] LAMIRD, it may not subsequently expand it. Their rationale is as follows: If Type I LAMIRDS must be limited to existing [7/1/90] areas and the uses, and these areas and uses must be minimized and contained within the LOB [i.e., the LAMIRD boundary], then subsequent expansion of the same LAMIRD no longer minimizes and contains the existing uses and the new boundary is illogical and contrary to the Act.

However, the Board finds no authority, Board decisions or case law, which supports this interpretation. Further, the GMA acknowledges and recognizes that a comprehensive plan is not a static product, but part of a dynamic process > (FN8) The Act requires that plans [including UGAs and all plan elements], and development regulations are subject to ongoing review and evaluation, with periodic revisions and updates required and allowed. See e.g., > RCW 36.70A.130, .110 and .215. Therefore, in light of the broad and dynamic planning context of the GMA, this Board will not interpret > RCW 36.70A.070(5)(d) to prohibit the potential expansion of established Type I LAMIRDS. The Board holds that > RCW 36.70A.070(5)(d) does not prohibit the potential expansion of Type I LAMIRDS. However, just as an initial LAMIRD designation must meet the LAMIRD criteria of the Act, so too must any LAMIRD expansion.” (emphasis added)


The Ronald UGN should be viewed in the same context as a UGA when considering its expansion, and the recent Council of Governments update of the population estimates establishes that such expansion is presently appropriate. I hope the information supplied in this letter is helpful to the Board and that you will favorably view this application.

Very truly yours,

F. Steven Lathrop

FSL/rlc

Enclosed: Attachments as noted above

cc: Teanaway Ridge LLC

Kittitas County Commissioners
Kittitas County Courthouse, Room 108
205 West Fifth Avenue
Ellensburg WA 98926

Re: Expansion of Urban Growth Node Boundaries

Gentlemen:

The question has been posed as to whether the established boundaries of a previously established urban growth node can be expanded or changed. The clear answer is that, UGN boundaries not only can be expanded, it has always been anticipated they will be expanded from time to time. Central to this determination is the rather obvious but necessary recognition that urban growth nodes are quite different from “limited areas of more intensive rural development” or “LAIMIRDS” and, thus, are governed by very different planning principles. Some background authority is appropriate.

The county wide planning policies specifically provide for urban growth nodes under Urban Growth Areas, Policy 5, and identify five places where they exist, including Ronald and Easton. This policy was referred to without negative comment in Son Vida II v. Kittitas County, EWGMHB, 01-1-0017, 2002, and, more significantly, in Ridge v. Kittitas County, EWGMHB, 96-01-0017, 1998, where the county was directed to make its UGN policies with regard to urban growth nodes consistent with those pertaining to the type of development that was appropriate within a master planned resort. These changes were made, and no further appeals were taken. The county’s policy provisions for UGN’s have been subject to review and are now clearly established.

The county wide planning policies carry through to the county comprehensive plan in the text dealing with Urban Growth Areas and Urban Growth Nodes and the associated GPO’s 2.94-2.99. These elements were also adopted without challenge. It was specifically anticipated that UGN’s
would function “in much the same way as an urban growth area, with the County or other private organizations providing the necessary facilities for the urbanization of the unincorporated urban growth node.” KCCP, Vol. I, p. 26. (emphasis added) Moreover, boundary expansion of growth nodes was contemplated in GPO 2.96.

The rationale for establishing urban growth nodes in Kittitas County was based on the need to accommodate those areas where pre-existing urban type growth, well segregated from municipal boundaries, had already occurred. This concept is consistent with RCW 36.70A.110(1) and WAC 365-195-335 which do not require urban growth areas to be in proximity to a city. By providing that an “urban growth area may include territory that is located outside a city if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth,” these provisions further contemplate that growth boundaries will be expanded as circumstances change. Id. Thus, the only way to differentiate a UGN from a UGA is that the former need not be associated with the boundaries of a city, while the latter must be. The prime point is that both are specifically designed to deal with urban densities, and their boundaries have always been contemplated to be subject to change.

As defined in RCW 36.70A.030(17), “urban growth” excludes the type of growth contemplated by LAMIRD’s in RCW 36.70A.070(5)(d). RCW 36.70A.070(5) specifically delineates that the rural element of a county comprehensive plan includes lands which are not designated for urban growth. Accordingly, it can only be concluded that LAMIRD’s deal with rural densities and have no relevance to a UGN, let alone the expansion of a UGN boundary.

Attached to this letter is a more detailed analysis of these comments.

Although the question presented was generic in nature, it should be noted that the elements appropriate for the ultimate development of the area to urban densities, such as the potential for subdivision to urban densities, municipal-type utilities, and sufficient land for future development, should be present. All four of the applications we have proposed, three adjacent to Ronald and one next to Easton, meet these criteria.

Very truly yours,

F. Steven Lathrop

FSL/rlc

cc: TerraDesignWorks, Inc.
James Hurson, Esq.
Community Development Services
Urban Growth Node White Paper  
November 8, 2004

There are two issues at hand with regard to urban growth nodes (UGN) in Kittitas County. The first is whether a UGN in Kittitas County should be classified as a limited area of more intensive rural development (LAMIRD). The second is whether a UGN can be expanded under the provisions of the Growth Management Act.

Issue #1 — Is a UGN the same as a LAMIRD in the Kittitas County Comprehensive Plan?

The answer is no: urban growth nodes deal with urban densities while a limited area of more intensive rural development, by definition, are concerned with rural areas not designated for urban growth.

The Growth Management Act (GMA) defines urban growth, in part, 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."

Nothing within the definition requires an area designated for urban growth be attached or otherwise connected to an incorporated city. In fact, RCW 36.70A.110(1) further clarifies that urban growth areas (UGAs) may or may not include an incorporated city. The statute states:

Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350."

The Kittitas County Comprehensive Plan designated both UGAs (with the cities) and UGNs for urban growth. In order to provide the public with a clear understanding of the differences between designated urban areas, Kittitas County chose to define urban areas not including an incorporated city as a UGN. The Kittitas County Comprehensive Plan defines UGNs as:

"those existing unincorporated areas which are established town sites or communities having at a minimum: a community water system; established residential, commercial and industrial densities; and other vestiges of urban development, with defined boundaries established by the County." (Emphasis added)
The Kittitas County Comprehensive Plan defines a UGA as:

"those areas designated by an incorporated city and approved by the county, in which urban growth is encouraged. Urban growth areas are suitable and desirable for urban densities as determined by the sponsoring city's ability to provide urban services." (Emphasis added)

Finally, the Comprehensive Plan specifies both UGAs and UGNs would function the same way. Volume 1, Page 26 of the Comprehensive Plan states:

"Though no specific goals or policies have been developed for urban growth nodes, it is assumed that these areas would function in much the same way as an urban growth area.

The only difference between a UGA and UGN, as defined by the Kittitas County Comprehensive Plan, is whether an incorporated city is involved in the designation process. Kittitas County has five UGNs designated as part of the Comprehensive Plan: Easton, Snoqualmie Pass, Thorp, Ronald, and Vantage. Each of the UGNs is associated with unincorporated town sites and each has public water and/or public sewer systems, consistent with the definition of a UGN.

Kittitas County's use of UGNs meets several of the goals of the GMA, as defined in RCW 36.70A.020. Specifically, these designated urban areas meet planning goals 1 (Urban Growth), 4 (Housing) and 10 (Environment). This statute and the specific planning goals state:

"The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water."

The defined UGNs each have established public water and/or sewer systems, consistent with planning goal (1). The defined UGNs provide for a variety of densities and housing stock because of the availability of public water and/or public sewer, consistent with planning goal (4). Finally, the availability of public water and/or public sewer helps the county protect the environment, consistent with planning goal (10).
It is clear there is a significant difference between LAMIRDs and UGNs based on the Growth Management Act and the Kittitas County Comprehensive Plan. Under the law, LAMIRDs are not considered urban growth (see RCW 36.70A.030(17)) and are best characterized as existing villages, hamlets, rural activity centers, or crossroads developments. An example of a LAMIRD in Kittitas County would be the Elk Heights area. Urban growth nodes, on the other hand, are best characterized as unincorporated urban growth areas possessing urban public services.

**Issue 2 – Can a UGN be expanded under the provisions of the Growth Management Act?**

The answer is clearly, yes.

As discussed above, Kittitas County adopted a separate designation for urban growth “areas” not associated with an incorporated city and called these areas UGNs. There is no question the GMA anticipates the expansion of UGAs. For example, RCW 36.70A.130(3) requires counties to review the adopted UGAs every ten years, at a minimum. In addition, the GMA requires local jurisdictions to monitor the established urban growth areas to determine if they are properly sized. Had the GMA not anticipated the possible expansion of adopted UGAs, such requirements would have been unnecessary.

**Conclusion:**

The GMA allows counties to designate LAMIRD, but specifically excludes these areas from the definition of urban development. Kittitas County adopted urban growth “areas” consistent with the GMA. Kittitas County chose to designate those areas adjacent to or surrounding incorporated cities as UGAs. Kittitas County also utilized the provisions of RCW 36.70A.090 which calls for innovative land use management techniques and adopted urban growth “areas” adjacent to or surrounding unincorporated communities. Kittitas County designated such areas as UGNs. Quite simply, LAMIRDs are not urban growth nodes and urban growth nodes/areas can be expanded to meet the needs of a community.
SNOHOMISH COUNTY, Respondent, v. CORINNE R. HENSLEY, Defendant, FUTUREWISE, formerly known as 1000 FRIENDS OF WASHINGTON, Appellant, CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD, SULTAN SCHOOL DISTRICT, MARYSVILLE SCHOOL DISTRICT, and MARK VERBARENSE, Defendants. MARK VERBARENSE, Plaintiff, v. CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD, SNOHOMISH COUNTY, CORINNE HENSLEY, 1000 FRIENDS OF WASHINGTON, YARMUTH DAVIS, MASTER BUILDERS ASSOCIATION, SNOHOMISH COUNTY-CAMANO ASSOCIATION OF REALTORS, MacANGUS RANCHES, SULTAN SCHOOL DISTRICT, WASHINGTON STATE DEPARTMENT OF COMMUNITY TRADE & ECONOMIC DEVELOPMENT, and MARYSVILLE SCHOOL DISTRICT, Defendants. MacANGUS RANCHES, INC., Respondent, v. CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD, 1000 FRIENDS OF WASHINGTON, SULTAN SCHOOL DISTRICT, MARYSVILLE SCHOOL DISTRICT, and MARK VERBARENSE, Defendants.

No. 55693-2-I

COURT OF APPEALS OF WASHINGTON, DIVISION ONE

2006 Wash. App. LEXIS 1639

July 31, 2006, Filed

NOTICE: [*1] RULES OF THE WASHINGTON COURT OF APPEALS MAY LIMIT CITATION TO UNPUBLISHED OPINIONS. PLEASE REFER TO THE WASHINGTON RULES OF COURT.

COUNSEL: Corine Hensley, pro se.

John T. Zilavy (of Futurewise), for appellant.

Shawn J. Aronow, Snohomish Cty. Prosecutor's Office; Steven G. Jones (of Marten Law Group), Molly A. Lawrence (of Buck & Gordon, L.L.P.), Richard R. Wilson (of Hillis Clark Martin & Peterson, P.S.) and Martha P. Lantz, Attorney General's Office, for respondent.

JUDGES: Ronald Cox. We Concur: Anne Ellington, William Baker.

OPINIONBY: Ronald Cox

OPINION: COX, J. - At issue is whether the decision of Snohomish County to re-designate and rezone property owned by MacAngus Ranches, Inc. ("MacAngus") was clearly erroneous under the Growth Management Act. Specifically, we must decide whether the MacAngus property is "agricultural land" under the GMA. The Central Puget Sound Growth Management Hearings Board held that it is such land when it invalidated the County's emergency ordinance dealing with that property. Because the
subject property is agricultural land under the GMA, and the land has long-term commercial significance for agricultural production, we reverse the superior court and reinstate the decision of the Central Puget Sound Growth Management Hearings Board.

The 216 acres of real property at issue lie within the boundaries of the Tulalip Reservation, but is non-tribal land. MacAngus holds title to the property.

In 1982, the Snohomish County Agricultural Preservation Plan first designated the subject property as an Agricultural [*2] Area of Primary Importance. In 1993, the County adopted the Snohomish County Interim Agricultural Preservation Plan, in accordance with the GMA requirements, and designated the property as Upland Commercial Farmland (UCF).

In 1999, the County amended its GMA Comprehensive Plan and rezoned the Tulalip Subarea, which included the MacAngus property, from Rural Conservation (RC) to Agriculture-10 (A-10).

MacAngus requested an amendment to the Snohomish County Comprehensive Plan and Future Land Use Map (FLUM) to re-designate and rezone its property. In the proposal, MacAngus requested that the County re-designate its property from UCF to Rural Residential 10 Resource Transition (1 DU/10 Acres) and rezone its property from A-10 to Rural Resource Transition-10 (RRT).

The County considered the MacAngus proposal on the 2002 docket. The County Council agreed with MacAngus' proposal, adopting Ordinance 02-091. However, the County Executive vetoed the ordinance. In 2003, the County Council adopted Amended Emergency Ordinances No. 03-001 and 03-002, re-designating and rezoning the property, as MacAngus requested.

Futurewise (formerly "1000 Friends of Washington") petitioned the Central Puget [*3] Sound Growth Management Hearings Board for review of the County's decision. The Board determined that the County's re-designation of the MacAngus property was clearly erroneous under the GMA and invalidated the ordinances. The County and MacAngus sought review by the superior court. The court reversed the Board's decision and denied Futurewise's motion for reconsideration.

Futurewise appeals.

AGRICULTURAL LAND

The County and MacAngus argue that the MacAngus property does not satisfy the first prong of the test for agricultural land. The plain meaning of the governing statute when applied to undisputed facts in this case supports the view that the land is agricultural.

Standard of Review

The Administrative Procedure Act governs judicial review of challenges to actions of the Growth Management Hearings Boards. n1 Under the APA, the "burden of demonstrating the invalidity of agency action is on the party asserting invalidity." n2 Deference to county planning actions that are consistent with the goals and requirements of the GMA supersedes deference generally granted by the APA and courts to administrative bodies. n3 Under the APA, a party aggrieved from a final Board decision [*4] may appeal the decision to the superior court. n4 On appeal, this court reviews the Board's decision, not the decision of the superior court, and "judicial review of the Board's decision is based on the record made before the Board." n5 "We apply the standards of RCW 34.05 directly to the record before the agency, sitting in the same position as the superior court." n6 An aggrieved party may challenge board action on the basis that it has erroneously interpreted or applied the law or its order is

not supported by evidence that is substantial. n7 Substantial evidence is "a sufficient quantity of evidence to persuade a fair-minded person of the truth or correctness of the order." n8 Issues of law under RCW 34.05.570(3)(d) are reviewed de novo. n9

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n2 Id.; RCW 34.05.570(1)(a).

n3 Quadrant Corp., 154 Wn.2d at 238.

n4 King County v. Central Puget Sound Growth Mgmt. Hearings Bd., 142 Wn.2d 543, 552, 14 P.3d 133 (2000). [*5]

n5 Id. at 553 (quoting Buechel v. Dept of Ecology, 125 Wn.2d 196, 202, 884 P.2d 910 (1994)).

n6 Id. (quoting City of Redmond v. Central Puget Sound Growth Mgmt. Hearings Bd., 136 Wn.2d 38, 45, 959 P.2d 1091 (1998)).

n7 Id.

n8 Id. (quoting Callecod v. Washington State Patrol, 84 Wn. App. 663, 673, 929 P.2d 510 (1997)).

n9 City of Redmond, 136 Wn.2d at 46.

--- End Footnotes ---

Use or Capability of Use for Agricultural Production

Snohomish County and MacAngus, the aggrieved parties from the Board's decision, have the burden here as they did before the superior court. They contend that the subject property fails to meet the first prong of the test for "agricultural lands" under RCW 36.70A.030(2), which provides in relevant part as follows:

... land primarily devoted to the commercial production of horticultural, viticultural,
floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas [*6] trees not subject to the excise tax imposed by *RCW 84.33.100 through 84.33.140, finnish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production. n10

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n10 (Emphasis added.)

------------------- End Footnotes -------------------

The Board found that the MacAngus property was "capable of being used for agricultural production," applying the holding of City of Redmond v. Cent. Puget Sound Growth Mgmt. Hearings Bd. to this case. n11 This determination is well supported by the record.

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n11 136 Wn.2d at 53.

------------------- End Footnotes -------------------

It is uncontested that the subject property is used as pasture land. Under RCW 36.70A.030(2), land is primarily devoted to commercial production if it is used or capable of use for the production of, among other things, "livestock. [*7] " Because the land has been used as pasture for cows, it meets the plain words of the statutory definition of RCW 36.70A.030(2).

We note further that the record illustrates that the history of the property shows that it has been in agricultural use since at least 1982. In fact, the County in its ordinance that is at issue in this case expressly acknowledged the subject property's current agricultural use in its findings:

... The County Council has considered all of the facts, testimonies and materials presented orally or in writing at the public hearing, and has reviewed the applicable law and the statements of all interested parties, including but not limited to . . . . This land cannot be profitably farmed. Its current agricultural use generates less revenue than the property tax generates. n12

The history of the use of the subject property and the County's own express factual finding regarding the property's current agricultural use support the Board's determination that the property is both used
and is capable of use for agricultural production. This satisfies the first prong of the requirements set forth in RCW 36.70A.030(2) [*8].

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n12 Snohomish County Council, Amended Emergency Ordinance No. 03-001 (January 27, 2003), Finding F, Volume I, Tab 13, at 4-5 (emphasis added).

--------------------- End Footnotes ---------------------

The County argues that the proper test to determine whether land is primarily devoted to agricultural use is to look at the area surrounding the land, not just the parcel itself. According to the County, because the MacAngus property is located on a Federal Indian Reservation, tribal development exists adjacent to the property, and Interstate 5 and the City of Marysville are within close proximity, the area in question is not used or capable of being used for commercial agricultural production.

This argument is unconvincing. First, the argument fails to deal with the plain words of the statute defining the first prong of agricultural land that we have discussed earlier in this opinion. Those words expressly include land "primarily devoted to . . . livestock," which includes pasturing. Second, the County Council's findings, which we have quoted previously [*9] in this opinion, expressly characterize the subject property as one whose use is "current[ly] agricultural." The Council's correct focus on the land itself undercuts the argument the County now makes on appeal. Third, the determination that use of the subject property for agricultural purposes is sufficient for the first prong of the governing test is consistent with City of Redmond. There, the court held that "land is 'devoted to' agricultural use under RCW 36.70A.030 if it is in an area where the land is actually used or capable of being used for agricultural production." n13 We see no rationale basis to distinguish that case from this one. Fourth, even though the MacAngus property is within close proximity to tribal development and the City of Marysville, the record clearly indicates that the areas to the north and west of the subject property are characterized by "farm and pasture lands." That development also occurs in the area of the subject property is not dispositive. To interpret the GMA to ignore the uncontested fact that the subject property is used as pasture would require us to adopt a strained interpretation of the statute, [*10] one contrary to what appears to be clear legislative policy to "maintain, enhance, and conserve" agricultural lands. n14

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n13 City of Redmond, 136 Wn.2d at 53 (emphasis added).

n14 City of Redmond, 136 Wn.2d at 53.

