TO: Kittitas County Planning Commission

FROM: Kittitas County Community Development Services

RE: Amendment to Kittitas County Comprehensive Plan and Kittitas County Code to Comply with Washington State Growth Management Plan

DATE: August 14, 2013 Public Hearing

I. GENERAL INFORMATION

In 2006 the Eastern Washington Hearings Board (herein referred to as the “Hearings Board”) made Order for Kittitas County to bring their Comprehensive Plan into compliance with the Growth Management Act of Washington State. In July, 2011 the Washington State Supreme County supported the Order in part and requested the County to address particular issues that the Hearings Board had identified. These issues included:

1) Expanding the City of Kittitas Urban Growth Boundary without conducting a land capacity analysis;
2) Not assuring preservation of “rural character” by allowing Agriculture 3 and Rural 3 zones;
3) Not providing policies and designations protecting rural character and natural resources;
4) Allowing Performance Based Cluster Platting and Planned Unit Development in rural areas at densities not considered rural in nature;
5) Not providing directive policies that assure preservation of rural character and providing for an opportunity for development of a variety of rural densities;
6) Failure to prohibit urban uses and urban environment in rural areas;
7) Failure to prohibit urban uses upon agricultural areas of long-term significance;
8) Failure to provide policy designed to protect water quality and quantity within the rural areas;
9) Failure to provide guidelines for location of Highway Commercial zones; and
10) Allowing “one-time split” land divisions resulting in higher densities than permitted within the underlying zone.

At the request of the County, the Hearings Board extended the period for the County to comply with issue number 8 listed above (Case no. 07-1-0015), ordering that it, within its Comprehensive Plan and County Code, provide for the protection of water quality and quantity in rural areas. That issue is addressed within this proposal.

On February 11, 2013, Kittitas County adopted amendments to the Comprehensive Plan and the Kittitas County Code addressing all other issues of non-compliance listed above. On May 31, 2013 the Hearings Board issued a decision regarding Kittitas County Code and Kittitas County Comprehensive Plan compliance to the Growth Management Act as a result of adopting these amendments. The Hearings Board found within this decision that the amendments addressed all of the issues except for issue 3) and a portion of issue 5) listed above. The Hearings Board reserved judgment on issue 6) listed above until the County re-addressed issues 3 and 5.

A motion for reconsideration of the decision was filed June 10, 2013 by Futurewise, requesting the Hearings Board to re-consider their decision, and that it errred in its conclusion that accessory dwelling units met the intent of the GMA, and that through the amendment of the ordinance, the County amended the LAMIRD regulations and should be reviewed for compliance to GMA. The Hearings Board disagreed with the first issue and agreed
II. ISSUES TO BE ADDRESSED

Following is a summary of the issues raised by the Eastern Washington Growth Management Hearings Board in this year in 2013 which have been Ordered to be addressed by Kittitas County in its Comprehensive Plan and Kittitas County Code. Issues that were found by the Hearings Board to be addressed within the Comprehensive Plan and Kittitas County Code amendments include:

1) **Measures to Protect Rural Character.** The Hearings Board found that the amendment to the Comprehensive Plan policies do not adequately provide “measures” to protect rural character as required by RCW 36.70A.070(5)(c).

2) **Adopting Imperative Language in Policies.** The Hearings Board found that the County made a mistake “in not adopting imperatives” within the language of the policies to assure protection of rural character in designated rural areas.

3) **Adoption of Development Regulations Implementing Plan Measures.** The County must provide within the Code regulations that insure the implementation of these adopted “measures” in policies designed to protect rural character.

4) **Demonstrate How Existing Zones Meet Limited Areas of More Intense Development, Types I, II, and III.** The Hearings Board finds in its Reconsideration that this issue is closely related to the request to provide “Measures to Protect Rural Character,” and therefore, the County will show what “measures” and implementing ordinances are provided in existing LAMIRDs.

5) **Protection of Water Quality and Quantity.** The issue before the Hearings Board is that the County has adequately provided for the protection of the water quality and quantity for the rural areas through its Comprehensive Plan and through its implementing Code regulations.

