



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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### **STAFF NARRATIVE**

**April 11, 2008**

#### **Kittitas County Eastern Washington Growth Hearings Board Order Compliance (Case No. 07-1-0004c)**

On August 20, 2007, the Eastern Washington Growth Hearings Board (EWGHB) issued its Final Decision and Order (Case No. 07-1-0004c) finding that Kittitas County's Comprehensive Plan as amended and updated through Ordinance 2006-63 do not comply with the Washington State Growth Management Act (GMA). The following addresses the issues raised in the EWGHB Order and Kittitas County staff's response and recommendations to come into compliance with the order.

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#### **Issue 1**

A stay has been issued by the Superior Court. (Case No. 07-2-00549-1)

#### **Issue 2**

Designate the subject area, including the Snoqualmie Pass subarea and Gold Creek area, Rural and reflect changes in both its land use and zoning maps to be consistent with the rural area elements.

Undertake the task of reviewing areas in Kittitas County, including areas previously designated Urban Growth Nodes, to determine whether the area is better designated as Rural or a Limited Areas of More Intense Rural Development (LAMIRDs).

#### **Issue 3**

Through the work of two citizen's advisory committees, the Forest Lands and the Agriculture Lands Advisory Committees, mandatory designation and de-designation criteria for agricultural lands of long-term commercial significance and forest lands of long-term commercial significance have been established. In addition, the work of the committees continues as they work on recommendations regarding Commercial Forest and Agriculture Lands in Kittitas County.

### **Agriculture Lands**

#### Designation Criteria

Lands should comply with WAC 365-190-050 and, in addition, should be factored with the following criteria:

- A) Farming is a Business and must be profitable:
- The location of manufacturing/processing facilities.
  - The cost to transport.
  - The ability to compete in the world market.
  - The cost to farm. (seed, fuel, fertilizer, water, etc.)

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- The land holding and administrative costs.
- Payroll costs.
- Governmental influenced costs? E.g.
  - L&I raising costs to the Ag community.
  - Employment Security rates.
  - Imposition of additional taxes on agriculture.
  - Immigration reforms influence on farming.
  - CAO and Endangered Species Act (ESA)

B) Whose Land is it?

No landowner should be forced into a particular occupation forever. The farmer should be allowed to choose where/how to best use his land. Private ownership of land is and should be "**private**". About 75% of the land of Kittitas County is held under "public" ownership. These public lands, not the private lands, are the ones that should be forced into designation. However, some other factors to be evaluated when applied to private lands are:

- Availability of Agriculture infrastructure;
- Intensity of nearby land uses;
- History of land development permits nearby;
- Land values under alternative uses;
- Land use settlement patterns and their compatibility with agriculture practices; and
- Proximity or relationship to UGA - particularly as the more people there are increases complaints and crimes against the farmer.

De-designation Criteria

Area wide analysis for de-designation of Ag Lands of Long Term Commercial Significance (ALLTCS) shall include the following:

- Any lands incapable of meeting the standards and criteria for designation as established in WAC 365-190-050 and/or A & B from above, at the owners option.
- Additional criteria for de-designation:
  - Long term economic conditions
  - Compatibility land use alternatives
  - Ownership goals and objectives
  - Availability of public services
  - Site productivity
  - Change in circumstances
- Annually inform AgCom, which must be comprised of Ag producers with a history in the county, of applications and solicit their input using their knowledge of local factors.
- If conditions require expansion for economic or other reasons and adjacent and/or nearby land is not available for purchase at a price that can reasonably be re-captured through farming, the now "too small" parcel or farm, may be freed of designation at the owners option.

- Land freed from the ALLTCS designation may be placed into any legal land use category or zone desired by the applicant that does not endanger adjacent farming, (abolishing GPO 2.125).
- The Farmer must be knowledgeable. Length of ownership and/or operation within a family is crucial. It takes years to develop a feel for the land, weather patterns, and what does - or does not produce well in a given land.

## **Forest Lands**

### Designation Criteria

GPO 2.131 Forest resource lands should be classified and designated based on the criteria and procedures established in WAC 365-190-040, and 060 with special consideration given to the determination of whether forest resource lands considered for designation are viable as long term commercial significant forest resource lands.

#### Designation Considerations:

1. Define the current status of the industry
2. Define the needs of the industry within Kittitas County
3. Define the Region and the Regional needs as it relates to the industry within Kittitas County
4. Define viability within local and regional circles (i.e. 100 miles, 200 miles, 300 miles)
5. How much Commercial Forest Lands are needed to support local and regional needs of the industry.

### De-designation Criteria

- Long Term Economic Conditions
- Compatible Land Use Alternatives
- Ownership Goals and Objectives
- Availability of Public Services
- Site Productivity
- Change in Circumstances

In addition, it has been recommended by both the Agricultural and Forest Lands Committee that designation and de-designation of agricultural and forest lands of long-term significance shall be reviewed by the pertinent committees and recommendations made to the Planning Commission and Board of Commissioners.

On July 19, 2007, the Kittitas County Board of Commissioners signed Ordinance 2007-22 for the 2007 Kittitas County Development Code Update. As part of this update, Kittitas County Code 17.57.140 was updated to reflect the increase to 500 feet for noticing requirement for natural resources lands in the Commercial Forest Zone. In addition, Kittitas County Code Chapter 17.74: Right to Farm for the Protection of Agricultural Activities, requires that all plats, short plats, development permits, and building permits issued for development activities on or within one thousand feet of land zoned Agriculture-3, Agriculture-20, Commercial Agriculture, or Forest and Range shall contain the following notice: "The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A.060(1)) Commercial natural resource activities performed in accordance with county, state and federal laws are not subject to legal action as public nuisances." (RCW 7.48.305). (KCC

17.74.060) Noticing requirements are also contained in GPO 8.15 for Rural Uses adjacent to designated Resource Lands.