--------------------- End Footnotes ---------------------

Next, the County argues that the "used or capable of being used" language of the first prong of the test is derived from examining the productivity of the soils of the subject. The simple answer to this argument is that the plain words of the first prong of the agricultural land definition expressly states that land primarily devoted to "livestock" use also satisfies that prong. Assuming without deciding that

examination of the productivity of the soils is a proper method to determine whether the property meets the requirements of the first prong of the test, it is not the exclusive method.

The County incorporates by reference MacAngus' brief to support its argument regarding productivity of the soils. MacAngus contends, in part, that the property has never [*11] been commercially farmed during MacAngus' ownership. The record contains no evidence of commercial farming on the property. But that is irrelevant for purposes of the test under the first prong of the governing statute. As we have explained, the subject property qualifies under that prong as agricultural land because it is used for pasturing of livestock.

The County's determination that the subject property "is not primarily devoted to agricultural purposes" is clearly erroneous.

*Long-Term Commercial Significance for Agricultural Production*

The County and MacAngus argue that the subject property does not have long-term commercial significance for agricultural production. The Board decided otherwise. This is the closer and more difficult question that we must decide.

We return to RCW 36.70A.030(2), the definition for agricultural land, that provides in relevant part as follows:

... land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 [*12] through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production. n15

--------------- Footnotes ---------------
n15 (Emphasis added.)

--------------- End Footnotes- ---------------

RCW 36.70A.030(10) defines "long-term commercial significance" as:

[The growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land. n16

In order to determine whether agricultural land has "long-term commercial significance" for agricultural production, local governments must consider the statutory factors of RCW 36.70A.030(10), as well as other factors enumerated in [*13] WAC 365-190-050. n17 These latter factors were developed by the State Department of Community Trade and Economic Development and are often referred to as the CTED guidelines. These guidelines state:

(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 [*14] 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. n18
n17 City of Redmond, 136 Wn.2d at 54-55.

n18 (Emphasis added.)

Reading together the statute defining "long-term commercial significance for agricultural production" and the CTED guidelines, we have several observations. First, the plain words of the guidelines mandate that counties shall, at minimum, use the land-capability classification system of the United States Department of Agriculture Soil Conservation Service to classify lands of long-term commercial significance for agricultural production. The reason is that the system incorporates "consideration of the growing capacity, productivity and soil composition of the land," the first three factors of the statutory definition that the guidelines supplement. [*15] In short, both the statute and the regulation that supplements it focus first on the land itself. Second, the guidelines go on to list factors other than the land itself. This latter group of factors appears to be secondary to those dealing first with the land. We base this view on the language both in the statute and the regulation: "in consideration with" in the statute; "also consider" in the regulation. Third, the latter group of factors is to be applied to determine "the combined effects of proximity to population areas and the possibility of more intense uses of the land." Again, these are factors that focus on things other than the land itself.

Here, the Board determined that the MacAngus property is land that has long-term commercial significance for agricultural production. In doing so, the Board primarily relied on the PDS Staff Report and Recommendation and the Draft Supplemental Environmental Impact Statement ("DSEIS"). It also rejected the County's Finding F in the challenged ordinance. It did so, in part, due to the County's failure to address the points raised in the PDS Staff Report and the DSEIS that are in the record.

We turn first to the primary factors that focus [*16] on the land itself. Specifically, we first examine the Board's finding through the lens of the land-capability classification system of the United States Department of Agriculture Soil Conservation Service.

The Board found that "the property's soil characteristics (as defined by the [United States Department of Agriculture] USDA, [Soil Conservation Service] SCS and the County), whether drained or not," met the relevant criteria. There does not appear to be any serious dispute that the record establishes that the MacAngus property consists of five soil types, which are classified by the SCS and the "Soil Survey of Snohomish County Area Washington" (Soil Survey) as follows:

1. **Custer fine sandy loam:** This soil covers the clear majority of the proposal area. It is considered prime farmland by Snohomish County and prime farmland by USDA when drained. (SCS/Soil Survey- Class IVw).

2. **Lynnwood loamy sand:** This soil occurs on the south portion of the parcel. It is considered prime farmland by Snohomish County and prime farmland by USDA when irrigated. (SCS/Soil Survey- Class IVs).

3. **Norma loam:** This soil is the second most common type in the parcel. [*17] It is

considered prime farmland by Snohomish County and prime farmland by USDA when drained. (SCS/Soil Survey- Class IIIw).

4. Norma variant loam: This soil covers a fairly small percentage of the property. It is considered prime farmland by Snohomish County and prime farmland by USDA when drained. (SCS/Soil Survey- Class IIIw).

5. Ragnar fine sandy loam: This soil is only at one isolated location on the parcel. It is considered prime farmland under all conditions by Snohomish County and USDA. (SCS/Soil Survey- Class IIle).

Rather, a primary dispute between the parties centers on the effect of the subject property containing predominately Class IVW soils, which are prime farmland "when drained." MacAdams maintained before the Board, as it does here, that its property is predominately composed of soils that would have to first be drained to qualify as prime farmland under the governing classification system. Futurewise did not seriously contest before the Board that the subject property is predominately Class IVW soils, but argued that some of the property is not burdened by the "when drained" caveat. More importantly, Futurewise countered by relying [*18] on the County's policy decision to only consider the physical characteristics of the soil and "not human features, such as drainage, flood protection and irrigation systems." n19 According to the County's own documents, this policy decision to exclude consideration of "human factors" is explained as follows:

The Washington Department of Community, Trade and Economic Development has prepared guidelines for identification and classification of agricultural lands (WAC 365-190-050). One criterion established under these guidelines states that cities and counties shall use the USDA Soil Conservation Service land capability classification system. Consistent with this guidance, Snohomish County considered the list of prime farmland soils from USDA. The County determined that the physical characteristics of the soil, and not human features, such as drainage, flood protection and irrigation systems, should play a determining factor in designation of prime farmland. Therefore, the County concluded that all 25 listed soils in the county should be considered prime farmland, regardless of any site-specific conditions such as drainage, [*19] flood-protection, or irrigation. The decision is based on the intent to create a stable long-term inventory of agricultural lands that is not affected by individual landowner intent or actions. This decision is consistent with direction from the Washington State Supreme Court [City of Redmond v. Central Puget Sound Growth Mgmt. Hearings Bd.n20]. n21

--------------------- Footnotes ---------------------

n19 (Emphasis added.)

n20 136 Wn.2d at 53 (holding that "the land use on the particular parcel and the owner's intended use for the land may be considered along with other factors in the determination of whether a parcel is in an area primarily devoted to commercial agricultural production, neither current use nor landowner intent
of a particular parcel is conclusive . . .

n21 (Emphasis added.)

---------------------------------------------- End Footnotes ----------------------------------------------

The Board accepted this argument, and so do we on the basis of controlling precedent from the state supreme court. In *City of Redmond*, the court construed and applied the definition of "agricultural lands" under the GMA. n22 In doing [*20] so, it held that the landowners' current use or intended use of the land is not conclusive under the statutory definition. n23 In explaining its reasoning, the court pointed out that to allow landowner intent to trump other considerations would have the practical effect of allowing landowners to override the state policy toward agricultural land protection embodied in the GMA. n24

---------------------------------------------- Footnotes ----------------------------------------------

n22 136 Wn.2d at 49-53.

n23 *Id.* at 53.

n24 *Id.* at 52-53.

---------------------------------------------- End Footnotes ----------------------------------------------

It appears that the County reconciled this holding by our state's highest court with the legislative directive that it utilize the land-capability classification system of the United States Department of Agriculture Soil Conservation Service by eliminating consideration of human factors from the latter system. Specifically, under the County's decision, factors such as whether a property is drained or not is not relevant to its classification because it requires consideration of landowner intent. Thus, so long as the [*21] property has the physical characteristics (other than human factors) that qualify it for classification under the classification system, the land qualifies for potential treatment as land with long-term commercial significance for agricultural production, subject to consideration of the other factors set forth in the CTED guidelines.

MacAngus argues that the Board erroneously interpreted *City of Redmond* because it relied on MacAngus affirmatively draining the land, in order for the land to be prime farmland. The Board's decision would be contrary to the *City of Redmond* if, in determining whether the MacAngus property has long-term commercial significance, the Board solely relied on whether MacAngus intended to drain the land. It did not. Rather, the Board considered the *City of Redmond* decision, the GMA criteria, the CTED guidelines, and the County's policy decision. The Board did not err.

There is another reason why the County's policy decision, as expressed in the DSEIS Report, is consistent with the policies of the GMA. *Grant County Assoc. of Realtors v. Grant County, Eastern Washington Growth Mgmt. Hearings Bd.*, n25 was a case in which land was not then qualified [*22] as agricultural land, but with the commitment of additional resources could be made to qualify. n26 The
Eastern Board held that "[a]lthough the designated 'irrigated agricultural' lands may not be currently used for those purposes, they most certainly are 'capable of being used for agricultural production' at some time in the future." n27 The reasoning in that case supports the Board's decision here that the subject property currently has soil characteristics that qualify it as property with long-term commercial significance for agricultural production.

Footnotes


n26 Id. at 6.

n27 Id.

End Footnotes

To supplement its finding, the Board also pointed to the County's 1993 Interim Agricultural Conservation Plan identifying Class II, III, and IV soils as prime farmland, which was incorporated into the County's GMA Plan in 1995. n28 The Board also pointed out that the County did not alter its soil criteria to include only those soils without constraints: [*23]

Additionally, the County did not alter its criteria for designating agricultural land to include only those soils, according to SCS soils capability criteria, without constraints, such as drainage limitations. Had the County done so, the necessity to "de-designate existing agricultural lands," which no longer met its designation criteria, would have likely affected far more designated agricultural land than the single 216-acre area affected by the amendment. Instead, without amending its own agricultural land soils designation criteria, the County apparently decided that a new soil constraint criterion, n29 regarding drainage, should be applied only to this area. n30

Footnotes

n28 (The 1993 Interim Agricultural Conservation Plan allowed Class IV soils to be prime farmland if "they were located on parcels of 10 acres or more immediately adjacent to parcels including Classes II and III soils." The County accepted the classification of the USDA SCS, which includes all Class II soils, most of Class III soils, and some Class IV and V soils as prime farmland. There are five categories of prime farmland, the first have no constraints, and the remaining four require drainage, irrigation, etc.). [*24]

n29 Citing Finding F and its reference to the persuasiveness of the MacAngus proposal.

This record establishes that the soil characteristics of the MacAngus property potentially qualify it under the second prong of the agricultural land definition, subject to consideration of the other factors. In short, there is a prima facie case for the land to be preserved under the GMA, subject to the other relevant statutory criteria.

We turn to Finding F in the challenged emergency ordinance 03-001. That is the material in the record on which the County primarily relied before the Board. The ordinance states that "the land in question does not have long-term commercial significance for agricultural production," referring to an exhibit that the County found persuasive. The Board notes in its decision that there is some uncertainty about the precise exhibit that is at issue. But it appears from our independent review of the record before us that nothing persuasively refutes the approach we have outlined above over [*25] the application of the soils characteristics to the subject property. More specifically, there is nothing in the record that refutes the characterization that the County chose to exclude "human factors" from consideration in classifying agricultural land. As that principle is applied to the MacAngus property, it appears that the County has had a long-standing policy to apply these criteria to exclude human factors, such as drainage.

We note that Finding F is primarily devoted to consideration of factors that include some CTED factors as well as other factors. We will address these later in this opinion.

The absence of evidence either in Finding F or otherwise in the record to demonstrate a proper consideration of soil characteristics in view of long-standing County policy in making the determination whether the subject property has long-term commercial significance for agricultural production substantially undercuts the County's claim that it has complied with the requirements of the GMA. In this respect, at least, the County's decision is clearly erroneous.

We turn to the CTED guidelines.

(a) The availability of public facilities

Public facilities are defined as including [*26] "streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools." n31

n31 WAC 365-190-030(16); RCW 36.70A.030(12).

The public facilities available to the property include: three county roads including, 34th Ave NE, 14th St. NE, and 128th St. NE, a traffic signal, water systems, parks and recreational facilities, and schools and other facilities located within close proximity. A fair reading of this first criterion indicates that public facilities are generally available to the property with the exception of sewer service and storm

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drainage infrastructure to the site.

(b) Tax Status

The property is assessed at standard county rates. The County noted in its finding that the land is not taxed in an agricultural or open space tax exemption category.

(c) The availability of public services

Public services are defined [*27] as including "fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services." n32 These services are provided to the property by Snohomish County, special districts, and the City of Marysville.

n32 WAC 365-190-030(17); RCW 36.70A.030(13).

(d) Relationship or proximity to urban growth areas

Interstate 5 and the City of Marysville are located to the east of the property. The remainder of the property is not surrounded by urban growth.

(e) Predominant parcel size

Parcel sizes on the property are greater than 10 acres and vary from 16.71 to 68.90 acres. The parcels in the vicinity range from urban densities to the east in the City of Marysville to 10 acres or more to the north, west, and south.

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

The area to the north and west of the property is zoned Agriculture 10. The area [*28] to the south is zoned Rural Residential 10 Resource Transition. The Board noted that "[t]hese areas are generally undeveloped or developed with low-intensity rural uses that are compatible with agricultural practices." The Board failed to acknowledge the increased development to the south, but noted that the City of Marysville is to the east across Interstate 5. The County did not discuss this factor.

(g) Intensity of nearby land uses

There is increased urbanization to the south of the property, which the County found significant. The development to the south includes the Quilceda Village shopping center, containing a Wal-Mart, Home Depot, and numerous other retail outlets, and the construction of the new Tulalip Tribal Casino. The County also found that the surrounding property is largely residential. However, the County's own report states that the areas to the west and north are characterized by "farm and pasture land," along with single-family dwellings. The County omitted this fact from Finding F.

(h) History of land development permits issued nearby

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The Board found that the development permit applications in the vicinity have generally been for rural low-intensity [*29] structures or improvements. The County did not address this factor.

(i) Land values under alternative uses

The County found that the land cannot be profitably farmed and its current agricultural use generates less revenue than the property tax generates. The County found that an alternative to the proposal is the sale of the property to the Tulalip Tribe, which the County noted, already has the Eastern half of the property appropriately zoned commercial in its plan.

(j) Proximity to markets

The nearest market is in the City of Marysville. There are other nearby markets in the Cities of Arlington and Everett.

We conclude from the review of these guidelines that the Board properly gave deference to the County's findings to the extent required by law. But we also conclude that the County failed to address all of the CTED guidelines. Moreover, it considered other matters that are irrelevant to these guidelines. Because these guidelines are secondary to the land itself, and the County's Finding F fails to address many of the relevant guidelines, we conclude that the County's decision is clearly erroneous. Our conclusion in this respect is also based on the fact that the County's [*30] decision is based on factors not relevant to the GMA or its policies. In short, the County's decision is clearly erroneous in this respect as well.

Burden Shifting

MacAngus argues the Board improperly imposed a burden on the County to prove that there had been changed circumstances to justify the re-designation. We disagree.

When the Board reviews the County's actions, it is required to presume that comprehensive plans and development regulations are valid. n33 The burden is on the petitioner to show that the County's actions do not comply with the GMA, and the Board must find compliance unless it determines the County's actions are clearly erroneous. n34 In order to decide that the County's actions are clearly erroneous, the Board "must be 'left with the firm and definite conviction that a mistake has been committed.'" n35

Footnotes


n34 RCW 36.70A.320(2-3); City of Redmond '03, 116 Wn. App. at 55. [*31]

n35 Quadrant Corp., 154 Wn.2d at 237 (citing King County, 142 Wn.2d at 552 (quoting Dept of Ecology v. Pub. Util. Dist. No. 1, 121 Wn.2d 179, 201, 849 P.2d 646 (1993))).
MacAngus relies on *City of Redmond v. Cent. Puget Sound Growth Mgmt. Hearings Bd.* n36 to argue that the Board improperly imposed a burden on the County to prove that the MacAngus property is not devoted to agricultural production. In *City of Redmond '03*, the Board shifted the burden to the city and required the city to present specific and rigorous evidence to justify its re-designation of Agricultural land to Urban Recreation:

Such de-designation may only occur if the record shows demonstrable and conclusive evidence that the Act's definitions and criteria for designation are no longer met. The documentation of changed conditions that prohibit the continued designation, conservation and protection of agricultural lands would need to be *specific and rigorous*. If such a de-designation action were challenged, it would be *subject to heightened [*32] scrutiny by the Board*. n37

The Board in *City of Redmond '03* found that the city's re-designation for two parcels did not comply with the goals and the requirements of the GMA. n38 The Board concluded that "[t]he City failed to point to facts to justify removing these parcels from an agricultural designation." n39 This court reversed the Board's decision and held that the Board erred by placing a burden on the city to prove the validity of the ordinance. n40 This court rejected the Board's test:

The Board's test for what it calls "de-designating" agricultural lands has no support in the GMA. *Nothing in the GMA suggests a city must present "specific and rigorous" evidence subject to "heightened scrutiny" when defending a land use designation.* Rather, the GMA requires the Board to presume a challenged ordinance is valid, and the challenger has the burden of establishing invalidity. n41

--- Footnotes ---

n36 116 Wn. App. 48, 65 P.3d 337.

n37 *Id.* at 55 (emphasis added).

n38 *Id.* at 56.

n39 *Id.*

MacAngus argues that under City of Redmond '03, the Board erroneously interpreted and applied the law by imposing a burden on the County to demonstrate "changed circumstances." MacAngus' argument is misplaced. Here, the Board found that there have not been any changed circumstances to support the County's re-designation of the property:

Here, Petitioner [Futurewise] has made a prima facia [sic] case supporting the assertion that there have been no changes to the soil condition, nor any changed circumstances that could support the County's revision of the 216 acres from agricultural lands to allow other non-agricultural related uses. n42

After the Board reviewed the entire record, including the soil types, the Board found that "based upon the reasoning supra, the history of the property and its soil characteristics, ... the soils found upon the property ... are 'capable of being used for agricultural production.'" The Board also noted that "[t]he County does not dispute that the property is currently used [*34] for agricultural production" and found that "nothing has changed regarding the soil composition that persuades the Board that the property is not, or could not be, devoted to agriculture."

n42 CPSGMHB, Final Decision and Order (September 22, 2003), Volume VI, Tab 57 at 36.