III. STAFF REVIEW AND SUMMARY OF PROPOSED AMENDMENTS

**INTRODUCTION**

The following is a summary of the changes proposed by Kittitas County Planning Staff to the Comprehensive Plan, implementing regulations, and the maps in order to address the issues raised by the Eastern Washington Growth Management Hearings Board and summarized above.

“Exhibit A” outlines the changes proposed to the Planning Commission to Chapter 8 of the Comprehensive Plan. Proposed changes and this exhibit indicate the “measures” requested by the Hearings Board and the portions of the Kittitas County Code which implement these defined “measures. Exhibit B presents changes proposed to the Kittitas County Code, including matrix changes in Section 17.15.050 designed to address Issue 3 listed above, “Adoption of Development Regulations Implementing Plan Measures.” Exhibit C shows portions of Section 17.15.070(1) proposed for change which assure that the LAMIRDs identified by the Plan meet the intent defined within the State Code and insure that uses allowed remain rural in character. Exhibit D shows proposed changes to the maps within the Plan which demonstrate that the zone classifications and the matrix provided protect the rural character for the type of LAMIRD that exists.
Exhibit E presents the Comprehensive Plan amendments proposed to the Land Use Element (Chapter 2) and to the Kittitas County Code which address the methods protecting water quality and quantity within Kittitas County. Proposed amendment to the Plan replaces language which currently exists within the “Water” Section of the Plan, Section 2.2.3, page 2-8. The Exhibit also presents proposed amendments to the Code which will limit and monitor water use on new wells. Proposals within this Exhibit address Issue 5 above, “Protection of Water Quality and Quantity.”

**PROPOSED AMENDMENTS TO CHAPTER 8 OF COMPREHENSIVE PLAN PROVIDING “MEASURES” WITHIN PLAN POLICIES IN ORDER TO PROTECT RURAL CHARACTER: EXHIBIT A**

Exhibit A presents proposed amendments to the policies outlined in Chapter 8 which provide measures within the Plan protecting the rural character within Kittitas County. The exhibit explains the basis for the changes proposed after each policy and the portions of Kittitas County Code which implement the policy being changed. Within the exhibit, development regulations implementing the policies providing measures which protect the County’s rural character are also identified. The Exhibit addresses Issues 1, 2, and 3 listed above in the summary of “Issues to Be Addressed.”

The format of the exhibit is the same as that of the Plan as adopted in February, 2013. GPOs are presented with proposed changes to script in red strikeout and underlined addition. Proposed amendments to existing policies are primarily revision of language making the policies more imperative and mandatory, thereby, providing measures to assure rural character. Following is a list of some of the policies proposed for change.

- GPO 8.3 is amended so “should” is changed to “shall” making it mandatory to promote retaining the County character through its rural zone classifications
- GPO 8.7 makes it mandatory to limit conservation and cluster platting specific rural areas which are suitable for such development
- GPO 8.13 makes it mandatory to “establish development standards” which enhance or preserve rural lands
- GPO 8.18 provides policy which “directs” rural development rather than “encouraging” rural development
- GPO 8.20 indicates where cottage industries and home occupations are allowed rather than where they are encouraged
- GPO 8.22 is amending so “should” is changed to “shall” making it mandatory to provide mechanisms to provide for roadside stands for agriculture products offering a measure to provide rural character
- GPO 8.27 is amended to provide criteria where “essential public facilities…shall be allowed” providing the measures which will preserve rural character when public facilities are permitted within rural areas.
- GPO 8.32 is suggested for amendment making it mandatory to develop criteria limiting the density, requiring open space and maximum lot sizes of cluster plats and thereby providing measures preserving rural character.
- GPO 8.34 is amended making the policy more directive in encouraging development which preserves rural character
- GPO 8.36 making it mandatory for use of Transfer Development Rights for some cluster plats
- GPO 8.52 and 8.53 are proposed for amendment to make the policy more directive, provide for a measure for preserving the character of the Liberty Historic District
- GPO 8.54 is proposed for change making it mandatory that development near motorist travel areas be rural in character
- GPO 8.61 is proposed for amendment to mandate consideration of commercial activities servicing travelers and local residents in certain area.
GPO 8.62 is recommended for change making it mandatory to enforce a protection code and provide a measure protecting life and property.