To further address noticing requirements GPOs 2.129B, 2.142C, and 2.145 have been added requirements per RCW 36.70A.060. In addition, Kittitas County Code 17.04.060 addresses noticing requirements for natural resource land activity.

#### **Issue 4**

Staff recommends de-designating the de-designations as proposed in land applications 06-01 (Thomas and Lynne Mahre), 06-05(Art Sinclair), 06-06(Basil Sinclair), and 06-13(Teanaway Ridge LLC.,et al). These properties will be designated Commercial Agriculture.

Land applications 06-03 (Kevin Gibb) and 06-04 (Ronald and Douglas Gibb) are addressed in Issue 6, which also includes further discussion on application 06-13 (Teanaway Ridge LLC., et al).

Land application 06-16 (Teanaway Ridge LLC, et al.) was denied through Ordinance 2006-63.

#### **Issue 5**

Undertake the task of reviewing areas in Kittitas County, including areas previously designated Urban Growth Nodes (Easton, Ronald, Snoqualmie Pass, Thorp and Vantage), to determine whether the area is better designated as an Rural or a Limited Areas of More Intense Rural Development (LAMIRDs). Until such time that such designation is warranted, designate previously designated Urban Growth Nodes to Rural land use designations.

As part of the November 28, 2007 Council of Governments (COG) meeting, population allocations were adjusted from Urban Growth Nodes to unincorporated areas, and reference to Urban Growth Nodes were removed.

As part of Issue 4, staff recommends de-designating the de-designations of 06-13 (Teanaway Ridge LLC., et al), involving the extension of the Ellensburg Urban Growth Area.

Regarding the Urban Growth Expansion for the City of Kittitas, staff recommends adopting the City's analysis as provide in their recent adoption of their Comprehensive Plan supporting the expansion. This analysis provides sufficient justification for the expansion of the Urban Growth Area as requested by the City of Kittitas. The city comprehensive plan provides analysis to support expanded land area for residential, commercial and industrial zoning consistent with the city plan. The comprehensive plan also addresses adequately capital facility needs and methods of providing urban levels of service. The City Comprehensive Plan has been reviewed and approved by CTED and CTED now indicated support of this request.

#### **Issue 6**

As part of Issue 4, de-designate the de-designations of Docket 06-13 (Teanaway Ridge LLC., et al), involving the extension of the Ellensburg Urban Growth Area.

Regarding the Urban Growth Expansion for the City of Kittitas, staff recommends adopting the City's analysis as provide in their recent adoption of their Comprehensive Plan supporting the expansion. (See discussion in Issue 5)

#### **Issue 7**

Update both the Future Land Use Map and Zoning Map to be consistent and has established criteria for each land use designation as contained in Chapters 2 and 8 of the County Comprehensive Plan.

#### **Issue 10**

Staff makes the following recommendations to address the issue:

Adjustment of Performance Based Cluster Platting provisions that removes the ability to incur density bonuses that increases density to more than 1 unit per 3 acres in non urban areas

- Revision to Chapter 16.09

Addition of the requirement that accessory dwelling units (ADUs) must comply with the density limits of the zones in which they are proposed to be located. ADUs must be located on parcels that have adequate acreage in such that density limits are not increased as allowed in that zone. This applies to all non urban areas

- Addition of KCC 17.08.022(c) requiring the ADUs must comply with the density limits of the zones in which they are proposed to be located, and that ADUs must be located on parcels that have adequate acreage in such that density limits are not increased as allowed in that zone. This applies to all non urban zones

Removal of 17.30.030(6), conditional use in the Commercial Agriculture zone for sand and gravel excavation.

- Delete 17.30.030(6)

#### **Issue 11**

Review local circumstances and establish a variety of rural densities that provides guidance for development of the rural element of the Kittitas County Comprehensive Plan. Rural lands for rural development and protection of rural character are identified on the Land Use Map with the following designations: Rural Transition, Rural Residential, Rural Resource, and Rural Outlying. Through the work of the Land Use Advisory Committee, a citizen's advisory committee, recommendations from the committee addresses a variety of rural densities in addition to goals, policies and objectives guiding rural development. The committee also address goals, policies and objectives related to lands that are currently designated rural, but may be potentially included in the UGA as future growth occurs, which is generally beyond the current planning period.

#### **Issue 12**

Undertake the task of reviewing areas in Kittitas County, including areas previously designated Urban Growth Nodes (Easton, Ronald, Snoqualmie Pass, Thorp and Vantage), to determine whether the area is better designated as Rural or a Limited Areas of More Intense Rural Development (LAMIRDs). Until such time that such designation is warranted, designate previously designated Urban Growth Nodes to Rural land use designations.

#### **Issue 13**

De-designate the de-designations as proposed in land applications 06-01 (Thomas and Lynne Mahre), 06-05(Art Sinclair), 06-06(Basil Sinclair), and 06-13(Teanaway Ridge LLC., et al).

#### **Issue 14**

As part of Issue 4, de-designate the de-designations of Docket 06-13 (Teanaway Ridge LLC., et al), involving the extension of the Ellensburg Urban Growth Area.

Regarding the Urban Growth Expansion for the City of Kittitas, adopt the City's analysis as provide in their recent adoption of their Comprehensive Plan supporting the expansion.