The Board did not shift the burden to the County to prove the validity of its ordinance with regard to the first prong. The Board discussed a change in circumstances to determine whether Futurewise carried its burden of proof. Futurewise met its burden to show that the property is primarily devoted to commercial agricultural production. Moreover, it is uncontested that the land is used for pasturing. As such, it qualifies as agricultural land, by definition. We hold that the Board did not improperly shift the burden to the County.

Costs
The County and MacAngus request costs on appeal. A party is entitled to costs under RAP 14.2 if that "party substantially prevails on review, unless the court directs otherwise [*35] . . . ." Neither of these parties has substantially prevailed. Thus, costs are not awardable.

We reverse the superior court's decision and reinstate the Board's decision.

Ronald Cox, J.

WE CONCUR.

Minnie Ellington, J.

William Baker, J.
To: Kittitas County Planning  

Attention;  

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Fax Phone  425-333-6701  

REMARKS:  
☐ Urgent  ☐ For your review  ☐ Reply ASAP  ☐ Please comment  

Remarks; Kittitas County Planning  

Please submit my comments into the file for the American Forest Resources Application for rezone in the Teanaway Valley  

Yours Sincerely,  

Andrew J. S. Cromarty  

cc file
August 30, 2006

Dear Kittitas County Planning

This is a Comment regarding American Forest’s Resources LLC Comprehensive Plan Amendment Dockets for their land located in the Teanaway valley.

Talking points

• What is the long term goal of Kittitas county and state regarding this 40,000 acre’s
• This application is to big of an impact to just let this go through without very detailed study of impact
• AFR stated they want to keep forestry as their primary focus. I think the county needs to remain skeptical of AFR’s intent when it comes to what they say now and what they may want to do in the future.
• I spoke personally with Jeff Jones, General Manager of American Forest Resources. I said to him that I thought it would be naïve to think that even if AFR received the go ahead to develop this 7200 acres that AFR would not come back in the future and do this again. His response was that if someone wanted to prevent this from happening they would need to buy the land! I think that is very clear where the property in the Teanaway valley is headed. It is going to be developed if the county and the state do not do something to protect this jewel.
• This may be slated for recreation development. However if you look at the recreation properties of the 1930 through the 1960’s most of that is now full time residence. I am looking mostly at upper county as well as west of the cascades. What planning is in place now to support this amount of full time residential use in the Teanaway valley. Schools, Roads, Septic. Water quality, basic infrastructure.
• AFR clearly stated that if they did not get the go ahead on this they would sell off their land in 80 acre parcels. Period. I think this what is best for the County and the State.
• I think that if they say they can not get their logs to the mill then assist them in funding a mill or some other creative added value manufacturing facility in the area to develop a financially sustainable forestry industry in the Teanaway.
• Selling Timber holdings in this fashion has been going on since the beginning of time with timber company’s. eventually we will not have anymore large timber holdings in the county or the state. Kittitas county has a golden opportunity to be creative here. THINK OUTSIDE THE BOX!!!!!!!
• Who in the nation is being successful in sustainable forestry practices. Can it be implemented in Kittitas County.
• What added value options have come into existence in the last 30 years that Kittitas county and the timber company’s can make use of.
• YOU work for us. And are scripted to look out for the best interest of the entire county. Be Creative.
The people of the Seattle area have subsidized sports stadiums, Transit, any number of things in the past. Can the state of Washington get involved. How about the US Forest Service. There was a large land swap with the US Forest Service near Snoqualmie pass in order to protect property from development.

In conclusion please take this seriously and perform the due diligence a project commands of our county officials.

Andrew Cromarty

P.O.641, Carnation, WA. 98014
425-333-6701
Cell 425-503-8995
To: Kittitas County Community Development Services

From: A concern citizen of Washington State

Please vote to keep the Teanaway Valley as forest land. There are few places left in Washington State where people who can’t afford vacation property can access a river valley as beautiful as the North Fork of the Teanaway Valley.

Please think long into the future for your children and your grandchildren and vote to keep the land as it is so we can find a long-term solution to preserve the area. Once it is gone it will be gone forever.

Thank You.

Respectfully, Brett M. Nunn
Hi Joanna - If you could see that the Planning Commission gets copies, thanks.
August 30, 2006

Ms. Joanna Valencia Staff Planner
Kittitas County Development Services
411 North Ruby Street
Ellensburg WA 98922

Dear Joanna;

As you will recall my partner Joseph Turner faxed you a letter Monday August 21 concerning including land in the area south of I-90 and Bullfrog road in the UGA. Through the hearings held last week we learned of additional information which could apply to our request.

So that you know we own a 20 acre parcel (P#20-15-31030-0004) to the south and west of the I-90 Bullfrog Road interchange. Our request is specific to this site and adjacent land and how it could accommodate the commercial/industrial growth that will be needed to support this community. Commercial/industrial type activities already occur in the direct vicinity with the DOT shop/office, and a log chip mill. We have had discussions with the DOT concerning a possible park & ride to accommodate the ever increasing commuter traffic. So including this area in the UGA or any other appropriate action allowing commercial use on this parcel would be consistant for the area.

Please consider this property and our request in light of these Kittitas County’s Goals, Policies, and Objectives:

GPO 2.107C Promote small scale commercial development outside UGAs and UGNs when compatible with other adjacent land uses.
GPO 2.107D Encourage an adequate inventory of developable property to accommodate the sitting of, and expansion of existing commercial uses.
GPO 2.104 Highways and roads should not be developed with new commercial sites without compelling reasons and supporting economic data. Expansion and full development of existing business districts is encouraged.
GPO 2.137 To encourage the reasonable location, size and configuration of clear cuts so as to minimize their environmental impact and visual effect on adjacent lands and scenic routes, and on the County economic base.

In Wednesday evenings hearing Jerry Martens, a member of the Resource Lands Advisory Committee, commented that there is one hundred forty six acres of commercial land in the county. He mentioned that he has to import suppliers and vendors from outside the county because they can not find land in which to base their business.
MEADOW RIDGE DEVELOPMENT LLC

561 Storie Lane
CleElum WA 98922

operations from locally. We could accommodate this valuable resource with more commercial land in the appropriate location.

We both own other residential property in this area and Joe makes his home there. This is a beautiful area and we don’t want to see it spoiled. Our vision is to intermingle services with islands of Pine trees and natural vegetation. Landscaping that retains the look of the surrounding natural landscape and filters any commercial activity. What ever the future use our ultimate goal for this property is “To retain the aesthetic value while providing needed services to community”.

Thank you for your time and consideration in this and for all the hard work concerning issues county wide. These changes are not an easy task.

Sincerely,

David Artz; Meadow Ridge Development LLC.
(253) 896-0838

Cc: Darryl Piercy, Director
To: Kittitas County Planning Commission
From: Lila Hanson, 674-2748
August 30, 2006

Re: Comp Plan Amendments

First, thank you again for your attention and courtesy at last night’s meeting.

Both planning staff and PC members have told me that the Comp Plan written comments deadline for this noon is for only that portion of the hearing on Plan Map and Text Amendments and Open Space designations. I was advised that RLAC report written comments will be accepted at a later date.

As you may recall, I had objections to some changes in the GPOs recommended by RLAC that I wanted to explain in written comment to you and I will do so at the appropriate time. As of now I do not know that date and perhaps it has not been set. Will it follow the hearings in mid-September?

Then, perhaps teasingly, I was told that I must be in agreement with everything presented to date if I was not responding by today’s deadline. It would be too great a burden to expect every citizen to read every word of all the proposals before you and to be assumed in agreement if they did not. I have only skimmed the memorandum and judging by the familiar names of applicants or agents, have some vague idea of what’s before you. Some (particularly activist groups) may try to claim that because there was not spoken or written opposition, you are somehow compelled to think that their applications have merit. Perhaps folks, knowing their aggressive and unrealistic demands, just dismiss them as the same old stuff. Whatever, I hereby assert that any lack of response to any of 06-01 through 06-19 or the open space requests does not constitute approval or disapproval. If there is anything injurious included in any of those, we certainly will feel entitled to respond accordingly whenever it become evident.

Again, thank you for your attention.
August 28, 2006

Kittitas County Planning Commission
Ellensburg, WA

RE: 2006 Comprehensive Plan Map Amendments 06-18 & 06-19

Dear County Planning Commission Members:

On behalf of American Forest Resources, LLC ("AFR"), please accept this letter as additional testimony for the record in the above-referenced docketed applications ("Applications"). In response to the August 23, 2006 public hearing on the Applications, we offer the following general and specific comments.

First, AFR appreciates the hard work by the Planning Commission and its staff ("Staff") to evaluate the numerous docketed items, including preparing for and conducting several days of public hearings. We understand this is not an easy task. Nonetheless, we continue our objections to certain provisions in the Staff reports for the Applications. The second paragraphs in the Staff reports for 06-18 (pg. 33), and 06-19 (pg. 36) state that:

“For the Planning Commission considerations for this proposal, per recommendations from the Resource Lands Advisory Committee (RLAC) it has been identified to require sub area planning in the Teanaway Drainage Basin prior to development other than at one unit per 80 acres. Sub area plan to be developed within two years of the adoption of this plan.' The Planning Commission may want to take into consideration RLAC recommendations for this docket.”

On behalf of AFR and as a member of the RLAC, I have previously made clear that AFR does not support the idea of sub area planning on its property. (See attachment A). Unlike some counties, Kittitas County does not have any articulated process, standards, or criteria for developing a sub area plan beyond the statutory requirement under the Growth Management Act ("GMA") that it be consistent with the County's comprehensive plan. It is thus reasonable to assume that any such planning effort will require several years of planning with no discernable standards or timeframes to govern the process. As an example, the Snoqualmie Pass Sub-Area Plan took over six years of development before adoption by the County. As we have made clear, AFR does not have the financial luxury of a long protracted planning effort in lieu of some interim land use flexibility (such as that presented by the Applications).
Please also note that in recognizing constitutional principles and other state laws, the GMA provides that 
"[t]he property rights of landowners shall be protected from arbitrary and discriminatory actions." RCW 36.70A.020(6). We are concerned the Staff would recommend that the Planning Commission consider the RLAC provision without any similar application of the RLAC report to any other docketed item, and prior to any formal consideration of the report by either the Planning Commission or the Board of Commissioners. We feel the Staff has overstepped its authority, and improperly elevated the RLAC provision to the level of a consistency standard, like the GPOs, contrary to the GMA, County Code, and the Administrative Procedures Act. We therefore respectfully ask the Planning Commission to disregard the recommendation by the Staff to consider the RLAC report.

Second, we believe that many of the public's concerns over the Applications stem from a fundamental misunderstanding as to the scope and impacts of the actual proposals currently before the Planning Commission and Staff. The public has, for example, called for the Planning Commission to require an EIS in conjunction with the Applications. However, the Applications are currently only requesting a change in the land use designation of the subject parcels in the Comprehensive Plan from Commercial Forestry to Rural. While the Applications do state AFR's committed intent to subsequently pursue a rezone of the parcels to Forest and Range-20, clearly any actual rezoning must be proceeded by a valid rezone request by AFR, and appropriate review (including SEPA and public review) and approval by the County pursuant to KCC Title 15A. In sum, the Applications are non-project legislative actions seeking an amendment to the land use map in the Comprehensive Plan (KCC 15B.01.010), and not project permit applications seeking a site specific rezone at this time (KCC 15A.02.080).¹

Since there is no project being proposed at this time, it would be premature at this phase to consider issues regarding environmental impacts unassociated with only amending the land use designation in the Comprehensive Plan for the subject parcels. Project specific impacts, such as those to water, traffic, and habitat, will be fully addressed at the project level phase in compliance with the County Code. See KCC Title 15A.

Third, as stated in AFR's August 23 presentation before the Planning Commission, the challenges and continued downward spiral of the timber industry is pressuring AFR to become creative, outside of timber management, in order to survive in the industry. The change of circumstances that has developed over the last several years, including the declining forest health, timber productivity, foreign competition mill closures and escalated hauling costs, have drastically increased the operational costs and

¹ Part of the public's confusion over the nature and scope of the Applications may stem from the County's application form itself. As you know, the pertinent form asks for the existing and proposed land use, as well as the existing and proposed zoning. One of the questions that arose during the August 23 hearing was whether or not AFR is requesting both a land use change and a site-specific rezone. Although the Applications are clearly land use change requests, AFR also chose to state the "proposed" zoning on the form to ensure a complete application, and to better inform the Planning Commission and the public of its planning intentions. This stated intention, however, does modify or expand the purpose of AFR's initial land use change requests currently before the Planning Commission.
competitiveness for AFR. Because of the aggregate impacts of these and other factors, the long term economic viability for this private timber company is no longer sustainable on timber products alone. AFR therefore requests the change in land use designation in full compliance and consistency with the County's requirements for redesignation of the subject parcels. See BOCC Resolution 93-41, App. A, Sec. 7.

Fourth, in their testimony the public raised various procedural issues, such as incompleteness with the application and consistency with RCW and the Comprehensive Plan. We believe that many of these comments are again founded on the public's fundamental misunderstanding as to the nature of the County's planning process and scope of the Applications. The Applications were submitted prior to the deadline along with all pertinent questions answered. It is worth noting that the Staff accepted the Applications as complete, and have not recommended denial on those grounds. As presented in our written and oral presentations, AFR also believes the Applications are adequate and complete, and fully consistent with RCW 36.70A Growth Management Act and the Kittitas County Comprehensive Plan.

During the hearing several questions were also asked that require a responsive clarification. For example, the public questioned why the particular subject parcels were selected for a land use change and future rezone. We selected these particular parcels after conducting a careful and thorough analysis of AFR's entire ownership, including reviewing the County's criteria for designating both Commercial Forestry and Rural lands. AFR selected the subject parcels based on their location to a paved county road, county services, and adjoining development. We also selected these parcels for Rural designation as an appropriate land use tool for creating a minimum land area allowing AFR to maintain a larger portion of its Teanaway ownership for wildlife conservation, open space for forestry and continued recreational opportunities. Development adjoining AFR land is occurring and will continue at the center of the Teanaway where the three forks come together. The RLAC identified this area as having potential growth because the area has had and continues to have a history of development that is accessible to county roads and services. This potential for growth, however, does not preclude the Washington Department of Fish and Wildlife, Washington Department of Natural Resources, or conservation groups from owning or purchasing conservation easements on these lands.

The purchase of development rights was mentioned as a means to provide AFR with the incentive for continuing to manage the parcels requested for a land use change and eventual rezone to Forest and Range 20. While this always appears to be a plausible solution, it has not been successful in practice. The difficulty lies in meeting the land owner's investment backed expectation of value of those rights. Anything less simply does not provide the foundation AFR needs to resume long-term economic stability for its remaining timberlands.

American Forest Resources has long been committed to managing its lands in a responsible manner. This management commitment includes working closely with the State and Federal agencies since 2004 on a state Landowner Option Plan and a federal Habitat Conservation Plan, along with other improvements such as spending over two
million dollars on road and bridge improvements to improve water quality in the Teanaway basin. We are committed to the planning process by submitting a land use change request, not a rezone. This application is consistent with RCW 36.70A.030 Forest Lands, Kittitas County Comprehensive Plan, Resolution 93-41 and WAC 365. Following this land use redesignation request and a subsequent zone change, SEPA will be required for any proposed projects and the County retains the authority to impose future site-specific mitigation measures to address probable significant adverse environmental impacts. By approving the Applications, you will provide AFR the flexibility to survive the long-term economic realities of producing timber on its property, and the ability to retain a majority of its land for long term timber operations.

Thank you for the opportunity to address these concerns. If you need further clarification, please feel free to contact me at 509.925.4650.

Sincerely,

Jeff Jones
General Manager
American Forest Resources
June 12, 2006

Kittitas County Board of Commissioners
Perry Huston
David Bowen
Alan Crankovich
205 West 5th Ave, Suite 108
Ellensburg, WA 98926

Dear Mssrs. Huston, Bowen and Crankovich:

I want to thank the Planning Commission and the Board of Commissioners for the opportunity to be a member of the Natural Resource Lands Advisory Committee ("Committee"). The experience was an interesting and informative process working with such a diverse and dedicated group of individuals on the Committee. However, the task to fully review the many natural resource and land use issues facing the County and make recommendations to the Board was extremely difficult. Given the short time frame in which to complete this process, some critical issues were brushed over or not fully scrutinized with the attention they deserve. Though the Committee members all voted for the recommendations, there were a few that voted with great reservation, including myself. Since that vote, I feel that some of the recommendations the Committee decided on do not meet the overall goal and vision of the Committee: to provide landowners flexibility and creative solutions for addressing significant land use issues. Flexible planning tools that promote a property's economic viability are especially needed by both small and large landowners of lands zoned Commercial Forestry.

As a forest land manager, I have concerns that we are trying to protect forest land without looking at the economic viability of those lands in Kittitas County, especially with the announced closure of the Layman mill and Yakima Resources mill in Yakima. These closures will significantly affect the continuing viability of the forest products industry in Kittitas County. The Committee ignored the issue of continued viability of private timberlands, hoping that commercially zoned forest land will always remain a sustainable industry. Forest land will not remain viable unless the owners are allowed to sell part of their ownership to meet current liabilities. If the people of Kittitas County want to preserve the forested landscapes for multiple use activities, along with timber production, we need to build in flexibility to survive for the future. We need to develop meaningful incentives to ensure that large and small landowners are able to preserve certain portions
of their holdings by allowing development to occur where appropriate. With alternate income sources available, the majority of these lands can continue in long term forestry use throughout Kittitas County.

As an active member of the Committee, I am committed to continue the work needed to achieve excellent planning and solutions for growth in Kittitas County. The forest landscape ownership in this country is changing. If Kittitas County wants to embrace the future, we need to provide the flexibility and incentives that allows the forest landowner to survive. In order to have a viable long term forest resource industry, we must allow forest landowners to sell some of their property and reserve some property for long term commercial forest land.

In addition to this letter, I have attached for your review specific comments on the recent policies and recommendations attributed to the Committee, now posted at the Kittitas County Planning office and submitted to the County Board of Commissioners and Planning Commission. On behalf of American Forest Resources and other forested land owners, I ask the Planning Commission and the Board of Commissioners to consider these comments, and explore ways to keep the long term viability of the forest and agriculture industry in Kittitas County. If you think it helpful, I would welcome reconvening the Committee to assist the Board and Planning Commission with these issues.

Sincerely

/S/

Jeff Jones
General Manager

Cc: Darryl Piercy, Director of Community Development
    RLAC Committee Members
    John Rudey, CEO, American Forest Resources, LLC
    Tom Ludlow, CFO, American Forest Resources, LLC

700 E. Mountain View, Ste. 507 Ellensburg, WA 98926  509.925.4650
Below are the specific comments by American Forest Resources, LLC, to the Final 5/18/06 Vision Statement and Policy Recommendations, Final 5/18/06 Comp Plan Update Recommendations, and the Resource Lands Advisory Committee Suggested Changes to the GPOs within the existing Comprehensive Plan. The comments, in bold and underlined, are inserted directly into the text of the document for your convenience.