Exhibit A also identifies those portions of the Kittitas County Code that implement the specific policy designed to protect rural character. For example, GPO 8.1 is implemented by criteria within zones in rural areas (KCC 17.28A A-5 Agriculture Zone, 17.29 A-20 Agriculture Zone, 17.30 Rural Recreation Zone, 17.30A R-5 Rural Zone, 17.40 C-G General Commercial Zone, and 17.36 Planned Unit Development Zone) and by the allowed uses indicated in 17.15.060, Allowed Uses within Non-LAMIRD Rural Areas.

All of the policies listed in this chapter of the Comprehensive Plan that address the issues related to the preservation of rural character have reference to regulations that implement the policy. Many of these policies reference a particular matrix within Section 17.15 of the Zoning Code for the County which identifies the allowed uses within a particular zone classification. Many of these allowed uses require a conditional use permit which involves public hearing and review of criteria intended to preserve character of the surrounding area. Many of the permitted uses have footnotes which list criteria implementing the policies and the plan measures designed to preserve rural character. GPOs 8.1 through 8.9, GPOs 8.12 through 8.16, GPOs 8.18 through 8.22, GPOs 8.23, 8.27, and 8.28, GPOs 8.32 through 8.34, GPOs 8.36 through 8.38, GPOs 8.40 through 8.44, GPO 8.48, GPOs 8.52 through 8.54, GPO 8.58, GPO 8.59, GPO 8.61, GPO 8.63, and GPOs 8.65 through 8.66 all have Code references listed below them which implement the policy listed.

Through these amendments to the “Rural and Resource Element,” the County’s Comprehensive Plan:

- establishes directive policies that provide measures allowing for variety of rural densities while preserving rural character,
- establishes policies that identify rural character,
- preserves the uses identified within rural areas and
- protects resource lands.

**PROPOSED AMENDMENTS TO THE KITTITAS COUNTY CODE TO IMPLEMENT RURAL CHARACTER POLICIES - EXHIBIT B**

To implement the rural protection measures contained in the revised Comprehensive Plan policies drafted in response to Growth Management Hearings Board concerns about the need for adequate measures to protect rural character, staff proposes changes to the Rural Non-LAMIRD use tables and setbacks for development in the Forest and Range zone adjacent to the Liberty Historic overlay zone.

Additional rural character protection measures implemented in the proposed amendments to the Rural Non-LAMIRD allowed use tables include:

**Agriculture 20:**
- Libraries changed from a permitted use to a conditional use.

**Forest and Range:**
- Agriculture sales, freighting and trucking yards and terminals, refuse disposal and recycling, and group homes be removed as allowed uses.

**General Commercial:**
- Libraries and museums changed from a permitted use to a conditional use;
Day care facilities, hospitals and freighting and trucking yards and terminals removed as allowed uses;
Scope of allowed services be limited by the new footnote 45 restricting to barbershops, beauty parlors, dry cleaning and laundry branch offices, self-service laundry and cleaning, shoe repair shops and physical culture and health services;
Corrected footnote on matrix with regard to mini-warehouse standards.

To implement the amended GPO 8.52, staff recommends that Section 17.56.062 be added to KCC Chapter 17.56, Forest and Range Zone, stating:
“Properties bordering or adjacent to the Liberty Historic District are subject to a fifty (50) feet setback from the overlay boundary.”

This addition is recommended to implement the amended GPO 8.52 which assures compatibility with the District.

**PROPOSED AMENDMENTS TO KCC17.15.070(1), ALLOWED USE MATRIX FOR KITTITAS COUNTY LAMIRDS – EXHIBIT C**

WAC 365-196-425 recognizes that Limited Areas of More Intense Rural Development (LAMIRDS) serve several purposes such as allowing small-scale commercial uses, economic development, and employment opportunities consistent with rural character. LAMIRDS are classified as Type 1, 2, or 3.

