Whereas, this ordinance, revising the Kittitas County Comprehensive Plan and Kittitas County Code, contains three sections of findings, as follows:

Section I - Procedural Findings  
Section II - Board of County Commissioners Findings  
Section III - Final Decision and Signatures  
Exhibits
SECTION I
PROCEDURAL FINDINGS

WHEREAS, Kittitas County opted into the GMA (GMA), RCW 36.70A, voluntarily on December 27, 1990, through Resolution 90-138; and

WHEREAS, The Kittitas County GMA Comprehensive Plan was originally adopted on July 26, 1996 by the Kittitas County Board of Commissioners; and

WHEREAS, Kittitas County has in place Countywide Planning Policies per Resolution 96-10 and amended, through Kittitas County Ordinance No. 2010-012 as required by RCW 36.70A.210; and

WHEREAS, Kittitas County was required to update its Comprehensive Plan under the requirements of RCW 36.70A, by December 1, 2006; and

WHEREAS, Kittitas County complied with the requirements of RCW 36.70A by adopting Ordinance No. 2006-63 which completed the update of the Kittitas County Comprehensive Plan; and

WHEREAS, Appeals of Ordinance No. 2006-63 were filed with the Eastern Washington Growth Management Hearings Board (herein referred to as Hearings Board) by Futurewise, Ridge and Kittitas County Conservation Coalition (collectively “RIDGE”) and by the State of Washington Department of Community Trade and Economic Development (CTED); and

WHEREAS, As a result of the appeal, the Eastern Washington Growth Management Hearings Board (EWGMHB) in August, 2007 issued its Final Decision and Order (FDO) for Case No. 07-1-0004c deciding that various amendments to Kittitas County’s Comprehensive Plan did not comply with the GMA; and

WHEREAS, In the midst of that challenge, Kittitas County proceeded to revise its development regulations through Ordinance 2007-22 on July 19, 2007; and

WHEREAS, Ordinance 2007-22 was subsequently challenged by RIDGE before the Hearings Board, and as a result of this appeal the Hearings Board in 2008 issued its FDO for Case No. 07-1-0015 finding that several development regulations adopted by Kittitas County did not meet requirements of the GMA; and

WHEREAS, Kittitas County filed a timely Petition For Judicial Review Pursuant To RCW 36.70A.300(5) in Kittitas County Superior Court regarding certain issues in 07-1-0004c and all of 07-1-0015; and

WHEREAS, On November 13, 2007 Judge Scott R. Sparks issued an order granting a motion to stay the Hearings Board’s Final Decision and Order in case No. 07-1-0004c regarding those issues under appeal; and

Revisions to Comprehensive Plan and Kittitas County Code Compliance Issues
Ordinance No. 2014-005
May 15, 2014
WHEREAS, On April 24, 2008, Kittitas County Superior Court, in Case No. 08-2-00195-7 (one of five appeals of the final decision and order in a challenge to the County’s development code before the Eastern Washington Growth Management Hearings Board) issued a stay as to four of the seven issues involved. On May 12, 2008, Kittitas County Superior Court issued a stay as to the other issues involved in the challenge to the County’s Development Code; and

WHEREAS, Appeals were consolidated and eventually heard by the Washington State Supreme Court, which largely ruled in favor of the Hearings Board; and

WHEREAS, Kittitas County has been actively and diligently seeking to bring the Kittitas County Comprehensive Plan into compliance; and

WHEREAS, Kittitas County held Open Houses with the general public and open meetings with the Kittitas County Planning Commission and Kittitas County Board of Commissioners throughout 2012 in order to obtain input on values and perception of “Rural character” in the County; and

WHEREAS, The Kittitas County Planning Commission held public hearings to obtain public comment upon potential amendments to the Kittitas County Comprehensive Plan, and after due deliberation made recommendation to adopt the amendments placed before them; and

WHEREAS, The Board of County Commissioners, after adequate public notice, did on November 26, 2012 hold a public hearing to obtain citizen comment on proposed amendments to the County Comprehensive Plan and Kittitas County Code, and permitted written public comment until December 6, 2012; and

WHEREAS, The Board of County Commissioners deliberated upon the proposed amendments to the County Comprehensive Plan and Kittitas County Code recommended to them by the Planning Commission on November 30, 2012, December 10, 2012, January 16, 2013, January 23, 2013 January 27, 2013 and January 29, 2013; and

WHEREAS, The Board of County Commissioners considered enabling documents as part of the compliance process and on February 11, 2013 did enact amendments proposed and edited to the Kittitas County Comprehensive Plan and Kittitas County Code; and

WHEREAS, The Hearings Board considered these passed amendments, held a telephonic public hearing on April 1, 2013, and on May 31, 2013 found within its decision that the Comprehensive Plan and County Code amendments were GMA compliant with regard to Case No. 07-1-0004c Issues 6, 10, 14 and partially to Issues 1 and 11, and Case No. 07-0015 Issues 1, 3 and 7; and

WHEREAS, The Hearings Board indicated in its decision that Kittitas County failed to include in its amendments adequate measures to protect the Rural Character of the area as required by RCW 36.70A.070(5)(c); and