Final 5/8/06

Resource Lands Advisory Committee (RLAC)
Policy Recommendations

RLAC Vision Statement

**Vision Statement**

We will continue to manage Kittitas County to ensure long-term environmental and economic sustainability. This means a landscape that supports the full range of human uses, from natural resource management, community development and recreational opportunities, while maintaining the rural setting and quality of life that Kittitas County is known for. The vision will be accomplished by:

1. Creating and implementing management policies and principles based on careful, well thought out planning that provide incentives, assistance and flexibility to landowners.
2. Working in collaboration with knowledgeable and involved parties, industry, the business community and other stakeholders.
3. Recognizing the historical, aesthetic and recreational values while improving the economic base of the County.
4. Providing the opportunities for new businesses, cottage industry and services as well as affordable housing.
5. Promoting open space in strategically identified areas that provide public benefit.
6. Identify, develop and implement economically viable strategies to support agriculture, forest and mineral resource activities.

**Policy Issues and Recommendations.**

**Water for domestic use.**

The RLAC recognizes that water availability will be among a handful of issues that will determine how and where growth will occur in Kittitas County. Decisions regarding the areas where growth will be encouraged and directed should include discussion on the availability of adequate water supplies. The RLAC recommends:

A viable and demonstrated water supply shall be required prior to all final plat approvals. No plat shall receive final approval without a connection to an
approved water source or a well in place producing water in sufficient quality and quantity for domestic use.

**Requiring a connection to an approved water source or a well already in place producing water prior to final plat approval is unnecessary and unreasonable. A water availability determination by a water purveyor or significant data that evidences available ground water in sufficient quantity and quality for an exempt well should be adequate for final plat approval.**

**Boundaries of the Comprehensive Plan Land Use Map designations.**
The RLAC does not recommend changing the current boundaries of the land use designations on the Comprehensive Plan Land Use Map with the exception of the following situations:

Where it is determined that the Urban Growth Areas or Urban Growth Nodes should be modified due to change in the population forecast or refinement of urban services information.

The addition of a “Rural Transition Overlay” designation (this will be discussed with further detail later in this report)

The addition of a “Limited Area of More Intense Rural Development” (LAMIRD) designation where deemed appropriate.

Encourage Urban Growth Areas and Rural Transition Overlay designations to areas that minimize conversion of prime agricultural farm land.

The Ellensburg Urban Growth Area south of Interstate 90 should be reconsidered to recognize potential impacts to the Yakima River and flood hazards to development.

**We would add an additional exception: when there is not enough buildable land available for at least twice the needed population, then the urban line or designated urban area will be expanded.**

**Further, the proposed Limited Area of More Intense Rural Development (LAMIRD) designation has no definition, and thus no informational standards to guide the public's review. We ask the designation be defined.**

Comments Submitted by Jeff Jones, AFR
Recognize the need for parity in Land Use designations.
Develop incentives for those lands that are contained in the Commercial Agriculture and Commercial Forest designations so that property owners will want to remain in those designations. The RLAC recommends:

The implementation of Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs to allow the transfer and purchase of development rights from the Commercial Agriculture and Commercial Forest designations following a TDR, PDR analysis and program development. A provision for this program is identified in the land use element preferred alternative found later in this report.

Require sub area planning in the Teanaway Drainage Basin prior to development other than at one unit per 80 acres. Sub area plan to be developed within two years of the adoption of this plan.

Allow the use of the Cluster Subdivision Code in the Commercial Forest designation. Develop a Forest Practices Ordinance that identifies the process for conversion of land currently in forestry to other uses.

It is simply not reasonable to halt development within these zones until the TDR and PDR programs are developed and approved. Moreover, these programs should be based on similar processes and programs that have worked successfully in other parts of the country.

Similarly, allowing only one unit per 80 acres within the Teanaway Drainage Basin until the subarea plan is developed and approved is unworkable. Existing zoning and the ability to non-comprehensive plan amendment rezones under the Forest and Range 20 should stay and continue to be viable zoning.

Finally, we appreciate allowing the use of the Cluster Subdivision Code in the Commercial Forest designation and see it as the type of creative planning needed by large and small landowners with lands in this designation.

Create consistency between the Land Use map and Zoning map.
The RLAC recommends:

The Land Use Map and Zoning Map should be consistent. Rezones should be limited to occur only when a comprehensive plan land use map designation change is approved within the context of the yearly review cycle.

Keep the current ability to rezone a 20 acre zoning down to 5 acre zone without requiring an amendment to the Comprehensive Plan.
Density in the Rural land use designation should be based on a public benefit rating system.
The RLAC recommends:

Base density in the rural designations should be 1 unit per 20 acres. Densities between 1 unit per 20 acres and 1 unit per 5 acres should be based on a public benefit rating system and determined using the public benefit rating system at the time of parcel creation. Density of 1 unit to 2.5 acre may be obtained through a density transfer from Commercial Agriculture.

This should not eliminate the existing ability to create a 5 acre lot without clustering. Also, a density transfer from Commercial Forest lands should be included.

The overall footprint of development in the rural designations should be minimized to the greatest extent possible.
The RLAC recommends:

All parcel creation in the rural designation below a density of 1 unit per 20 acres shall use the public benefit rating system and shall use clustering to maximize the retention of open space and minimize the development footprint.

We disagree. The standard five acre lot should be preserved without undergoing heightened review by the County and any clustering should be encouraged by incentives.

Consider how the county will develop not just within the 20 year planning period but within the next 100 years.
The RLAC recommends:

Development and Implementation of a “Rural Transition Overlay Zone” in the Rural designations that will identify areas of the county for growth beyond 20 years. This overlay zone will allow for orderly development for growth beyond the 20 year planning period and will provide a receiving area for development rights from the Commercial Agriculture Zone.

This should include Commercial Forest area. Further, the TDR and PDR programs need to be completed before this zoning designation is put in place.
June 12, 2006

Loss of Agricultural land with good soils and irrigation, regardless of land use designation, should be minimized to the greatest extent possible.

The RLAC recommends:

An element of the public benefit rating system should give high recognition to development that maintains agricultural land with good soils and irrigation by clustering development on the least productive of these lands and provides for large (greater than 40 acres) intact acreages suitable for agricultural use.

We would also add as an element to any "public benefit rating system" a similar recognition when a change of use promotes economic viability for the subject lands.
Cluster / Transfer of Development Rights Recommendation

General boundaries of the existing Land Use map remain for Commercial Ag and Commercial Forest. Rural boundary remains similar except for the introduction of the Rural Transition Zone. 80 acre density for Commercial Forest, 20 acre density for Commercial Agriculture, a 20 acre base density for Rural and 5 acre base density for Rural Transition.

Any development within the rural zone below one unit per 20 acres requires Cluster Development using the public benefit rating system. Up to one unit per 5 acres with minimum 50% open space. Minimum development size is 20 acres. Density may be increased to allow one unit per 2.5 acres however the acquisition of development rights from the Commercial Agriculture land use designation is required for each unit in excess of one unit per 5 acres.

Development within the rural transition overlay zone is to provide for and accommodate urban levels of development in the 20 to 100 year planning period. Development must be by cluster subdivision, base density of 1 unit per 5 acres at a 100% bonus density. Minimum 25% open space and minimum 50% urban redevelopment area (identified by a pre-plat). Development of the urban redevelopment area requires the acquisition of development rights transferred from the Commercial Agriculture Land Use designation. Mixed use development is allowed for the purpose of supporting future urban levels of development.

The minimum density allowed in the Urban Growth areas is established at 4 units per acre. Additional density may be allowed with the acquisition of development rights from Commercial Ag land use designation.

Due to the consistency of the Land Use Map and the Zoning Map, no rezones would be allowed except in conjunction with a Comprehensive Plan amendment.

We would: (1) add to the above list the acquisition of development rights from Commercial Forest land use designation; (2) preserve existing land use opportunities and expectations, and keep the 3, 5 and 20 acre existing zoning along with the incentive to cluster; and (3) if rezones will be prohibited under the Forest & Range 20 without a comp plan amendment, then the County should allow the land owners a reasonable time period to change to 5 acre zoning if they desire.
Resource Lands Advisory Committee suggested text changes to the GPOs within the context of the existing Comprehensive Plan

(Portions of pages 23-36 of the Comp Plan)

2.3 **LAND USE PLAN**

The Land Use Plan shown on the maps in this chapter provides an official guide for the orderly growth of residential, business and industrial areas in the County. The Plan shows the relationship of these and other land uses to each other, to major parks and to existing and proposed arterials. The Comprehensive Plan Map is generalized and not intended do be precise or permanent. It should not, above all, be interpreted as a zoning map.

The following land use designations are used to establish general locations for different types of activities throughout the County.

2.3(A) **Urban Land Use**

**Urban Residential Land Use**

This designation contains those lands within urban growth areas and urban growth nodes which appear to be most suitable and likely for future development and city utilities. The areas are, for the most part, highly suited to orderly street systems and land subdivision. Residential densities and housing types are the subject of this Plan and should be based on the expansion of the Ellensburg Comprehensive Plan or other cities' comprehensive plans and zoning ordinances.

GPO 2.92a The future urban residential areas may be both residential and agricultural. Ongoing agriculture should be supported in development regulations.

GPO 2.92b The current use of future urban residential areas may be both residential and agricultural. Meanwhile, ongoing agriculture should be supported as the lands are in transition.

GPO 2.92c Encourage and accommodate future expansion of utilities and roadways for urban densities.

GPO 2.93 Innovations in housing development such as cluster developments, master planned developments, shadow platting and planned unit developments will be encouraged.

*We would add Fully Contained Communities (FCC's) and Master Planned Resorts (MPR's) to GPO 2.93.*
Urban Growth Areas and Urban Growth Nodes

Though the areas included within the urban growth area boundaries are intended to urbanize and become annexed in the proceeding 20 years, these lands will continue to be under County jurisdiction. To ensure both consistency and coordination, the planning for these areas will be done in concert with the respective cities. In addition, interlocal agreements with the individual cities may be necessary to provide the necessary administrative guidance and services to these unincorporated areas.

Two major issues arise in the discussion of urban growth area boundaries. These include phased growth and transitional land uses. Most communities preparing plans for the urban growth area have elected to plan under a phased growth scenario. The overall concept of phased growth indicates that growth will occur in “phases.” The first phase usually includes those areas that are already served by public water and/or sewer, and where the second phase of growth will occur in areas where services do not presently exist but are eventually. The inclusion of land within an urban growth area indicates that the land will be developed at an urban density within the next 20 years. Therefore, the existing Agricultural Land Use or Rural Residential Land Use within the urban growth areas will eventually transition from Agricultural Land Use to Urban Residential Land Use which serves the 20-year forecasted population. This transition from Agriculture Land Use to Urban Residential Land Use within the urban growth area will require land uses and densities which allow this change to occur in as efficient a manner as possible.

As portions of the urban growth areas develop, it is assumed that these areas will be annexed to the adjacent city. Intergovernmental agreements will need to be created in order to deal with the allocation of financial burdens that result from the transition of land from county to city jurisdiction. Similarly, agreements will need to be drafted to coordinate planning efforts for the unincorporated areas of the urban growth areas and with facility providers in the urban growth nodes. Kittitas County has offered the opportunity to prepare an interlocal agreement with the cities for the preparation of a draft urban growth area plans. This agreement and the work resulting from it are expected to be completed in the end of 2008. The following are additional issues that must be resolved by the cities and Kittitas County for the preparation and implementation of goals, objectives and policies contained in this comprehensive plan:

*Joint interlocal agreements:
  1) Unified or consistent subdivision code;
  2) Municipal utility extension agreement for water, sewer and gas;
  3) Intergovernmental service agreements for libraries, fire, EMS, parks and recreation;
  4) Unified or consistent zoning code with provisions for urban zoning, transitional zoning, and other transitional uses;
  5) Density and land use mapping;
  6) Airport Facility-flight safety zones, density, land uses, expansion of the airport and services provided for the City of Ellensburg;
  7) Extension and acquisition of Rights-of-Way;
8) Unified or consistent road standards, stormwater standards and level of service; and,
9) Annexation agreements.
10) Shorelines development plan

*This list is not intended to be all inclusive of issues to be addressed through interlocal agreements with the cities but specific issues which may affect the Kittitas County Comprehensive Plan.

The individual cities within Kittitas County are responsible for developing a final urban growth area boundary, future land use plans for the unincorporated portion of their respective urban growth areas, and facility or service needs to accommodate the 20-year population growth. These plans are to be submitted to Kittitas County for consideration and ultimately adoption as a portion of the Kittitas County Comprehensive Plan. RCW 36.70A.110(5) states, "Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter..." and RCW 36.70A.110(6) states, "Each county shall include designations of urban growth areas in its comprehensive plan."

GPO 2.94a A consideration for all future development should be the adaptability of a proposal to urban water, sewer, and road systems.

**We would include both public and private to the utilities / infrastructure list in GPO 2.94a.**

GPO 2.94b Expansion of the UGA should be encouraged in areas least suited for agriculture and areas not impacted by Critical Areas

GPO 2.94c Development of a subarea plan to investigate expansion north of the City of Ellensburg.

GPO 2.94d Allow for the flexibility of minimum density standards in urban growth areas where Critical Areas are present in order to provide the highest level of protection

GPO 2.95 Within the UGAs and UGNs, in the absence of urban utilities, a system of subdivision and development should be encouraged which would produce a pattern capable of re-division to a higher density at such time when utilities are available.

GPO 2.96 Adopt urban growth node (UGN) and urban growth area (UGA) boundaries to accommodate residential and employment increases projected within the boundaries over the next 20 years.

GPO 2.97 The UGNs and/or UGAs shall be consistent with the following criteria:
a. Each UGN and/or UGA shall provide sufficient urban land to accommodate future population/employment projections through the designated planning period.
b. Lands included within UGNs and/or UGAs shall either be already characterized by urban growth or adjacent to such lands. **We would add FCC's to GPO 2.97b.**

c. Existing urban land uses and densities should be included within UGNs and/or UGAs.

d. UGNs and/or UGAs shall provide a balance of industrial, commercial, and residential lands.

e. Each UGA shall have the anticipated financial capability to provide infrastructure/services needed in the areas over the planning period under adopted concurrency standards.

f. Protect natural resource and critical areas

g. Encourage the conversion of undeveloped lands into urban densities.

h. Provide for the efficient provision of public services;

i. Promote a variety of residential densities; and,

j. Include sufficient vacant and buildable land for future urban densities.

GPO 2.98 Per RCW 36.70A.06094) forest land and agricultural land located within urban growth areas shall not be designated by a county or a 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.

GPO 2.99 Reserved

**Commercial Land Use**

The present and long established land use pattern in Kittitas County is the basis for planning future business development. That pattern finds most business located in established communities and/or business districts.

GPO 2.100 Kittitas County will act to preserve the viability and integrity of existing business districts within the incorporated and unincorporated county.

GPO 2.101 Most comparison shopping (general merchandise, clothing, appliance, auto, sporting goods) should be located in or near existing business districts.

GPO 2.102 Neighborhood "convenience" business outside urban areas serving rural districts or demonstrated motorist needs should be encouraged in appropriate areas.

GPO 2.103 Home occupations which result in accumulations of vehicles, appliances, or other materials should be regulated, licensed and required to provide sight screening from adjacent properties and roadways.

GPO 2.104 Highways and roads should not be developed with new commercial sites without compelling reasons and supporting economic data. Expansion and full development of existing business districts is encouraged.

Comments Submitted by Jeff Jones, AFR
GPO 2.105  I-90 exits shall not be considered as new business sites unless an Interchange Zone Classification is developed.

GPO 2.106  Kittitas County recognizes home occupations and cottage industries as valuable additions to the economic health of the community. In addition, where distances from other employment warrants, limited-dispersed rural business activities (LD-RBAs) of low impact and with necessary infrastructure will be encouraged on a case by case basis as long as these sustain or are compatible with the rural character of their area in which they locate.

GPO 2.107  Limited-dispersal rural business activities (LD-RBAs), not necessarily resource-based, including but not limited to information, legal, office and health services, arts and crafts, clothing, small manufacture and repair may be located as an overlay zone in all rural and resource lands in the county as long as they are compatible with the rural character of the area in which they locate.

GPO 2.107A  Designate sufficient available land for specialized commercial uses that are by their nature compatible with residential, agricultural, recreational, and other general land use types.

GPO 2.107B  Promote large scale commercial development within the UGAs and UGNs by encouraging infrastructure improvements and new business recruitment.

GPO 2.107C  Promote small scale commercial development outside of UGAs and UGNs when compatible with adjacent land uses.

GPO 2.107D  Encourage an adequate inventory of developable property to accommodate the siting of new, and the expansion of existing, commercial uses.

GPO 2.107E  Identify areas where mixed commercial and industrial uses can be sited if compatibility is evident.

*Industrial Land use*

It is the objective of this plan and the policy of the County to improve conditions, insofar as possible, to attract industry.

GPO 2.108  Location of Industrial Land. There should be sufficient industrial land in the county located in areas convenient to utilities, fire protection and to major transportation facilities (air, rail, freeway). Industrial developments may be permitted beyond urban growth areas.

GPO 2.109  Compatibility. Industry located adjacent to residential areas or along scenic routes should be situated so as to minimize impacts on those areas and should provide screening and other measures to achieve compatibility.
GPO 2.109A Designate sufficient available land for specialized industrial uses that are by their nature compatible with residential, agricultural, recreational, and other general land use types.

GPO 2.109B Promote industrial development within the UGAs and UGNs by encouraging infrastructure improvements and new business recruitment.

GPO 2.109C Encourage an adequate inventory of developable property to accommodate the siting of new, and the expansion of existing industrial uses.

GPO 2.109D Identify areas where mixed commercial and industrial uses can be sited if compatibility is evident.

2.3(B) Public Lands

Yakima Training Center

This designation contains those lands within the boundaries of the Yakima Training Center, an area acquired by the Federal Government for military personnel training. The Yakima Training Center has been assigned a unique land use category due to the inaccessibility of the lands by the public and inability to access these lands for range purposes. Under the 1994 Comprehensive Plan, this area was designated as Range Land Use, however, as such use is not permitted by federal authorities (unlike U.S. Forest Service lands in Kittitas County), the Yakima Training Center has been removed from the Range Land Use designation. There are no goals or policies related to the management or development of these lands.

The Department of Defense maintains a Cultural Natural Resources Committee of public officials and private organizations representatives who suggest goals and policies for management of the Yakima Training Center. Kittitas County recognizes this committee and the goal and policy statements that result from it. In the event any portion of the Yakima Training Center was to revert to another ownership, the County reserves the right to establish land use planning goals, policies and designations prior to such transfer being effective.