A Type 1 LAMIRD is described in WAC-365-196-425 as development areas consisting of “infill, development, or redevelopment of existing areas…including commercial, industrial, residential, or mixed-use areas. These may be also characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.” Kittitas County has the following Type 1 LAMIRDS:
- Snoqualmie Pass
- Easton (one portion is also a Type 3)
- Ronald
- Thorpe (one portion is also a Type 3)
- Vantage

Type 2 LAMIRDS are identified within WAC 365-196-425 as “small-scale recreational uses…. or tourist uses relying on a rural location and setting and need not be principally designed to serve the existing and projected rural population.” Kittitas County currently has no Type 2 LAMIRDS.

Type 3 LAMIRDS are designated areas with “small-scale businesses and cottage industries…that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents, through the intensification of development on existing lots or on undeveloped sites.” This more intense development must also be small in scale, consistent with rural character and operationally compatible with surrounding resource-based industries. Kittitas County has the following Type 3 LAMIRDS:
- Easton (one portion is also a Type 1)
- Thorpe (one portion is also a Type 1)

Kittitas County LAMIRDS were found in compliance with the Growth Management Act in 2009 and 2010. In 2013 Kittitas County implemented a new code format, moving from individually listed permitted and conditional use land uses in each zone to an allowed use table format. The County’s intent was to leave the zoning classifications and allowed uses in existing LAMIRDS unchanged with the exception of changes specifically intended to better protect rural character or maintain consistency across zones. For example, with PUD zones in
LAMIRDs retail and restaurant uses were removed as permitted uses; athletic stadiums were removed as an allowed use in the General Commercial zone. However, several changes were inadvertently implemented that introduced inappropriate uses to LAMIRDs. Exhibit C is proposed to remedy the errors and provide additional implementing measures to better protect rural character.

Errors remedied and additional rural character protection measures proposed in Code amendments include:

- **Residential zone**
  - Schools returned as an allowed use, but now require a conditional use permit rather than being outright permitted as they were in 2009;
  - Libraries returned as an allowed use, but now require a conditional use permit rather than being outright permitted as they were in 2009;

- **Residential 2 zone**
  - Clubhouses, fraternities and lodges removed as an allowed use

- **Agricultural-3**
  - Convalescent homes returned as a conditional use, as they were in 2009

- **Limited Commercial**
  - Limiting permitted airports to those already existing and prohibiting new airports;
  - Indoor and outdoor commercial recreation removed as a permitted use;
  - Campgrounds removed as a permitted use.

- **Forest and Range**
  - As plants as limited to temporary plants only;
  - Forest product processing allowed as a conditional use;
  - Agriculture sales removed as an allowed use;
  - Freighting and trucking yards and terminals removed as an allowed use;
  - Refuse disposal and recycling removed as an allowed use
  - Group homes removed as an allowed use.

**PROPOSED AMENDMENTS TO ZONING MAPS OF KITTITAS COUNTY LAMIRDS - EXHIBIT D**

With 2013-001 ordinance several changes in land classification were made within areas designated as LAMIRDS. Most of the changes in terms of area were a result of zoning existing right of ways. Zones were provided to assure that those lands taken from the right of way easement would be subject to an underlying zone.

The Snoqualmie Type 1 LAMIRD shows changes from the previous Highway Commercial zone to a Rural Recreation zone. It also shows an underlying zone in the PUDs to Rural 5 zone classification where there was no record of an underlying zone. Staff recommends that the Highway Commercial zone be added to the area within the LAMIRD where it previously existed and that the Rural 5 be amended to Rural 3 within the LAMIRD.

The Easton LAMIRD maps display changes made by the 2013-001 ordinance that are primarily zoning of the rights of ways and the inclusion of total parcels within the adjacent zone that are divided by the identified LAMIRD line. The map is changed to reflect the zone subject to the LAMIRD line rather than the parcel line. Corrections were also made to the map where parcels were incorrectly identified as right of way and a parcel was incorrectly zoned. Staff recommends that the parcels remain divided and the zone revert to its original zone as
existed prior to the 2013-001 ordinance, and that all easements including rights of way be zoned as shown. Staff also recommends that the errors found on the maps be corrected.