Other Public Lands

Approximately fifty-nine percent (59%) of Kittitas County is managed by State and Federal Agencies. In addition to those lands owned by the U.S. Department of Defense, there are also lands managed by the U.S. Forest Service, U.S. Bureau of Land Management, W.S. Department of Natural Resources, W.S. Department of Fish and Wildlife, etc.

GPO 2.109E Kittitas County shall notify all state and federal agencies or other governmental entities that the county has developed land use regulations. Any planning
activities by any other agency or governmental entity within Kittitas County shall be preceded by notification to the Board of County Commissioners. Other plans shall, unless specifically prohibited by statute, conform to and be consistent with Kittitas County planning ordinances, procedures and policies.

GPO 2.109F It is the policy of Kittitas County to recognize the water rights of citizens and entities within its borders as determined in the Yakima basin general adjudication and not to impair or adversely affect the water rights of its citizens by any action of county government.

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:

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- 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 Support laws and regulations which enhance agriculture
GPO 2.111 Continue and expand support for right-to-farm ordinances.

GPO 2.112 Distribute and utilize the “Code of the West” 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 productive lands receive an adequate water supply.

GPO 2.114a Identify and implement a feasible look at solutions to the problems of needing to sell house lots without selling farm ground.

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. 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
June 12, 2006

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  Reserved

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.

**See proposed new GPO 2.142 below.**

GPO 2.119  Identify and designate agriculture transportation corridors that facilitate farm use.

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).

**See proposed new GPO 2.143 below.**

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  The Resource Land Advisory Committee shall 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 and forestry in Kittitas County,
   b. county agriculture and forestry policies and regulations,
   c. local agriculture marketing and economic planning, and
   d. review and make recommendations regarding zoning and development regulations.

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

Comments Submitted by Jeff Jones, AFR
GPO 2.125 is not clear, and we are therefore not sure of its meaning. We recommend clarifying this GPO.

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.

GPO 2.127a 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. Kittitas County shall ensure the unimpeded delivery of irrigation waters to agriculture lands.

GPO 2.127b Encourage all new development to incorporate drought tolerant or native vegetation as a major component of their landscaping plan (i.e. xeriscaping)

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.

Forestlands represent an important 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.

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 should be 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.

The intent of this plan, therefore, is to declare top priority for sustained natural resource productivity and related activities. Land use activities which are not compatible with resource management should be discouraged within this land category.

_We agree that land use activities which are not compatible with resource management should be discouraged within this land category unless they are part of clustering plan, a master plan development, FCC or MPR as a multiple land use strategy._

The following policies will guide the county in land use decisions affecting the private sector:

**GPO 2.130** Kittitas County will promote and encourage forest lands where the principal and preferred land use is commercial resource management.

**GPO 2.131** Commercial forestland should be identified and designated based on operational factors; growing capacity; site productivity and soil composition; surrounding land use; parcel size; economic viability; and the absence of urban public services.

**GPO 2.132** The primary land use activities in commercial forest areas are commercial forest management, forest recreation, agriculture, mineral extraction, sand and gravel operations and those uses that maintain and/or enhance the long-term management of designated commercial forest lands.

**GPO 2.134** To encourage multiple use concepts of forest management of the greatest lasting benefit to present and future generations.

_We would include FCC and MPR as the part of these multiple use concepts in GPO 2.134._

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GPO 2.135 Resource activities performed in accordance with county, state and federal laws should not be subject to legal actions as public nuisances.

GPO 2.136 To support and encourage the maintenance of commercial forest lands in timber and current use property tax classifications consistent with RCW 84.28, 84.33 and 84.34.

GPO 2.137 Kittitas County shall recognize Engrossed Substitute House Bill (ESHB) 2091 also known as the Forest and Fish Law.

GPO 2.138 Land use activities within or adjacent to commercial forest land should be sited and designed to minimize conflicts with forest management and other activities on commercial forest lands.

GPO 2.139 Use clustering residential developments on adjacent non-commercial forest lands. The open space in clustered development should buffer adjacent forest land from development.

We would also include forest land that is no longer economical to GPO 2.139.

GPO 2.140 Special development standards for access, lot size and configuration, fire protection, forest protection, water supply, and dwelling unit location should be adopted for development within or adjacent to commercial forest lands.

GPO 2.140 is unclear. Who will develop the standards, what is the timeframe, and what will be the substantive elements of the standards?

GPO 2.141 It is the policy of the county to encourage the continuation of commercial forest management by:

a. supporting land trades that result in consolidated forest ownerships provided that the best interests of the public are served; and,

b. working with forest managers to identify and develop other incentives for continued forestry (Ord. 93-42).

GPO 2.142 Encourage development projects whose outcome will be the significant conservation of forest lands. [We would add this new GPO, reflecting a similar policy as GPO 2.118]

GPO 2.143 Cooperate in sound voluntary forest land conservation or preservation plans (i.e., be recipients and overseers for conservation easements and/or assist with transferable development rights programs). [We would add this new GPO 2.143, reflecting a similar policy as GPO 2.121]

GPO 2.144 Reserved
Commercial Mineral Resource Lands

The State Growth Management Act (Section 17) states that "...each county...shall designate where appropriate... mineral resource lands that are not already characterized by urban growth and that have long-term significance for extraction of minerals." The Act defines minerals as sand, gravel and valuable metallic substances. Section 6 of the Act states that each county shall adopt development regulations to assure the conservation of mineral resource lands.

Kittitas County approved Resolution No.95-37 in April 1995, a declaration regarding GMA interim classification and designation for natural resource mineral lands of long-term commercial significance. The resolution meets the requirements of the Growth Management Act. The resolution declares that Kittitas County recognizes mineral resources as a property right and the utilization of new and finished mineral products as an important factor in the social and economic stability of the County. In addition, the County recognizes that mineral resource lands provide economic and social foundations, historical, present and future for the growth and development of the County.

The resolution defines minerals to include "metallic and non-metallic minerals of commercial value such as sand, gravel, coal, oil, natural gas, gold, silver gem stones, clay, building stone, etc." Based on a public hearing process, the County has outlined nine designation criteria for the classification of Mineral Resource Lands of long-term commercial significance. These include the following:

1. Physical properties of the resource, including a quality and type;
2. Depth of resource;
3. Depth of overburden;
4. Accessibility and proximity to the point of use or market;
5. Physical and topographical characteristics of the mineral resource site;
6. Life of resource;
7. Availability of public roads;
8. General land use patterns in the area; and
9. Surrounding parcel sizes and surrounding uses.

Areas meeting the criteria for Mineral Lands of Long-Term Commercial Significance and classified as such, including future discoveries, are designated on the final Comprehensive Plan map and included in the final Comprehensive Plan. The map shows the location of Mineral Lands of Long-Term Significance and will be updated and amended as new mining sites, meeting the designation criteria, are approved.

GPO 2.143 When the County reviews proposed new land uses that have the potential to conflict with commercial mining activities, such as residential subdivisions, consideration of both surface and mineral rights ownership should be included in the review.

Comments Submitted by Jeff Jones, AFR
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GPO 2.144 New conflicting uses, such as residential and commercial uses, may be required by the County to locate, site, and/or be screened away from designated commercial mining activities.

Maps

The Kittitas County Comprehensive Plan Land Use Maps are included in the Kittitas County GIS data and are maintained by the Kittitas County Planning Department.
Aug. 29, 2006

To: County Planning Commission
From: Martin Kaatz
Re: Comp Plan Revision

Attached are portions of the findings by a citizen’s group formed by the County Commissioners in 1978 to address, among other things, the subject of county interchanges and rural lands. It was a citizen’s group similar to the RLAC. Unfortunately few if any of their recommendations found their way into the county code. Here it is almost 30 years later and we are facing the same issues.

I believe that they are pertinent to your current deliberations and are intended to supplement my testimony on August 22, 2006.

The Commission also needs to examine the document: Kittitas County County-Wide Planning Policies, by the Kittitas County Conference of Governments, March 1994. Unfortunately many of its recommendations appear to have been ignored.
REPORT OF CITIZEN ADVISORY SUB-COMMITTEE
on
Agricultural Preservation and Rural Subdivisions

Committee Members: Jay Bachrach, Dee Eberhart, Ben George, Juanita Greer, Clarence Harrell, Dick Matthews, Dave Myra, Martin Pedersen, Gerry Platt, Paul Weaver, Dan Webster, Helen Wolfsehr (chairman).

Meetings: Meetings were held 8:00-10:00 p.m. on April 24, May 1, 8, 15 & 22 with a high level of attendance and broad level of participation.

Initial meetings given over to discussion of seemingly conflicting concerns, problems and goals for the valley pointed up the overwhelming nature of the assignment. As one member put it in the second meeting, the temptation to walk away from the problem was great.

By the third meeting the policy goal was accepted. As new perspectives were introduced and explored to meet the divergent concerns it became evident that agricultural, economic and aesthetic goals are not mutually exclusive but dovetail together and can be mutually supportive.

As a committee I think we feel good about the outcome of our meetings. All of the recommendations presented here were unanimously supported. The committee also agreed that members will need to help all concerned — the committee as a whole, the County Commissioners, the County Planning Commission, the public, and most especially the farmers — to understand how and why they arrived at these recommendations.

Briefly, some of our main considerations were:

1) There is a need to separate farming from dense residential areas to minimize the friction and conflict between the two very different ways of life.

2) Agriculture is basic to the valley economy. To that end we should encourage saving the best soils for that purpose.

3) The unique beauty of the rural setting of the Kittitas Valley is a viable economic asset as well as of aesthetic value. Land values throughout the valley will increase with the assurance that rural atmosphere will be maintained.

4) Rural residential developments should be allowed at higher densities in appropriate areas to reduce waste of land and to encourage community water sources and sewage disposal in those areas.

The discussions and recommendations centered around the lower valley since all members are residents there. They may be adaptable to the Upper County as well. The committee of strong individuals unite to present to the committee of the whole, the attached recommendations.

Helen Wolfsehr, Chairman
RESOLVED: *It is our policy goal that agricultural land be preserved.*

Recommendations from the sub-committee on Preservation of Agricultural Land and Rural Subdivisions:

A. Three zones should be established for the lower Kittitas Valley:

1) **Agricultural zone,** for which there will be a minimum of 20 acre parcels in subdivision.

2) **Rural Residential,** for which there will be no minimum size except that which is in keeping with health standards. The Rural Residential zone will be determined primarily upon the basis of soil quality, but other factors will be considered as well.

3) **Buffer zone,** a buffer zone will be established around and contiguous to the Agricultural zone. The Buffer zone will have a 20 acre minimum abutting the Forest & Range zone, and 10 acres abutting all other zones.


B. To implement the tripartite zoning:

1) A map of the lower Kittitas Valley should be drawn by a group appointed by the County Commissioners and chaired by the County Planner. The group should seek the help of the U.S. Soil Conservation Office and other knowledgeable parties for the purpose of laying out areas in the Kittitas Valley suitable for zones 1, 2, and 3 mentioned in the above proposal.

2) A board of review should be established by the County Commissioners in order to resolve disputes concerning classification of specific parcels in zones 1, 2, and 3.

JUSTIFICATION

In addition to those considerations itemized on page one, the following reasons for establishing three zones were voiced by subcommittee members.

1) **Agricultural zone (20 acre minimum):**

   To enhance property value of farm land. Without a larger minimum acreage than now prevails, shotgun, residential development will depress land values: the greater market for agricultural land is found among those who want farms for hobby or primary income and want to avoid areas of real estate development.

   To prevent nuisances to those who live in agricultural areas.

   a) crime, *e.g.* burglary, that is associated with greater density of population

   b) complaints by residential owners concerning agricultural operations, *e.g.* airplane spraying, night running of field machinery. The dissension in some areas of the county may well eventually be cause for court action.

   c) complaints by farm owners, *e.g.* careless irrigation of many small acreages, lack of weed control, running packs of dogs killing and molesting livestock.

2) **Residential zone (no minimum acreage except that which is in keeping with health standards):**

   Effective, rational, economic development of residential land.

   The plan should allow dense development and thrifty utilization of residential land.

3) **Buffer zone (20 acre minimum abutting Forest & Range Zone, 10 acre abutting all other zones)**

   Nuisances would be minimized. Nuisances, such as those mentioned above, that occur when dense populations are next to farm operations, would be avoided.
POLICY STATEMENTS ON SUBURBAN AREAS

- The unincorporated fringes to the north and southeast of Ellensburg should be regarded as future urban lands. Present zoning is not conducive to orderly, efficient city growth in these areas. County regulations should, therefore, be tailored to facilitate such a transition. Further subdivision should be discouraged until such time as city utilities and services are economically feasible.

The City of Ellensburg and Kittitas County should coordinate efforts to plan for the orderly transition of suburban areas so that outward city growth is better facilitated.

- The unincorporated areas east of Ellensburg are not suited to urban expansion. Optimum development of these suburban lands is further precluded by environmental problems. The County should take the lead in encouraging the formation of a drainage district which could alleviate most water problems in this area.

- Other incorporated communities should likewise be encouraged to develop growth policies for fringe areas now under the jurisdiction of Kittitas County.

POLICY STATEMENT ON AREA-WIDE PLANNING

In order to ensure orderly and planned growth in Kittitas County, coordinated and cooperative planning urban and rural bodies should take place at a more extensive level than now prevails. It may well be that a single planning body for the County, directed by a professional planner, might prove to be more effective and efficient than the several planning committees now in existence. It is our recommendation that the possibility of such a single County-wide planning body be explored.

FLOODPLAIN MANAGEMENT

Floodplain management and related regulations should be coordinated and based on a more reliable floodplain map than is now in possession of the County.
Kittitas County
Interchange Development Policies

The following policies apply to the development of land immediately surrounding the interchanges of Interstate-90 between Snoqualmie Summit and Vantage, plus the Thrall interchange. They are intended to guide development at these interchanges so as to minimize disruption of local land use and traffic patterns in established communities.

I. Interchanges now zoned commercial

These interchanges should be further developed for the needs of the traveler, as the needs arise. These needs are defined as fuel, food, and lodging. This policy applies to the following interchanges: Snoqualmie Summit, Hyak, Lake Easton, Thorp, West Ellensburg, South Ellensburg and Vantage.

II. The interchanges of East Nelson, West Nelson, Elk Heights, Kittitas, and Thrall be zoned Scenic and Recreation. This classification would exclude any commercial development for services in section I above.

Recognizing the possibility of commercial development of these interchanges, they should be limited to a Recreation-Commercial classification. Any development of these areas shall be primarily recreational designed to include the following: Overnight campgrounds, Hotels, Lodges, Restaurants, and Golf courses.

III. Any development adjacent to freeway interchanges shall be designed so as to preserve the area’s environment as much as possible.

A. Natural terrain and vegetation shall be retained wherever possible and landscaping should be used for screening.

B. Structures built at freeway interchanges shall not obstruct panoramic vistas and scenic views.

C. Offsite signs, designed to attract travelers, shall be limited to highway logo and informational signs. Onsite plan which recognizes and gives special attention to protecting the scenic highway shall be required as a condition of development approval.

D. Utilities shall be underground.

E. Lighting of parking areas, signs and building exteriors shall be designed to minimize glare that would be visible to nearby residential areas or highway travelers.
F. Noise and air pollution generated by the development should be minimized through land use control and site design.

G. Entrances, exits and access points shall be located and designed to accommodate additional traffic flow and minimize traffic hazards and impacts on adjacent property.

IV. Where appropriate development at freeway interchanges should include viewpoints, historical areas, picnic areas, and/or links with trails passing near the freeway corridor. Also, where appropriate, a directory to community services, clubs, and historical landmarks.
Memo to: the Kittitas County Planning Commission

Memo From: Pat Deneen

Re: Ridge Request for Comp Plan Changes

I have been reviewing the Ridge Request for a Comp Plan Change. It is a very complex request and the unintended consequences that would follow the full adoption of this request are unexplored and not discussed. It appears it would stop in its tracks Cluster Subdivisions which we just put three years of work putting in pace. It would require an EIS on most actions. I do not believe that the state law would allow this.

I do not support the adoption of this proposal. At the best it should be passed on with no recommendation. This proposal must be further discussed and analyzed before any action can be taken.

In addition I do not believe that the Planning Commission has the option to pick and chose from the Ridge Request for a Comp Plan Change. The planning commission has the ability to recommend the adoption of the change, recommend the denial for the request for the change, or pass the request on with no recommendation.

Thank you for taking time to review this comment.
August 21, 2006

Mr. Darryl Piercy, Director
Kittitas County Community Development Services
411 North Ruby Street, Suite 2
Ellensburg, Washington 98926

RE: Proposed 2006 comprehensive plan amendments and update

Dear Mr. Piercy:

Thank you for sending the Washington State Department of Community, Trade and Economic Development (CTED) the proposed amendments to Kittitas County’s comprehensive plan and development regulations that we received on August 8, 2006. We recognize the significant amount of time and energy these proposals represent.

When cities and counties work with citizens to discuss their priorities for the future, they must balance important considerations—using land wisely, providing the foundation for economic vitality, and protecting environmental and natural resources. In crafting your comprehensive plan and development regulations to meet the unique needs of your community, you, along with other local governments planning under the Growth Management Act (GMA), have made important and long-lasting choices. These choices can sustain the quality of life that makes Washington a remarkable place to live and create the predictability needed for economic investment.

We have begun to review the many comprehensive plan amendments proposed as well as the comprehensive plan update materials. However, as the submittal was just recently received, and the hearings begin August 21, 2006, we respectfully request that this testimony for the public hearings be considered as preliminary comments. CTED intends to submit additional testimony prior to close of the 60-day review period, once the proposals have been reviewed in greater detail. Therefore, we request the Planning Commission, at a minimum, leave the public testimony portion of the hearings open until close of the 60-day review period.

Our comments will be separated in two parts. First, our comments will focus on the 2006 annual docket of comprehensive plan amendments, which consist of 19 proposals. Second, our comments will address the amendments to the comprehensive plan proposed as part of the update process.

**Annual Comprehensive Plan Amendment Docket Items:**
The annual docket comprehensive plan amendment items submitted to CTED for review and comment consisted of the 19 applications (as posted on the Kittitas County CDS website on August 8, 2006) and the staff report prepared by Ms. Joanna Valencia, Planner II, dated August 16, 2006, which we received on August 18, 2006.

**Natural Resource Lands De-designation**
We are concerned because several of the requests include the de-designation of forest and agricultural resource lands of long-term significance to a designation of rural. Together, the applications comprise over 7,400 acres
of designated resource lands in Kittitas County. We are concerned about the citizen-initiated proposals to de-designate commercial forest and agricultural lands to higher intensity land uses. We recognize that Kittitas County is experiencing some unique development pressures from people who live in other parts of the state who want to take advantage of the many outdoor recreational opportunities that Kittitas County can offer. Suncadia Resort and Central Washington State University are also big draws for people who are looking for alternatives to more urban lifestyles.