The Ronald LAMIRD map shows little change between 2009 and the 2013 adopted by the 2013-001 ordinance. Rights of ways were zoned in 2013. Map comparison also shows that a portion of the PUD zone in Ronald LAMIRD was rezoned from Rural 3 to Rural 5. Staff also recommends that the amended underlying zone within the PUD be changed back to the Rural 3 zone.

The Type 1 Thorpe LAMIRD shows little change in zone classifications between 2009 and the 2013-001 ordinance adopted February 11. Rights of ways were zoned in the new map and staff recommends that all easements remain zoned. Staff also recommends that all area zoned Agriculture 20 in the LAMIRD be amended to an Agriculture 3 zone since it is characteristic of more intense development within the LAMIRD.

The Type 3 Thorpe LAMIRD shows that an area in the LAMIRD was incorrectly shown outside the LAMIRD and was rezoned to an Agriculture 20 zone that had previously been zoned Highway Commercial. The adopted 2013 map shows a portion of previously zoned Highway Commercial within the LAMIRD as Limited Commercial. It also shows right of ways zoned. Staff recommends correction to the map LAMIRD boundary, and that lands identified as Agriculture 20 and Limited Commercial changed to the previously shown Highway Commercial zone.

Finally, the Vantage LAMIRD shows no changes in the zone classifications between 2009 and 2013 except the zoning of the right of ways. Staff recommends no changes be made to the maps.

**PROPOSED AMENDMENTS TO THE KITTITAS COUNTY CODE AND COMPREHENSIVE PLAN TO ASSURE THE PROTECTION OF QUALITY AND QUANTITY OF WATER IN KITTITAS COUNTY - EXHIBIT E**

Kittitas County is now in the process of becoming compliant with the Growth Management Act to the use of exempt wells within the County. Given that the County controls its ground/surface water and the GMA requires protection of these resources, the County is developing water use regulations to comply with the Growth Management Act and the request of the Hearings Board in 2007, Order No. 07-1-0015, Issue 4.

The County is in full process of development of new regulations and water monitoring systems planned to become effective by November 1, 2013. The County is planning at this time to make the following changes to its planning and health regulations to limit water use within the unincorporated areas within its jurisdiction.

Staff recommends that water drawn from new wells exempt from RCW 90.44 for new residential purposes will be limited to an average of 350 gallons per day and will be limited to domestic purposes. Water from these wells can be used for watering up to 500 square feet of lawn or other landscaping. This will not affect the use of water for livestock purposes, commercial, or industrial uses. All waters used in the care of domestic animals normally associated with agricultural activities will not be affected by this limitation.

Future subdivisions will be required to place a note upon the final plat document explaining these limitations when these regulations become effective. Exemptions from these limitations will include, but are not limited to, wildfire protection, fire flow testing, fire storage tank filling, pipe breakage and similar emergencies.
Building permit applications considered “complete” by Community Development Services before the effective date of the regulation will be vested and will not be affected by new water limiting regulations.

Administration of this monitoring will go through the Public Health Department, and enforcement of the regulation will be conducted through existing Code Enforcement procedures. Violators exceeding this maximum usage will be provided a warning and offered technical assistance in use and explanation of the violation. Second violations will be processed through normal code violation process. Tampering of the meters will be immediately sent to Code Enforcement.

Domestic water use will be measured quarterly during the fall, winter, and spring months, and monthly during summer months to record the average daily water use for each metered system.

Water use within established Urban Growth Areas will be mitigated either through hook-up to incorporated jurisdictions, purchase of water rights, drilling of wells outside reasonable distance to water supply or a combination of these activities. Limited Improvement Districts (LID) can also be considered an option. Additional water certificates can be purchased from private water sources, such as water banks and/or irrigation districts which have senior water rights established prior to 1905. Under the proposed regulations, an existing well that is currently used for domestic purposes are will not be affected by new limitations.

In order to accomplish these limitations and the metering process, a number of amendments are necessary to be made to the Kittitas County Comprehensive Plan and the Kittitas County Code. Following is a summary of these proposed amendments.