Resource lands and critical areas were designated first so that they could be protected and conserved. This is a fundamental application of the principle that “the land speaks first”\(^1\). We are concerned that adoption of this proposal could substantially interfere with the county’s duty under Goal 8 of the GMA to conserve forest resource lands of long-term commercial significance.

We recognize that market pressures have greatly inflated land prices and that, when combined with the lack of water rights, are enticing property owners of properties of resource lands of long-term significance to convert their resource lands into rural, single-family development. However, we would request you consider the following while reviewing these applications:

- The designation of natural resource lands (agriculture, forest, and mineral lands) was the first step Kittitas County took in developing its comprehensive plan. This step is key to determining where appropriate rural development can take place while still protecting important natural resource lands. These designations were made at the county-wide basis. We are concerned with removing natural resource land designations on a parcel-by-parcel basis. This approach is not comprehensive; it does not look at the cumulative effects of this decision, and it has the ability of affecting other resource land designations and the industries these lands support. We suggest a better approach to reviewing the natural resource land designations is to look at the entire county, as part of the update process.

- Both the Washington State Supreme Court and the Eastern Washington Growth Management Hearings Board (EWGMHB) have considered the issue of de-designation of natural resource lands. Several key themes have emerged from these reviews. The Washington State Supreme Court finds evidence of a legislative mandate to conserve natural resource lands \[\text{King County v. Central Puget Sound Growth Management Hearings Board, 142 Wn.2d 543, 562 (2000)}\]. The EWGMHB found a rigorous record justifying any de-designation as an essential component of the de-designation action \[\text{2-1-0008 – Wenas Citizens Association v. Yakima County}\]. From the information submitted, and given the fact that many of these applications were not submitted until the end of May of this year, it does not appear that this sort of an analysis was conducted.

- When deliberating these comprehensive plan amendments and rezone requests, we suggest Kittitas County review the criteria originally used to categorize agricultural and forest lands and consider if conditions have changed to warrant approval of this amendment or if the earlier decision to designate these lands was made in error. In addition, you may want to consider the \text{Minimum Guidelines to Classify Agriculture Forest, Mineral Lands and Critical Areas (WAC 365-190-050)} to further assess whether these lands no longer qualify as natural resource lands. Finally, when making your decision, it will be crucial to develop a rigorous record detailing the reasoning behind your decision.

The record should, at a minimum, include items such as:

1) A review of how and why the properties involved were designated as agricultural or forest resource lands of long-term significance originally,

\(^1\) \text{Bremerton vs. Kitsap County, CPSGMHG Case no. 95-3-0039, Final Decision and Order.}
2) An analysis of the applicable factors that have changed since the original classification,
3) The existing criteria for designation of resource lands,
4) A statement of whether or not the proposed properties do or do not meet the designation criteria today,
5) A specific recommendation and findings of fact to support the recommendation

The subject properties were originally deemed to be resource lands of long-term commercial significance. The existing record does not show that a reconsideration process has been conducted. Without evidence to support that changed circumstances or new information regarding the original designations, CTEC cannot support the de-designation of resource lands of long-term commercial significance. We recommend the county not pursue redesignation of designated resource lands until it can conduct the analysis necessary to support its decision.

Urban Growth Area (UGA) Expansions
Several of the proposals involve expansions to the UGA for various communities in the county. We are concerned that the record does not contain any of the information necessary to support the expansion of the UGA. We did not see any discussion in the staff report or the individual applications of how much population is needed in these communities, how much additional residential or commercial capacity will be provided by these expansions or what the proposed development densities will be. These are usually part of a Land Capacity Analysis. Prior to expanding the UGA, the record must contain a land capacity analysis showing how much additional land is needed to accommodate the project population.

Once it has been determined that new land is needed, the county should use the location criteria found in RCW 36.70A.110 to determine which parcels are most suitable for new urban growth. We did not see in the staff report or in the individual applications any discussion of how these locations meet the location criteria for a UGA expansion. Prior to making determinations regarding expansion of an urban growth boundary, information should be provided demonstrating the proposals do or do not meet the criteria outlined in RCW 36.70A.110 for urban growth areas. The GMA also requires that the expansion of a UGA be accompanied by a financially realistic capital facilities plan. We did not see in the staff report or the individual applications we reviewed any discussions of what the demand for urban services will be and how adequate public facilities will be provided. Prior to an expansion of the UGA, the record must contain a plan for providing adequate public facilities.

Urban Growth Node Expansions
Over the years there have been questions regarding the Urban Growth Nodes (UGNs). It is my understanding the county developed them in their initial comprehensive planning efforts as a means to identify areas where clusters of development had located in more rural areas over the years, outside of existing cities or towns. Later, the Growth Management Act was amended to include criteria for Limited Areas of More Intense Rural Development, known as LAMIRDs.

At this point, it is not entirely clear whether these urban growth nodes are more like unincorporated Urban Growth Areas or more like LAMIRDs. One of the issues the county will need to address in the update is whether these areas are UGAs or LAMIRDs. Before Urban Growth Nodes are considered for expansion, CTEC recommends the county identify which category they fall in so it is more clear which designation standards will apply. CTEC believes it is premature to expand the Ronald UGN without benefit of an analysis to demonstrate need, appropriate zoning designation, and ability to provide adequate facilities and services.

Mapping of Proposed Amendments
Each of the applications appear to be under consideration separately, at least for the purpose of providing locational maps of the subject properties. The maps we saw were maps showing each individual application. For the purpose of taking public comment and reviewing the applications, it is critical that they are viewed in
context. CTED suggests that mapping be prepared that depicts the properties for similar proposals. For example, applications 06-05, 06-06, and 06-13 are adjacent to each other. The decision for the request to expand the Ellensburg UGA may affect the decision to de-designate agricultural resource lands and vice-versa. The same can be said for the three proposals to expand the City of Kittitas UGA or the three proposals to expand the Ronald UGN. Other applications are clustered near the Suncadia property between the Cities of Roslyn and Cle Elum. CTED also recommends that the county prepare tables totaling the acreage of the expansions and identifying how much additional development capacity is being proposed in total and for each UGA.

**Comprehensive Plan Update Process**
The information submitted for the comprehensive plan update recommendations is currently being reviewed. CTED applauds the efforts of the staff and citizens of Kittitas County to update the comprehensive plan and will provide comments under separate cover, prior to close of the 60-day comment period.

If you have any questions or concerns about our comments or any other growth management issues, please contact me at (360) 725-3045 or joycep@cted.wa.gov. We extend our continued support to Kittitas County in achieving the goals of growth management.

Sincerely,

Joyce Phillips, AICP
Senior Planner
Growth Management Services

JP:Jw

cc: Joanna Valancia, Staff Planner
The Honorable Robert Cousart, Mayor, City of Kittitas
The Honorable Charles Glondo, Mayor, City of Cle Elum
The Honorable Jeri Francisco-Porter, Mayor, City of Roslyn
The Honorable James Devere, Mayor, Town of South Cle Elum
Chris Parsons, Washington State Department of Fish and Wildlife
Leonard Bauer, AICP, Managing Director, Growth Management Services, CTED
David Andersen, AICP, Plan Review and Technical Assistance Manager, Growth Management Services, CTED
August 28 2006

Kittitas County Community Development Services

To Whom this may Concern

Additional requested addition to be considered for the Comp Plan.

Due to the increasing number and magnitude of rezones being submitted to the Kittitas County administration for consideration, I feel that there should be serious consideration given to the implementation of impact fees, that should be covered by the developing party.

It is a well known and proven fact, that property taxes don’t cover the infrastructure costs on new residences for at least the first three years of their being. During this time, all costs are being covered by the current tax payers, that includes schools, roads, fire and law enforcement, just to cover a few. Most of the developments are being located into the rural areas of the county, and that is a major problem in itself, since the rural roads simply do not offer the safety that the primary access roads do, and farming equipment traveling these roads due create their own type of hazards, especially since farm to market roads are a major factor in the type of lifestyle that has created this valley.

I am fully aware that this impact fee concept is not favored by the development community, but, why should they be able to take their huge profits and run away to spend them somewhere other than where it could help support this area, and leave the impact of their creation on the backs of the local population.

Thank You for your consideration in this matter.

Respectfully Submitted

Richard E Wilkins
3280 Carroll Rd.
Ellensburg Wa. 98926

(509) 968-4783
Kittitas Audubon Society  •  P.O. Box 1443  •  Ellensburg, WA 98926

August 28, 2006

Mr. David Black, Chairman
Kittitas County Planning Commission
411 N Ruby Street, Suite 2
Ellensburg, Washington 98926

Re: American Forest Resources’ petition to rezone approximately 7000 acres of land in the Teanaway; specifically proposed Comprehensive Plan amendments 06-18 and 06-19.

Chairman Black and Planning Commission members:

Kittitas Audubon members, some of whom attended the recent public Commission hearings, want first to commend your willingness to serve on this very important body. We truly appreciate your contribution of many hours and the energy given to taking public testimony, plus the time to deliberate decisions that affect us all. Kittitas Audubon believes that the less politicized environment associated with Planning Commission deliberations offers the best chance for decisions that more accurately reflect the wishes of the majority of County citizens.

The hearings on the rezone applications that are to be considered almost simultaneously with Comprehensive Plan updating place an undue burden on both the Commission members and the interested public. The rezone applications with the potential of having the greatest impact are American Forest Resource’s proposals to rezone approximately 7000 acres in the Teanaway through its two applications.

Kittitas Audubon’s primary focus in the community is wildlife protection. Our members share the hopes and aspirations of all citizens in the valley, but we focus extra time and energy on wildlife issues, especially bird populations. We work toward community understanding that while there will be change, it need not occur at the expense of protecting wildlife.

It is from that perspective that we oppose both of AFR’s rezone applications, and hope that you will deny them. Proposals of this magnitude that will significantly impact historic use of the Teanaway and its wildlife must be carefully studied, and their potential impacts determined at the very least through an Environmental Impact Statement before a decision is made to approve the rezone.

Sincerely,

[Signature]
Gloria Baldi, President
For the record

Joanna Valencia
Planner II
Kittitas County Community Development Services [P] 509.962.7046 [F] 509.962.7682
joanna.valencia@co.kittitas.wa.us -----Original Message-----
From: Bill Weiand [mailto:waw8@hotmail.com]
Sent: Tuesday, August 29, 2006 10:06 AM
To: Joanna F. Valencia
Subject: Proposed 2006 Comp Plan amendments by RIDGE et al

Joanna,
My name is Bill Weiand, and I am a property owner in Cle Elum; Big Boulder Short Plat Lot 1. I am in receipt of an 8/28/06 copy of proposed amendments to the Kittitas County Comprehensive Plan put forth by RIDGE, Futurewise and others.

I am writing to express my opposition to the proposal in its entirety.

Regards,

Bill Weiand
JNG, LLC
(425) 330-4893

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Joanna Valencia
Planner II
Kittitas County Community Development Services
[P] 509.962.7046
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joanna.valencia@co.kittitas.wa.us

From: Mike Faiola [mailto:mfcadmonkey@yahoo.com]
Sent: Monday, August 28, 2006 2:07 PM
To: Joanna F. Valencia
Subject: Proposed RIDGE Comp Plan Changes...

Joanna,

I am a homeowner in Ellensburg (505 N. Poplar St.) and I want to voice my opinion regarding the proposed RIDGE comp plan changes. I am not in favor of these changes.

Thank You,

Mike Faiola
(916)-396-4685
505 N. Poplar St.
Ellensburg, WA 98926

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How low will we go? Check out Yahoo! Messenger’s low PC-to-Phone call rates.
As a voting, tax-paying citizen of Kittitas County and witness to the unprecedented growth occurring here, I have the following comments:

ACCURATE MAPPING: Please assure that land ownership and infrastructure are accurately recorded. Federally designated wilderness areas are not part of the general forest matrix, and therefore are not open to logging or development. Other public lands have management restrictions, as do roads and trails.

WATER: This critical resource must be conserved and sensibly allotted over the long-term. I would place the highest priority on maintaining local agriculture, sustaining fish runs, and providing adequate domestic water to primary residences. Conservation includes care of watersheds higher in the Cle Elum, Yakima, and Teanaway drainages.

INFRASTRUCTURE: Population growth creates increased traffic and demand for public services. Roads should be planned for the long-term, and the climate (runoff, snow removal). As a wildland firefighter, I know of roads in the Upper County that I would not want to use for fire access. Please plan for safe ingress and egress of emergency services. Please plan for law enforcement needs. Please support recycling and conservation to reduce the burden on waste management services. Please plan for schools. I strongly support the payment of impact fees by developers to help the county maintain vital infrastructure.

AFFORDABLE HOUSING: The opportunity for employed people of modest income to purchase homes in the Upper County has passed. The marketplace has removed home ownership from the reach of people who work for the government and service industries. I encourage development of modest housing in our towns so that the people who work here can continue to live here without long commutes or high taxes.

SUSTAINABILITY: I favor any decisions by the county to promote the long-term stability of our communities and maintain the quality of life here. There is much to be learned from other counties in the western US where growth has already occurred. Planning for sensible growth and recognizing that some resources will be limited is the key. I am in favor of conservation of water, energy, air, green spaces and farms, public land, scenic vistas. I find gated communities and displays of excessive wealth offensive. Please keep Kittitas County a good place for people all across the economic spectrum to live. If I wanted to live in place with lots of traffic, strip malls, big box stores and rampant social problems, I could go to Yakima or Issaquah. I choose to live here. Now is the time to make decisions that determine the shape of the future. I urge the decision-makers to be prudent, fair, and moderate, keeping the big picture in mind.

Thank you.

Debra Davis  
P.O. Box 902  
Cle Elum WA 98922
August 28, 2006

Mr. David Black, Chair
Kittitas County Planning Commission
c/o Kittitas County Community Development Services
411 N. Ruby Street, Suite 2
Ellensburg, Washington 98926

Dear Chair Black and Members of the Planning Commission

Kittitas County and its associated cities find themselves at a critical turning point in their developmental history. Decisions made this year will have an impact for the next 100 years. Therefore, it is important that we not make hasty piece-meal decisions in the process of amending the comprehensive plan and that we carefully consider all decisions relating to the comprehensive plan update.

Therefore, I urge the Planning Commission to deny the following applications for amendments to the existing Comprehensive Plan: Nos. 06-01, 06-02, 06-03, 06-04, 06-05, 06-07, 06-09, 06-11, 06-13, 06-14, 06-15, 06-16, 07-17, 06-18, 06-19. At the most, these applicants will have to wait a year to re-submit their proposals under a revised comprehensive plan. Within the greater scheme of ten years—the length of time until the next comprehensive plan update—of twenty years—the length of time we are supposed to be planning for currently—, or of 100 years—the length of time that these proposals will impact, one year of waiting is not too long.

Concurrently, I urge the adoption of the proposals for amendment submitted under application No. 06-10. Many of these proposals are consistent with the recommendations of the Resource Lands Advisory Committee and will allow the county to develop in ways that we can live with and which are attractive to visitors.

Indeed, insofar as Kittitas County aspires to be a tourist destination, the measures proposed under application No 06-10 could be seen as contributing to economic development. Particularly valuable are the proposals: for allowing no rezones except as part of a comprehensive plan amendment; for insisting on the consistency of rezones with the comprehensive plan; for identifying and implementing overlay districts including interchanges (which are becoming increasingly ugly and sprawling); for developing energy-efficient transportation; and for providing for dark skies.

I would like to emphasize that amendment application No. 06-10’s proposal for conducting and maintaining a comprehensive survey of groundwater resources is imperative. There has been much discussion during the last year of the fragility of our
county’s water resources, and before we approve new land use designations, we ought to complete studies and adopt measures that adequately inform and ensure us of the sustainability of our water supplies.

In addition to its work on the comprehensive plan update, the Resource Lands Advisory Committee has proposed several amendments to the existing comprehensive plan. It is critical that the planning commission approve the proposal for intergovernmental agreements as outlined by the RLAC. Planners across the country are agreed that most land use issues are regional, not local. Each jurisdiction within the county affects the others. If we truly want to manage growth, which is the goal of Washington’s Growth Management Act, then we all need to cooperate, and not just to work out the intricacies of sharing financial burdens.

Where the comprehensive plan update is concerned, I particularly urge the approval of the following proposals of the Resource Lands Advisory Committee: the implementation of Transfer of Development Rights and Purchase of Development Rights programs; the development of a Forest Practices Ordinance (which should precede any consideration of amendment application Nos. 18 and 19); the creation of consistency between the Land Use and Zoning Maps (also urged by amendment application No. 10); the development and implementation of rural transition overlay zones; the minimization of loss of good agricultural land; and the conservation of forest values.

Lastly, I have my own suggestion for the Comprehensive Plan update. Include—in the plan—the extension of the Mountains to Sound Greenway eastward from Cle Elum to the Columbia River. This greenway would be the County’s responsibility. On Sunday, August 20 I drove from Ellensburg to Seattle and back over I-90, and planning was very much on my mind. It was disturbing to witness the increasing ugliness of development at Ellensburg’s West Interchange (not to speak of the “tawdriness” of the South Interchange) and to come upon a sign just east of Cle Elum advertising Freeway Industrial land. It struck me that we are about to lose the beauty that we’ve all become attached to and that has been saved by the Greenway westward from Cle Elum through North Bend. Although development will occur, we can devise measures now that will spare us the loss of greenery, open skies, unobstructed views of mountains, and glimpses of meandering brooks and rivers. We do not have to look like I-90 west of North Bend or I-5 from the Oregon to the Canadian borders.

Thank you for your consideration of these comments.

Sincerely,

Beverly Heckart
906 E. First Ave.
Ellensburg, WA 98926
Joanna Valencia
Planner II
Kittitas County Community Development Services
[P] 509.962.7046
[F] 509.962.7682
joanna.valencia@co.kittitas.wa.us

From: AllSeasons [mailto:Info@AllSeasonsVacationRents.com]
Sent: Monday, August 28, 2006 8:53 PM
To: Joanna F. Valencia
Subject: re: Comp Plan Review

Joanna,

I have read the “Ridge Proposal” and I am firmly against all of its recommendations. It goes way too far in stripping landowners of their rights to develop their property. It would put a massive roadblock in front of developers and landowners which in turn will drive up the costs of purchasing land throughout the county. In my opinion it’s irresponsible and many of the concerns stated are unsubstantiated. Please pass along my opinion to the responsible parties.

Sincerely,
Kevin Kelly

All Seasons Vacation Rentals LLC
www.AllSeasonsVacationRents.com
info@AllSeasonsVacationRents.com
Phone: (509) 674-1967
Fax: (509) 674-1957
For PC record.

Joanna Valencia
Planner II
Kittitas County Community Development Services
[P] 509.962.7046
[F] 509.962.7682
joanna.valencia@co.kittitas.wa.us

From: Mitch Williams [mailto:mitch@mwilliams.net]
Sent: Monday, August 28, 2006 4:50 PM
To: Joanna F. Valencia
Subject: Comp plan review.