**PROPOSED AMENDMENTS TO TITLE 13 OF THE KCC, WATER AND SEWER**

Amendment to Chapter 13 of the County’s Code, administered by the Department of Health, is recommended to insure that adequate water exists for proposed development while preserving the quantity and quality of the water source. This addresses the issue of adequately protecting water quality and quantity with application for building permit, subdivision of land or other land use actions.

Specific proposed actions include adding definition of “new use” which aids in the understanding and determination of “beneficial use,” a term which often interpreted differently by differing parties. The “new use” considered to be any use not existing upon the property prior to the date of effectuation of the amendment, and will be the basis upon which it is determined whether water use should be monitored.

Section 13.35 is amended to indicate the applicability of the new regulation. Display of adequate water supply will be required whenever a person requests for a new structure with potable water, a new use is proposed, additional dwelling units are proposed, or land use action such as land subdivisions, binding site plans, and land use actions such as conditional uses, which will require water. Under these situations an applicant will have to demonstrate the availability of water by proving water right to the property, having a letter from a water purveyor for adequate water availability, or a certificate from the DOE that water is available. If there is proof that a well not subject to State moratorium, can be used to supply water to a new use, the owner of the new use shall indicate parcels that will be held in common ownership.
Staff is recommending that water provided by an “exempt well” as defined in RCW 90.44 to a new use be metered to measure the average amount of water being consumed at the well. Water uses not metered would include:

- replacement wells,
- units being replaced that already have water supplied,
- buildings that have “complete building permit applications” prior to November 1, 2013,
- existing residential uses, and
- uses exempt from water limitation per RCW 90.44.050 (stock watering, industrial uses, and non-commercial irrigation of areas less than ½ acre)

Property owners using water which require meters would have to meet criteria listed in the amended ordinance. Recommended amendments include requirement to have Public Health inspect installation of the meter, requirement for the owner to maintain the meter, requirement of the owner to pay fees necessary for cost recovery of the inspection and monitoring of the meter.

Within a new section of KCC 13.35 water use limitations are delineated. Water use on metered activity will be limited to an average of 350 gallons per day with peak usage of 1050 gallons per day. From the 350 gallons of water limitation, users will be limited to irrigation of 500 square feet of outdoor land. Voluntary compliance is sought and violators will be subject to Title 18, Code Enforcement.

PROPOSED AMENDMENT TO TITLE 16 OF THE KITTITIAS COUNTY CODE, SUBDIVISION REGULATIONS

Proposed changes to Title 16 are minor and amendments and consist of referencing each section to Chapter 13.35. Sections 16.05.20, Requirements, 16.12.150 Road, Sewer and Water, 16.32.050 Short Plat, and 16.36.015, Large Lot Subdivision all reference Chapter 13.35 requiring proof of adequate water supply before application for subdivision is submitted.

PROPOSED AMENDMENT TO TITLE 17 OF THE KITTITIAS COUNTY CODE, ZONING REGULATIONS-

Staff recommends that language be added to the criteria to provide proof of adequate water supply for approval of a conditional use permit. Reference is made to Chapter 13.35 for providing proof of adequate water supply.

PROPOSED AMENDMENTS TO CHAPTER 2 OF THE COMPREHENSIVE PLAN, SECTION 2.2.3, PAGE 2-8

The recommended amendment to the Comprehensive Plan in Chapter 2 re-words the entire existing section of the Kittitas County Comprehensive Plan under “Water”. Existing GPOs are eliminated since these are statements that are already provided by law and are not necessary to repeat within the Plan. The revised section summarizes actions that have already been taken to protect the quantity and quality of ground and surface water (such as, elimination of Administrative Segregations and establishing zones which result in less density in rural lands), and the section emphasizes the requirement to provide proof of adequate water supply before building or land use action applications are accepted.
SUMMARY OF CHANGES IN RELATION TO ISSUES

Proposed amendments to the County’s Comprehensive Plan and the Kittitas County Code address all of the issues presented by the Eastern Washington Growth Management Hearings Board brought by decision made on March 31, 2013 and decision on reconsideration filed by Futurewise on June 10, 2013.

To address the protection of water quantity and quality required by the Hearings Board, the County staff is proposing that new uses on land be limited in the amount of water that is drawn from new wells to an average of 350 gallons per day, be used only for domestic purposes, and outdoor use be limited to irrigating 500 square feet of land area. The proposal also limits the maximum daily usage of water to 1050 gallons in one day. The proposed method to measure water usage is through a meter installed by the land owner, which will be measured for average use every three months during the fall, winter, and spring months, and every month during summer months. This requirement will be provided within Title 13 of the Kittitas County Code, which addresses water and sewage requirements as implemented by Kittitas County Department of Public Health. These changes will provide for the protection of the water quality and quantity for rural areas.

The Hearings Board on May 31, 2013 requested that the County develop “measures” within its Plan to protect rural character as required within RCW 36.70A.070(5)(c). To provide in its Plan, staff recommends the adoption of more imperative language within the policies so that proposals where the policies are relevant are required to be evaluated. Staff has shown where existing and proposed amendments to the Kittitas County Code are implementing the Policies of the Plan as requested by the Board.

Finally, the Hearings Board has requested that they County show how rural character in LAMIRDs is being protected, and to make any change to policies, Code or zone classifications to provide protection of rural character. Staff suggests that a number of changes to the Code and zoning maps be made to serve several purposes such as allowing small-scale commercial uses, economic development, and employment opportunities consistent with rural character. Staff has provided a number of areas where allowed uses are very similar, if not the same as allowed uses existing prior to the latest public review and County amendment. Staff recommends not changing most of the uses presently allowed in LAMIRDs, and suggests making changes to those uses which are designated as allowed and not consistent with the intent of the LAMIRD. Staff also suggests some changes to the LAMIRD maps where errors were found or where some previous changes were made inadvertently.

IV. ENVIRONMENTAL REVIEW

Environmental Review has not yet been conducted upon this proposal. Environmental review and threshold determination from the completed checklist provided by WAC 197-11 will be issued following the Planning Commission recommendation to the Board, and prior to the Board of County Commissioners public hearing. A Determination of Non-Significance threshold determination for the proposed amendments presented is expected since this is a non-project action and will enhance the protection of the rural character through adoption.

VI. AGENCY AND PUBLIC COMMENTS

No public agency comments have been filed at this point in the process.

A letter objecting to the regulations proposed was received on August 7, 2013 by the Yakima Basin Joint Board of irrigation entities including Kennewick irrigation District, Kittitas Reclamation District, Roza Irrigation District, Sunnyside Division, and Yakima-Tieton Irrigation District, all located within the Yakima Water Basin. Concern was expressed by the Board that these regulations would present additional stress to the overall watershed system during drought periods.
Numerous public comments have been received throughout the process of amending the regulation regarding water regulation. Most of the comments were related to concern on how the proposed regulations to limiting the use of water would impact their personal existing development and future plans for the properties owned by the respondents.

VII. RECOMMENDATION

Staff recommends to the Planning Commission that they recommend these proposed amendments to the Board of County Commissioners in pursuit of compliance to the Growth Management Act. Any recommendation of change to staff proposal provided within this report should be included to the report sent to the Commissioners. Staff justifies this recommendation from the following conclusions.

Staff Conclusions:

1) The Eastern Washington Growth Management Hearings Board requested Kittitas County in May and June to amend its Comprehensive Plan and County Code to address Growth Management Act compliance issues of:

   -Providing adequate “measures” within its comprehensive plan designed to assure the protection of rural character;
   -Illustrating how existing or amended code implement these Plan measures;
   -Illustrating how existing or proposed uses allowed within LAMIRD zone designations assure the protection of rural character within those LAMIRDs and the rural area; and
   -Providing policies and means to assure the protection of water quality and quantity in rural areas.

2) Kittitas County has involved citizens and land owners throughout the County through public meetings and workshops, taken public comment on these issues existing within the County and incorporated many of the comments into findings.

3) Kittitas County has informed the Planning Commission and Board of County Commission through public meeting study session format, informed them of comments received from the public and provided land use proposals to amend the County Comprehensive Plan and land use regulations to meet the concerns expressed by the Hearings Board.

4) Proposed amendments will bring the Kittitas County Comprehensive Plan and implementing regulations into compliance with the Growth Management Act.