Dear Commission Members,

I have watching with some dismay at the clamor for terminating the robust growth that has occurred in our county over the last number of years. I have recently listened and read about proposals by RIDGE and "conservation coalitions" to rewrite the laws as they exist to provide the county with restriction on growth that represent their vision of both the process and outcome.

I STRONGLY DISAGREE WITH THEIR METHODS AND PROPOSALS.

I will plan to testify as this process moves forward to express my views on this matter. To highlight some of my perspective the following points are important.

1. Underlying zoning is a valuable asset to property in our county. Removing this zoning by creating one standard zone undermines the trust of the public who in many cases have spent considerable money and time to create the zone or to protect the zone or to retain property on the basis of the zone. These owners would be denied the 'public contract' which zoning laws represent.

2. A cluster subdivisions demand on all parcels creates broad reaching impacts in which interpreted variables provide amenities that generate 'public' benefit. Parcels sizes in the clusters don't necessarily represent what many in the market place want in their "rural lifestyle".

3. EIS documents terminate the financial viability of any but the large developments and are not necessary in the typical plat applications under the law.

4. Comprehensive aquifer studies are a good idea but not at the expense of a moratorium. That is both critically damaging to the economies of many families who depend on the construction industry for their livelihood but is unfair at is core. No single project can account for the ground water issues that have yet to be determined. If indeed these studies are underway then that will take its due course in discovery of this resource and intelligent decisions can be based on these findings.

5. Finally, agricultural preservation is a noble idea for the individuals who provide that important role to our economy. I believe the issue behind this proposal does not necessarily have the farm family incomes and 'their' interest in mind but rather it is the eternal argument of population growth and the lands on which we choose to live. In other words many like the views of the sweat and labor that farm families make possible and want that to be their entitlement regardless of the rights and intent of the land owner. These issues are certainly being played out over and over in many communities around the country focused on balancing the needs and self interest of all of us. I for one do not feel the approach presented at the last
planning commission was 'balanced'.

I will look toward contributing my comments as this process continues on. I would add that there are many elements within the current system that are in fact working. It appears to always be in the eyes of the beholder. Those that don’t appreciate new neighbors or new homes or simply like it the way it was will certainly not like the concept of new growth and will offer proposals to represent their perspective on all of our property rights.

Sincerely,
Mitch Williams, Pres.
M.F. Williams Const. Co, Inc.
Ellensburg, WA
August 23, 2006

Kittitas County Commissioners
205 W. 5th Ave., Suite 108
Ellensburg, WA 98926

Dear Sirs:

We would like to address several issues.

First and foremost, we have learned that you have recommended approval of a proposal to establish new zoning designations allowing five-acre minimum lot sizes in the agricultural and rural land-use zones. **YOU ARE MAKING AN ENORMOUS MISTAKE!** This is how King County has gotten itself into huge trouble. We lived in King County for a number of years and have seen first-hand how this adversely affects everyone. When you have a number of 5 acre parcels (or smaller) in an agricultural or rural zone, the owners of the 5 acre parcels immediately begin complaints about farming noises, smells, and animals. Next they want street lights, sidewalks, parks, city amenities, sanding trucks when it snows - all which are costly to the city/county. Then the EPA steps in and restricts farmers further by regulating animals, etc. Before long, the farmer has to move on because he can’t afford to farm with those restrictions. That is currently happening here. Later, the EPA demands that there be sewers for all the smaller lots. Houses only pays 80% of amenities (police, fire, road taxes, and maintenance). This would be a huge mistake for Kittitas County’s rural life-style. **DO NOT mix rural/agriculture and 5 acre parcels. 1-4 miles out of the town of Ellensburg should have 1-5 acre parcels. Minimum should be 20 acres everywhere else. In open range area 25-50.**

Also we also notice the county is allowing nothing but little cul-de-sac roads for development which lead nowhere, but become a public road which costs us all extra money to maintain.

On the topic of more shopping in Kittitas County. We could be the next Yakima where empty warehouses sit as big companies don’t make their huge profits and move on, leaving the empty shells behind. This also costs the county and its taxpayers. Let’s plan development in a strategic, intelligent manner rather than grab the first thing that comes along. Like the city is considering, accept nothing with greater than a 50,000 SF footprints for retail. A 2nd floor is acceptable, but no huge sprawling structures with accompanying parking lots.
Crime rate also accelerates with more growth and development and, once again, more costs to the city/county.

We hope you will take these comments into consideration.

Sincerely,

Jane McLean

Richard Ludwig
August 28, 2006

Mr. David Black, Chairman
Kittitas County Planning Commission
411 N Ruby Street, Suite 2
Ellensburg Washington 98926,

Regarding proposed 2006 Comprehensive Plan Amendments:

a) 06-18 American Forest Resources
approx. 6,300 acres
County Commercial Forest to County Rural AND
Commercial Forest to Forest and Range

and

b) 06-19 American Forest Resources LLC, map amendment
approx. 640 acres
County Commercial Forest to County Rural AND
Commercial Forest to Forest and Range

Chairman Black and Planning Commission members,

My comments are to some degree related to my involvement in the early 1980s with implementation of the Alpine Lakes Management Act (ALMA) that placed more than 500,000 acres of public land surrounding the newly-created Alpine Lakes Wilderness in a special category called the Management Unit (MU). These are special resource units one of which includes federal lands in the Teanaway.

Interspersed with public land in the historic checkerboard arrangement that is a legacy of the railroad land grants from the mid 1800s, are private lands. The management of the public land was influenced (is still influenced) by what happens on private land and vice versa. Timber harvesting on public land in the MU came under close scrutiny because of federal requirements such as the National Forest Management Act that required protection of wildlife species. The geographic arrangement of interspersed public and private land coupled with management constraints for federal lands resulted in contentious discussions about how timber lands were to be managed - how they should be managed. It didn't make a lot of sense to unilaterally implement forestry constraints on a public section that was surrounded at the corners by private lands that had virtually no constraints.

Through federal law, Washington State regulations, discussions between government agencies associated with land use and private owners, and the involvement of conservation organizations, what could be called 'working arrangements' were developed and implemented. It took many hours of many
peoples' time to work issues through in order to arrive at some level of accommodation of each others' interests. It wasn't perfect, it isn't perfect. But the situation in the forests of Kittitas County is far better than would be the case had there been no such efforts made.

We hear criticisms of State and Federal regulations that "interfere with our (local) rights to manage our own affairs" - presenting the idea the 'we can do it, and can do it better'. Well, it can't be argued that the granting of AFR's rezone petition and what would logically follow will result in profound changes in the Teanaway for reasons related to public access, wildlife impacts, loss of commercial timber land, watershed impact, and other factors. The Teanaway is both a challenge and an opportunity for Kittitas County to show that it is up to 'doing it better', by planning for the future, by insisting on an upfront disclosure of company plans and intentions. To facilitate such, an EIS seems a first step in the right direction.

The request by American Forest Resources (AFR) to rezone more than 7000 acres of Commercial Forest, as defined in the Kittitas County 2006 Comp Plan, is their first major step on the road to real estate development. Were the request to be approved it would be a classic case of the 'tail wagging the dog' - of a disruptive major land use change affecting the future of the entire Teanaway watershed. It would be accomplished without the level of public scrutiny and environmental reviews that a responsible Kittitas County ought to require precedent to land-use actions of this scale.

We know things are going to change in the Teanaway. But we have an obligation to protect our forests. Their designation as Commercial Forest Lands in the current Comp Plan contributes to that. The Comp Plan contains various land classifications and prescribes special areas for different land uses. Something on that order - an overall land-use plan needs to be developed for the Teanaway. We need to know a lot more about what is planned by AFR for the Teanaway. Land use rezones are being requested and are being granted that are clearly not in the public's interests short and long term. The request by AFR for rezoning 7000 acres of Commercial Forest is one of these.

Please deny both rezone requests.

[Signature]

Hal Lindstrom
1831 Hanson Road
Ellensburg, WA 98926
Susan Barret

From: Joanna F. Valencia
Sent: Monday, August 28, 2006 1:39 PM
To: Susan Barret
Subject: FW: Comp plan revisions

For PC record.

Joanna Valencia
Planner II
Kittitas County Community Development Services
[P] 509.962.7046
[F] 509.962.7682
joanna.valencia@co.kittitas.wa.us

From: Jim Kieburtz [mailto:jkieburtz@comcast.net]
Sent: Monday, August 28, 2006 1:36 PM
To: Joanna F. Valencia
Subject: Comp plan revisions

Joanna,

I own land in the Upper Kittitas area and I would just like to express my complete disapproval of the proposed changes to the Comprehensive Plan presented by RIDGE.

Feel free to call or e-mail me with any questions you may have.

Jim Kieburtz
(425) 941-2101 (cell)
Hi there,

Please remove my August 22nd letter to the Planning Commission from the 2006 Plan Amendment public record and replace it with the attached letter, dated August 23rd, 2006. I inadvertently added incorrect language in the Aug. 22nd edition, so I amended the letter and added further detail on a few specific file #s. –Sorry for the confusion. Please let me know if you need further clarification.

Unfortunately I have to work tonight and tomorrow night, so I hope you can help convey my support for the RLAC recommendations and RIDGE proposal. They are very complimentary.

Thanks!
Kelly

Kelly Clark-Larimer
Habitat Biologist
Yakima-Klickitat Fisheries Project
(509) 933-1210 office
(509) 949-2176 cell
kelly.ykfp@elltel.net
Hello:

Please submit and distribute my attached written comments, and supporting documents into the public record for the 2006 Comprehensive Plan Map and Text Amendment hearing before the Kittitas County Planning Commission (set for Monday and Tuesday, August 21-22, 2006). Confirmation of this request would be greatly appreciated.

Thank you for your time,

Kelly

Kelly Clark-Larimer
Habitat Biologist
Yakima-Klickitat Fisheries Project
(509) 933-1210 office
(509) 949-2176 cell
kelly.ykfp@elltel.net
Kittitas County Planning Commission
Kittitas County Community Development Services
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Kittitas Planning Commission members:

I am a member of the Kittitas County Rural Lands Advisory Committee (RLAC), and currently work as a Habitat Biologist for the Yakama Nation –Yakima/Klickitat Fisheries Project. Prior to my current employment, I worked as a Senior Natural Resources Planner for Yakima County for over 4 ½ years. Throughout my experiences, I have gained a well-rounded and technically sound approach to land use planning processes and public participation through a wide variety of planning, research, and citizen stakeholder projects.

As a member of the RLAC, the recommendations that we made acknowledge and address the need to both:
1.) protect public interests and;
2.) provide flexibility and parity for private landowners.

Direct benefits to the public and private sectors could be mutually met by applying several of the 2006 Comprehensive Plan Map Amendment applications to the updated and adopted Comprehensive Plan in 2007. Of specific concern are File #s 06-01, 06-02, 06-05, 06-06, 06-09, 06-17, 06-18, and 06-19 (Table 1, 2), which request to de-designate Lands of Long Term Commercial Significance. None of these applications have gone through the de-designation process, to adequately demonstrate that they no longer meet the specific criteria that define the lands status as a long-term protected resource. If these applications are approved as is, they are clearly subject to legal challenge.

### Table 1. County Commercial Agriculture to Rural

<table>
<thead>
<tr>
<th>File No</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>06-01</td>
<td>53.7</td>
</tr>
<tr>
<td>06-05</td>
<td>65.68</td>
</tr>
<tr>
<td>06-06</td>
<td>10.2</td>
</tr>
<tr>
<td>06-09</td>
<td>35.80</td>
</tr>
<tr>
<td>06-17</td>
<td>54.36</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>219.74 Acres</strong></td>
</tr>
</tbody>
</table>
Table 2. County Commercial Forestry to Forest & Range 20; and Rural

<table>
<thead>
<tr>
<th>File No</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>06-02</td>
<td>320.7</td>
</tr>
<tr>
<td>06-18</td>
<td>6,256.91</td>
</tr>
<tr>
<td>06-19</td>
<td>640</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>7,217.61 Acres</strong></td>
</tr>
</tbody>
</table>

The RLAC, and other citizen and staff derived recommendations for the Plan Update, provide clear, rational, and creative policies to alleviate reoccurring problems that have generated many private and public concerns (see attached RLAC documents). These recommendations, if adopted, would dramatically improve the public, county staff, and elected officials ability to solicit, review/analyze, and make recommendations on current and long-range planning efforts in a clear and comprehensive fashion. File # 06-10, the RIDGE and other 2006 Text Amendment request, displays well-thought, substantive language that meets the mutual goals and objectives of the RLAC effort.

**Specific to all the 2006 Map Amendment Requests** (From pg. 2, RLAC Policy Issues and Recommendations):

**Boundaries of the Comprehensive Plan Land Use Map Designations.**
The RLAC does not recommend changing the current boundaries of the land use designations on the Comprehensive Plan Land Use Map with the exception of the following situations:
- Where it determined that the Urban Growth Areas or Urban Growth Nodes should be modified due to change in the populations forecast or refinement of urban services information [this should be done through the County Wide Policy Planning process so that the cities and county can plan accordingly].
- The addition of a “Rural Transition Overlay” designation [discussed later in the report].
- The addition of a “Limited Area of More Intense Rural Development” (LARMIRD) designation where deemed appropriate.
- Encourage Urban Growth Areas and Rural Transition Overlay designations to areas that minimize conversion of prime agricultural farm land. …

Advancement of several of the aforementioned 2006 Plan Amendment Requests (Table 1, 2) would severely compromise and undermine the need, intent, and purpose of the 20 Year Plan Update and the progress made by the RLAC, which is composed of widely-diverse individuals that have formulated employable recommendations that can have a progressive and positive impact on the way our county changes in the near and long-term.

I respectfully ask the Planning Commission to recommend to the Board of County Commissioners that all 2006 Comprehensive Plan Map Amendments that are deemed questionable in nature for long-term planning needs, be re-evaluated and reconsidered under the updated and adopted Comprehensive Plan, should they choose to resubmit.
A one year delay is by no means an unreasonable request by the PC or BOCC to the applicants and the public, especially considering the fact that many GMA planning counties only consider changes in land use designation once every 4 years.

Most importantly, by allowing the re-designation of up to 8,346.07 acres (13.5 square miles) in one plan amendment cycle (this includes all Map Amendment acres requested), let alone that amount of acreage over the next 20 years, we would dramatically limit our land use planning options to meet well-defined near-term needs, and would literally obliterate the ability of future generations to adapt to changing socio-economic variables, environmental/resource needs, and many other unforeseen factors. Sound, technical analysis and public input must be solicited and considered before such large scale designation changes are made.

Moreover, my husband and I are both Cle Elum-Roslyn High and Central Washington University graduates, own a local business, and would like to someday raise a family here, if it is the right place to be in 2, 5, 10, 20 and/or 50 years. Please, let’s give local folks a chance to stay and live in our beautiful county. Let’s define our growth, not let growth define us.

Thank you very much for your time and consideration,

Kelly Larimer
RLAC Member/Concerned Citizen
From: Mandy Weed on behalf of CDS User  
Sent: Monday, August 28, 2006 8:20 AM  
To: Susan Barret  
Subject: FW: 2006 Plan Amendment Letter-Please add to the public record  
Importance: High  

Mandy Weed, Administrative Assistant  
Kittitas County Community Development Services  
411 North Ruby Street, Suite 2  
Ellensburg, WA 98926  
(509) 962-7047  
mailto:mandy.weed@co.kittitas.wa.us

From: kelly.ykfp@elltel.net [mailto:kelly.ykfp@elltel.net]  
Sent: Tuesday, August 22, 2006 3:52 PM  
To: Darryl Piercy; Joanna F. Valencia; CDS User  
Subject: 2006 Plan Amendment Letter-Please add to the public record  
Importance: High

Hello:

Please submit and distribute my attached written comments, and supporting documents into the public record for the 2006 Comprehensive Plan Map and Text Amendment hearing before the Kittitas County Planning Commission (set for Monday and Tuesday, August 21-22, 2006). Confirmation of this request would be greatly appreciated.

Thank you for your time,

Kelly

Kelly Clark-Larimer  
Habitat Biologist  
Yakima-Klickitat Fisheries Project  
(509) 933-1210 office  
(509) 949-2176 cell  
kelly.ykfp@elltel.net
Mr. David Black, Chair  
Kittitas County Planning Commission  
Kittitas County Community Development Services  
411 N. Ruby St., Suite 2  
Ellensburg, WA 98926

Kittitas Planning Commission members:

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As a member of the RLAC, the recommendations that we made acknowledge and address the need to both:  
1.) protect public interests and;  
2.) provide flexibility and parity for private landowners.

**Direct benefits to the public and private sectors could be mutually met by applying the 2006 Comprehensive Plan Map and Text Amendment applications to the updated and adopted Comprehensive Plan in 2007. General rational and creative mechanisms are part of the RLAC, and other citizen and staff derived recommendations (see attached RLAC documents). These recommendations, if adopted, would dramatically improve the public, county staff, and elected officials ability to solicit, review/analyze, and make recommendations on current and long-range planning efforts in a clear and comprehensive fashion.**

Specific to the 2006 Amendment Requests (From pg. 2, RLAC Policy Issues and Recommendations):

**boundaries of the comprehensive plan land use map designations.**

The RLAC does not recommend changing the current boundaries of the land use designations on the Comprehensive Plan Land Use Map with the exception of the following situations:

- Where it determined that the Urban Growth Areas or Urban Growth Nodes should be modified due to change in the populations forecast or refinement of urban

Tuesday, August 22, 2006
services information [this should be done through the County Wide Policy Planning process so that the cities and county can plan accordingly].

- The addition of a “Rural Transition Overlay” designation [discussed later in the report].
- The addition of a “Limited Area of More Intense Rural Development” (LARMIRD) designation where deemed appropriate.
- Encourage Urban Growth Areas and Rural Transition Overlay designations to areas that minimize conversion of prime agricultural farm land. …

Advancement of the 2006 Plan Amendment Requests would severely compromise and undermine the need, intent, and purpose of the 20 Year Plan Update and the progress made by the RLAC, which is composed of widely-diverse individuals that have formulated “real” recommendations that can have a progressive and positive impact on the way our county changes in the near and long-term.

I respectfully ask the Planning Commission to recommend to the Board of County Commissioners that all 2006 Comprehensive Plan Map and Text Amendments be re-evaluated and reconsidered under the updated and adopted Comprehensive Plan, during the 2007 docketing process, should they choose to resubmit. A one year delay is by no means an unreasonable request by the PC or BOCC to the applicants and the public; especially considering the fact that many GMA planning counties only consider changes in land use designation once every 4 years.

Most importantly, by considering the re-designation over 8,346.07 acres in one plan amendment cycle, let alone that amount of acreage over the next 20 years, we would dramatically limit our land use planning options to meet well-defined near-term needs, and would literally obliterate the ability of future generations to adapt to changing socio-economic variables, environmental/resource needs, and many other unforeseen factors. Sound, technical analysis and public input must be solicited and considered before such large scale designation changes are made.

Moreover, my husband and I are both Cle Elum-Roslyn High and Central Washington University graduates, own a local business, and would like to someday raise a family here, if it is the right place to be in 2, 5, 10, 20 and/or 50 years. Please, let’s give local folks a chance to stay and live in our beautiful county. Let’s define our growth, not let growth define us.

Thank you very much for your time and consideration,

Kelly Larimer

Tuesday, August 22, 2006
This document serves as a quick guide to the issues that the Resource Lands Advisory Committee recommendations are addressing as part of the 2006 Kittitas County Comprehensive Plan Update.

<table>
<thead>
<tr>
<th>Problem</th>
<th>Solution</th>
<th>How it works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determining the availability of water and where growth is suitable pending on such.</td>
<td>Require that prior to final approval of all subdivisions that proof of a sufficient water source is in place for domestic use.</td>
<td>Prior to final approval of all subdivisions, a connection to an approved water source or a well must be in place that is producing water in sufficient quality and quantity for domestic use.</td>
</tr>
<tr>
<td>How do we keep lands currently designated Commercial Agriculture and Commercial Forest in those designations</td>
<td>Develop a Transfer of Development Right (TDR) and Purchase of Development Rights (PDR) program to allow the transfer and purchase of development rights for the Commercial Agriculture and Commercial Forest designations. The development of such programs would allow for lands designated as such to maintain the commercial use, but allow for the land to still obtain development value by selling off development rights.</td>
<td>Conduct a TDR, PDR analysis and program development that would identify “receiving” areas for the development rights and identify areas where development rights would be transferred or purchased from.</td>
</tr>
<tr>
<td>Loss of economic viability of Commercial Forest lands due to the closing of key wood mills to the county. Of particular concern is the Commercial Forest lands located in the Teanaway Drainage Basin.</td>
<td>Identify planning tools to allow for maintaining Commercial Forest lands, while maintaining options that allow for Commercial Forest land owners to realize the economic potential through the development of their land.</td>
<td>Planning tools include: development within two years of the adoption of the Plan of a subarea plan in the Teanaway Drainage Basin prior to development other one unit per 80 acres, identifying areas appropriate for possibly siting a Master Planned Resort (MPR)/Fully Contained Communities (FCC), development of a TDR/PDR program for Commercial Forest lands, allow for the use of the Cluster Subdivision Code in the Commercial Forest designation, develop a Forest Practices Ordinance that identifies the process for conversion of land currently in forestry to other uses.</td>
</tr>
<tr>
<td>Problem</td>
<td>Solution</td>
<td>How it works</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Rezones</td>
<td>Achieve consistency between the County Land Use and Zoning maps</td>
<td>Rezones should be limited to occur only when a Comprehensive Plan Land Use map designation change is approved within the context of the yearly review cycle.</td>
</tr>
<tr>
<td>Loss of agricultural land with good soils and irrigation, regardless of land use designation, should be minimized to the greatest extent possible.</td>
<td>Develop incentives that encourage the preservation of larger land tracts suitable for agricultural use. Provide incentives for commercially viable agricultural lands to be able to maintain farming but also for development potential to be realized through the development of TDR/PDR programs. Density in the Rural land use designation should be based on a public benefit rating system.</td>
<td>An element of the public benefit rating system should give high recognition to development that maintains agricultural land with good soils and irrigation by clustering development on the least productive of these lands and provides for large (greater than 40 acres) intact acreages suitable for agricultural use. TDR/PDR Programs All parcel creation in the Rural designation below a density of 1 unit per 20 acres shall use the public benefit rating system and shall use clustering to maximize the retention of open space and minimize the development footprint. Densities between 1 unit per 20 acres (1:20) and 1 unit per 5 acres (1:5) should be based on the use of a public benefit rating system at the time of parcel creation. Density of 1 unit per 2.5 acres (1:2.5) may be obtained through a TDR/PDR program that incorporates a density transfer from the Commercial Agriculture designation.</td>
</tr>
<tr>
<td>Consider how the county will develop not just within the 20 year planning period but within the next 100 years – Planning for the future.</td>
<td>Develop a method to be able to identify areas appropriate for growth beyond 20 years that goes beyond identified UGA/UGN boundaries</td>
<td>Development and implementation of a &quot;Rural Transition Overlay Zone&quot; in the Rural land use designations that will identify areas of the county for growth beyond 20 years. This zone will provide for orderly development beyond the 20 year planning period. This will also provide for the identification of receiving areas for development rights from the Commercial Agricultural zone related to the development of a TDR/PDR program in the county.</td>
</tr>
</tbody>
</table>

Contact Darryl or Joanna at (509) 962-7506 or visit the County Website at www.co.kittitas.wa.us/cds for more information.
Cluster / Transfer of Development Rights Recommendation

General boundaries of the existing Land Use map remain for Commercial Ag and Commercial Forest. Rural boundary remains similar except for the introduction of the Rural Transition Zone. 80 acre density for Commercial Forest, 20 acre density for Commercial Agriculture, a 20 acre base density for Rural and 5 acre base density for Rural Transition.

Any development within the rural zone below one unit per 20 acres requires Cluster Development using the public benefit rating system. Up to one unit per 5 acres with minimum 50% open space. Minimum development size is 20 acres. Density may be increased to allow one unit per 2.5 acres however the acquisition of development rights from the Commercial Agriculture land use designation is required for each unit in excess of one unit per 5 acres.

Development within the rural transition overlay zone is to provide for and accommodate urban levels of development in the 20 to 100 year planning period. Development must be by cluster subdivision, base density of 1 unit per 5 acres at a 100% bonus density. Minimum 25% open space and minimum 50% urban redevelopment area (identified by a pre-plat). Development of the urban redevelopment area requires the acquisition of development rights transferred from the Commercial Agriculture Land Use designation. Mixed use development is allowed for the purpose of supporting future urban levels of development.

The minimum density allowed in the Urban Growth areas is established at 4 units per acre. Additional density may be allowed with the acquisition of development rights from Commercial Ag land use designation.

Due to the consistency of the Land Use Map and the Zoning Map, no rezones would be allowed except in conjunction with a Comprehensive Plan amendment.
May 8, 2006

Kittitas County Board of Commissioners
205 West Fifth Ave, Suite 108
Ellensburg, WA 98926

Re: Recommendations from the Resource Lands Advisory Committee.

Dear Commissioners,

The purpose of this document is to forward to you the recommendations of the Resource Lands Advisory Committee (RLAC) regarding the update of the Kittitas County Comprehensive Plan. This recommendation represents a cumulative effort of hundreds of hours of individual committee members’ time over the last three months. As a group we took our charge seriously and with considerable sense of the importance of this effort to the County for the next 20 to 100 years. We thank you for the opportunity and for your foresight in having this diverse group of people consider the future of Kittitas County and the ability to offer for your consideration our recommendations.

Our recommendations encompass three major categories. These are:

- Policy discussion and recommendations including a vision statement.
- Identification and discussion of the recommended land use policies
- Suggested text changes to the GPOs within the context of the existing comprehensive plan. (note: the RLAC is requesting one additional week to conclude the review of this element.)

The recommendations specific to each area are attached for your review.

The recommendations as forwarded represent consensus of the 10 member RLAC. There was much discussion and spirited debate on several issues. The RLAC met this challenge through consideration and respect of the varying points of view and perspectives. These discussions led to a better understanding of the varying points of view and perspectives and we sincerely hope this will serve as an example to the community how consideration and respect can translate into a successful effort.

We anticipate that, upon your review, you will forward these recommendations to the Planning Commission for public discussion. We also recommend a series of open houses prior to the Planning Commission hearings to provide the public a chance to become familiar with these recommendations allowing for discussion at the Planning Commission that is well informed. As a committee, we look forward to working closely with the Planning Commission to review these recommendations.

Once the overarching policy decisions are in place it is our request that the RLAC reconvene, hopefully in early fall, to review the development code that will implement
the adopted policies of the updated comprehensive plan. We recognize the importance of developing and adopting policies that reflect the vision of the community but also recognize the importance of the details contained within the Code that will implement these policies. We would like the opportunity to insure that these implementation codes reflect the vision and intent of the adopted policy direction and would look forward to this opportunity to assist in this review.

Finally, we would like to thank you for the commitment of staff time to assist us in this effort. We appreciate the effort and consideration that was extended by Community Development Services in support of the RLAC.

Respectfully Submitted,

Resource Lands Advisory Committee

Chad Bala
Charles Weidenbach
David Gerth
Fritz Glover
Jeff Jones
Jerry Martens
Karen Poulson
Kelly Larimer
Pat Deneen
Scott Nicolai
Resource Lands Advisory Committee (RLAC)
Policy Recommendations

RLAC Vision Statement

Vision Statement

We will continue to manage Kittitas County to ensure long-term environmental and economic sustainability. This means a landscape that supports the full range of human uses, from natural resource management, community development and recreational opportunities, while maintaining the rural setting and quality of life that Kittitas County is known for. The vision will be accomplished by:

1. Creating and implementing management policies and principles based on careful, well thought out planning that provide incentives, assistance and flexibility to landowners.
2. Working in collaboration with knowledgeable and involved parties, industry, the business community and other stakeholders.
3. Recognizing the historical, aesthetic and recreational values while improving the economic base of the County.
4. Providing the opportunities for new businesses, cottage industry and services as well as affordable housing.
5. Promoting open space in strategically identified areas that provide public benefit.
6. Identify, develop and implement economically viable strategies to support agriculture, forest and mineral resource activities.

Policy Issues and Recommendations.

Water for domestic use.
The RLAC recognizes that water availability will be among a handful of issues that will determine how and where growth will occur in Kittitas County. Decisions regarding the areas where growth will be encouraged and directed should include discussion on the availability of adequate water supplies. The RLAC recommends:

A viable and demonstrated water supply shall be required prior to all final plat approvals. No plat shall receive final approval without a connection to an approved water source or a well in place producing water in sufficient quality and quantity for domestic use.
Boundaries of the Comprehensive Plan Land Use Map designations.
The RLAC does not recommend changing the current boundaries of the land use
designations on the Comprehensive Plan Land Use Map with the exception of the
following situations:

Where it is determined that the Urban Growth Areas or Urban Growth Nodes
should be modified due to change in the population forecast or refinement of
urban services information.

The addition of a “Rural Transition Overlay” designation (this will be discussed
with further detail later in this report)

The addition of a “Limited Area of More Intense Rural Development” (LAMIRD)
designation where deemed appropriate.

Encourage Urban Growth Areas and Rural Transition Overlay designations to
areas that minimize conversion of prime agricultural farm land.

The Ellensburg Urban Growth Area south of Interstate 90 should be reconsidered
to recognize potential impacts to the Yakima River and flood hazards to
development.

Recognize the need for parity in Land Use designations.
Develop incentives for those lands that are contained in the Commercial Agriculture and
Commercial Forest designations so that property owners will want to remain in those
designations. The RLAC recommends:

The implementation of Transfer of Development Rights (TDR) and Purchase of
Development Rights (PDR) programs to allow the transfer and purchase of development
rights from the Commercial Agriculture and Commercial Forest designations following a
TDR, PDR analysis and program development. A provision for this program is identified
in the land use element preferred alternative found later in this report.

Require sub area planning in the Teanaway Drainage Basin prior to development
other than at one unit per 80 acres. Sub area plan to be developed within two years of the
adoption of this plan.

Allow the use of the Cluster Subdivision Code in the Commercial Forest
designation. Develop a Forest Practices Ordinance that identifies the process for
conversion of land currently in forestry to other uses.
Create consistency between the Land Use map and Zoning map.
The RLAC recommends:

The Land Use Map and Zoning Map should be consistent. Rezones should be limited to occur only when a comprehensive plan land use map designation change is approved within the context of the yearly review cycle.

Density in the Rural land use designation should be based on a public benefit rating system.
The RLAC recommends:

Base density in the rural designations should be 1 unit per 20 acres. Densities between 1 unit per 20 acres and 1 unit per 5 acres should be based on a public benefit rating system and determined using the public benefit rating system at the time of parcel creation. Density of 1 unit to 2.5 acre may be obtained through a density transfer from Commercial Agriculture.

The overall footprint of development in the rural designations should be minimized to the greatest extent possible.
The RLAC recommends:

All parcel creation in the rural designation below a density of 1 unit per 20 acres shall use the public benefit rating system and shall use clustering to maximize the retention of open space and minimize the development footprint.

Consider how the county will develop not just within the 20 year planning period but within the next 100 years.
The RLAC recommends:

Development and Implementation of a “Rural Transition Overlay Zone” in the Rural designations that will identify areas of the county for growth beyond 20 years. This overlay zone will allow for orderly development for growth beyond the 20 year planning period and will provide a receiving area for development rights from the Commercial Agriculture Zone.

Loss of Agricultural land with good soils and irrigation, regardless of land use designation, should be minimized to the greatest extent possible.
The RLAC recommends:

An element of the public benefit rating system should give high recognition to development that maintains agricultural land with good soils and irrigation by clustering development on the least productive of these lands and provides for large (greater than 40 acres) intact acreages suitable for agricultural use.
TO: Kittitas County Planning Commission members;  DATE: 8-24-2006
  Kittitas County Commissioners;
  Cc. Ellensburg City Council

From: DIMITRI BADER
  2602 Judge Ronald Rd.
  Ellensburg, Washington 98926

SUBJECT: Proposal by Mr. Fritz Glover and your consideration to expand UGA
  boundary north of Bowers road and west of Bowers Airport property.

COMMENTS: Thank you for the opportunity to provide you my comments and
  concerns regarding Mr. Glovers proposal to extend the UGA boundary over our property.

First, F.Y.I., I want to provide you with copies of 4 documents generated by myself, the
  City council, COMMISSIONER BOWEN and the City and between Mr. Glover and the
  City regarding this proposal. (Copies were provided you at 8-24-06 public meeting)

In February and then in early March of this year, Mr. Glover contacted me at home and
  informed me that he wanted me to set aside my ranch (149 acres) for the purpose of
  creating an industrial Park on it. I told him that we were ultimately and totally against the
  idea and that we had other development plans that did not include that consideration and
  that our position was final. He also indicated that later in March, he would be presenting
  this proposal to the City Planning commission and Council. I drafted a letter of
  opposition and transmitted it to the City Council on 3/13/06.

He basically ignored our position; Mr. Glover then on 3/29/06 sent a letter to the City
  Council describing his meeting with Commissioner Bowen that resulted in the
  Commissioners supporting his proposal. I heard about this letter, got a copy of it, read it
  and immediately contacted Commissioner Bowen asking why he supported the proposal.
  He stated that he and the other Commissioners did not take a position on the proposal and
  that Mr. Glover’s letter to the City Council took extensive liberties by describing their
  support and his letter does not describe what transpired.

I asked Commissioner Bowen if he would send a letter to the City Council explaining
  what transpired at the meeting, which he agreed to and did on 4/04/06; you have a copy
  of that letter.

I then drafted another letter to the City Council on 4/04/06 explaining my displeasure
  with Mr. Glover and our opposition to the extension of the UGA boundary over our
  property. You have copies of these letters.

I also take exception to several statements made by Mike Smith, City planner, in his letter
  to Darryl Piercy, dated August 22, 2006 regarding the 2006 Comp Plan Amendments-
  Ellensburg UGA boundary. You provided copies of this letter to the public at the 8/22-
  24/06 meetings.
In particular, on page 2, Mr. Smith states that “the Comp plan policy extends UGA boundaries ¼ mile for industrial land where the boundary is formed by a road right-of-way (Bowers Road). This aspect of that policy has not yet arisen in a real life situation in order to be tested and arisen.”

1st - To my knowledge no land classified industrial is located south of our property and south of Bowers road. Airport property located eastward and adjacent to our property may be designated as Industrial, but the UGA BOUNDARY is not located there (east and adjacent to our property), but located southward where no industrial land exists. Therefore, I don't think their (Smiths, Glovers) approach, logic or interpretation of the Comp Plan Policy is legitimate, applicable or correct.

2ndly: I attended every important public hearing and meeting where the County discussed the Bowers Airport Zone proposal. I even brought up the subject of classifying my property as Industrial at several of the hearings. The County’s Public Works Director flat rejected that idea for our property. He (Paul Bennett) was adamant that the county had no interest and no intention to include our property with the future airport related industrial activities or business development.

On page one of this letter, Mr. Smith states that the Economic Development Group of Kittitas County (EDGOKC) also wants my land included in the UGA, because “that area is included as a phase in the Airport Industrial Park Master Plan.” It is my contention that the EDGOKC is also taking extensive liberties in their interpretation of the Airport industrial Park Master Plan. According to the Public Works director, that Plan is specifically designed and limited to Airport property and has no application on adjacent private property, as per the 20 year Industrial development phases.

I specifically asked Mr. Bennett during the Airport planning process and after the Commissioners adoption of this plan if there was any chance that my land could or would be considered for industrial development when that development phase came into play (20 years in the future). He adamantly said NO. The County’s intention is to support industrial development and enhancement of Airport property exclusively.

I also oppose the extension of the UGA boundary over most of our property on the basis of the extreme differences that exist between the City of Ellensburg’s definition of “wetlands” and the County’s definition of wetlands.

The County’s definition of wetlands recognizes that wetlands created by Agricultural practices and other practices, is artificial and is exempt from regulation. Whereas, the Cities definition takes the extreme position of grouping all artificially created wetlands including those wetlands created through agricultural practices and any other practice, (such as the construction of the Cascade canal where its uphill berm creates wet spots by stopping normal drainage) and combines all of these into and with naturally occurring wetlands.
This lack of distinction by the City creates a serious conflict between regulations and the land owners ability to develop, manage and ultimately sell their property. I don’t want this conflict to exist on my property.

Post Script: However, much of our land located south of the Cascade Canal and north of the Bowers road extension has already been subdivided. That portion of that subdivision is located within the extended 330 foot utility development zone associated with the UGA boundary effectively qualifying it for City utilities, when available.

This area doesn’t have as many conflicts over wetland definitions as our land north of the Cascade Canal. So, I would think that, logically, sometime in the near future it might be appropriate to extend the UGA boundary from its present location north to abut the Cascade Canal r-o-w. This could benefit those future subdivision parcel landowners. We would like to reserve the right to propose this consideration to the City and County at an appropriate time in your normal cycle of considerations.

Before the adoption of the Airport Zone, I had the option of coming before the County and City to request rezoning my Ag-3 land for purposes of subdivision into city sized lots. The subdivision of my land into smaller than 3-acre parcels was a subject of great concern to us and to the supporters of the Airport Development Zone. Ultimately the County Commissioners adopted the Airport Development Zone cementing the classification and zoning of my land as Ag-3 and limiting it’s subdivision and development into 3-acre parcels.

I want to thank you, again, for this opportunity to comment and present my concerns on Mr. Glover’s and the Economic Development Group of Kittitas County’s proposal to extend the UGA boundary northward over our property.