WHEREAS, Within that same decision the Hearings Board extended the compliance period for Case No. 07-1-0015, Issue 4 related to protection of water resources; and

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WHEREAS, Futurewise, Kittitas County Conservation Coalition, and RIDGE did on June 10, 2013 file a reconsideration of the Hearings Board decision on the argument that: 1) Allowing accessory dwelling units did not protect rural character and therefore, did not meet the intent of the GMA, and 2) through amendment of the zoning code in the creation of the allowed use matrix shown in KCC 17.15.070 did amend the County's LAMIRD regulation, and therefore should be reviewed for compliance to the GMA; and

WHEREAS, The Hearings Board on July 12, 2013 in its reconsideration of the May 31, 2013 decision deferred review of Allowed Uses in Rural LAMIRD lands until such time as the Comprehensive Plan Measures have been adopted; and

WHEREAS, In response to the Order, Kittitas County drafted ordinance and plan amendment language for public review to come into compliance with the GMA, and did on June 26, 2013 and July 17, 2013 held public Open Houses to obtain public comment upon the proposed amendments; and

WHEREAS, After considering public comment Kittitas County staff did prepare proposals for amending the Kittitas County Comprehensive Plan and Kittitas County Code to come into compliance with the GMA and on August 7, 2013 presented such proposals at a closed public meeting with the Kittitas County Planning Commission and the Kittitas County Board of Commissioners; and

WHEREAS, After adequate public notice the Kittitas County Planning Commission on August 14, 2013 did hold an open public hearing to accept testimony on the proposed amendments and accepted written comments until August 16, 2013; and

WHEREAS, The Kittitas County Planning Commission on August 20, 2013 after deliberation of comments and staff report recommended amendments of the Kittitas County Comprehensive Plan and Kittitas County Code to comply with the GMA; and

WHEREAS, After adequate public notice the Kittitas County Board of Commissioners set a public hearing for September 19, 2013 to hear the proposed amendments; and

WHEREAS, Kittitas County on September 3, 2013 rendered a State Environmental Policy Act (SEPA) threshold Determination of Non-Significance (DNS) for proposed amendments to the Kittitas County Comprehensive Plan and Kittitas County Code and published such determination within the official County newspaper per WAC 197-11; and

WHEREAS, Kittitas County after comment upon the DNS did on September 17, 2013 withdraw the DNS for further review; and

WHEREAS, In light of the reconsideration of threshold determination and comments received at the Planning Commission public hearing, the Kittitas County Board of Commissioners cancelled the scheduled September 19, 2013 hearing; and

WHEREAS, Kittitas County through a member of the Kittitas County Board of Commissioners and County staff began to discuss with Futurewise, KCCC, RIDGE, and the Washington

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WHEREAS, the State Department of Ecology (DOE) issues related to proposals for Kittitas County to comply with the GMA; and

WHEREAS, Kittitas County on September 19, 2013 rendered a SEPA threshold DNS for proposed amendments to the Kittitas County Comprehensive Plan and Kittitas County Code in relation to proposed issues related to land use, and published such determination within the official County newspaper per WAC 197-11; and

WHEREAS, Discussions upon water and land use issues continued through to 2014 and continuance to meet compliance was requested of the Hearings Board and granted to March 13, 2014; and

WHEREAS, Kittitas County on November 14, 2013 rendered a SEPA threshold DNS for proposed amendments to the Kittitas County Comprehensive Plan and Kittitas County Code in relation to water issues and published such determination within the official County newspaper per WAC 197-11; and

WHEREAS, The Court of Appeals in August, 2013 held that the County’s action in expanding the Type III LAMIRD and rezoning the associated property in the Hearings Board Case 11-1-0001 in Thorp violated the GMA; and

WHEREAS, the Kittitas County Board of Commissioners held a public hearing on February 26, 2014 to accept comments upon proposed amendments to the Comprehensive Plan and Kittitas County Code to come into compliance with the GMA; and

WHEREAS, After taking testimony and hearing public comment made decision on March 6, 2014 to request a continuance from the Hearings Board for compliance in order to further discuss compliance issues with additional parties; and

WHEREAS, Extension to meet the compliance order was granted to May 13, 2014; and

WHEREAS, The Kittitas County Board of Commissioners held a public hearing on May 5, 2014 and after deliberation approved the proposed amendments; and

WHEREAS, The Kittitas County Board of Commissioners considered enabling documents as part of the compliance process on May 15, 2014.

The Board of County Commissioners makes the following findings:

**SECTION II – BOARD OF COUNTY COMMISSIONERS FINDINGS**

**General Findings**

Finding 1. Kittitas County conducted an update to the Comprehensive Plan in a manner consistent with the requirements found in Ch. 36.70A RCW, allowing for early and continuous public participation in the efforts to bring the comprehensive plan into compliance with the Hearings Board’s Order Case No.07-1-0004c and Case No.07-1-0015; and

Finding 2. The Hearings Board granted motions for the continuance of the compliance period until May 13, 2014; and

Finding 3. The Kittitas County Board of County Commissioners further finds as follows regarding its compliance effort:

**Growth Management Act (GMA)**

Finding 4. The sections of the GMA that found by the Hearings Board needing to be addressed include:

**RCW 36.70A.020**

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.

1. Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
3. Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
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.
5. Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
6. Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
7. Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability. (RCW 36.70A.020)
8. Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
9. Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

RCW 36.70A.030 (15) “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 groundwater and surface water recharge and discharge areas.

RCW 36.70A.070(5):
Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) GMA 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.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. 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.

(c) Measures governing rural development. 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 groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

**RCW 36.70A.110(3)**
Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas.

**RCW 36.70A.140**
Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board’s decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board’s order.

**RCW 36.70A.177**

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;
(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

Kittitas County further makes the following findings regarding the issues presented by the Hearings Board in its May 31, 2013 and July 17, 2013 Order:

**Kittitas County Comprehensive Plan**

1. Chapter 1 of the Kittitas County Comprehensive Plan provides a process for amendment of the Comprehensive Plan including the following steps:
   a. Docketing process.
   b. Amendment no more frequently than once per year, except where allowed by the GMA.
   c. Concurrent review of amendments, except due to emergencies or to resolve an appeal with the growth management hearings board or court.
   d. Broad dissemination of proposals and alternatives.
   e. Opportunity for written comments. Written testimony shall be allowed from the date of docketing up to the date of closing of the written testimony portion of the public hearing.
   f. Public meetings held after effective notice has been distributed.
   g. Hearings allowing for sufficient time for public testimony.
   h. A newsletter that summarizes amendments docketed and projected meeting and hearing dates.
   i. Consideration of and response to public comments by review of public testimony submitted in their findings.
   j. Publication in the paper of record of a notice that Kittitas County has adopted the comprehensive plan or development regulations or amendments.

2. Under 1(c through i) above Kittitas County performed the following:
   a. Kittitas County prepared draft amendments to Chapter 2 and Chapter 8 of the Kittitas County Comprehensive Plan, to Kittitas County Code Titles 13 and 17, and to land use maps in order to meet the May 31, 2013 Order and July 12, 2013 Reconsideration provided by the Hearings Board as well as the Court of Appeals decision in Hearings Board case 11-1-0001.
   b. Kittitas County held six (6) public meetings and hearings within the County to obtain public input on proposed Plan and Ordinance amendments to become compliant with the State GMA.
   c. The County held one (1) closed testimony public study session with the combined Kittitas County Planning Commission and Kittitas County Board of Commissioners to discuss the proposed amendments.
   d. Kittitas County provided adequate notice of the public meetings through press release, website, and email communication.
   e. Kittitas County provided all documents, comments, changes, and notices included in the record on a dedicated website available to the general public throughout the process.
   f. Kittitas County on August 14, 2013 after proper notice held a public hearing before the Planning Commission to hear the public comments on proposed amendments to the Comprehensive Plan and Kittitas County Code to become compliant with the State GMA,
and on August 20, 2013 made a recommendation to the Kittitas County Board of Commissioners for approval of the proposed amendments.

g. The Kittitas County Board of Commissioners on February 26, 2014 after proper notice held a public hearing to obtain public comment on the proposed amendments, and continued public hearing on the matter, and on May 5, 2014, deliberated on public comments to proposed changes and passed amendments to the Comprehensive Plan and County Code in order to become compliant with the GMA and address the Hearings Board’s 2013 Order.

3. Chapter 2 of the Kittitas County Comprehensive Plan contains general goals regarding land use, including but not limited to:
   a. The maintenance and enhancement of Kittitas County's natural resource industry base.
   b. Diversified economic development providing broader employment opportunities.
   c. Directing urban growth and development to those areas where land capability, public roads and services can support such growth.

4. Amendments made in 2014 to Chapter 2 of the Kittitas County Comprehensive Plan are limited to protection of surface and ground water quality and quantity.

5. Existing Chapter 8 of the Kittitas County Comprehensive Plan, the “Rural and Resource” element of the Plan, contains a number of Goals, Policies, and Objectives (GPOs) regarding rural land use which were found by the Hearings Board to not provide adequate “measures” protecting rural character, and all policies in Chapter 8 were evaluated for providing adequate “measures” to protect the rural character of Kittitas County.

6. Public meetings, hearings, re-drafting of GPOs and regulations are created and adopted to provide these adequate measures.

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7. In May and July, 2013 Kittitas County was found noncompliant with the GMA as outlined in Case No. 07-1-0004c and Case No. 07-1-0015 including:
   a. Absence of adequate measures insuring that future development will result in densities not rural in character. (Case No. 07-1-0004c, Issue 1).
   b. Absence of providing sufficient specificity and guidance (measures) on rural densities results in rural sprawl and does not encourage a variety of development densities rural in nature. (Case No. 07-1-0004c, Issue 11).
   c. Potentially permitting urban uses and urban development in rural areas which do not protect or preserve the rural character of Kittitas County. (Case No. 07-1-0015, Issue 2)
   d. Failure to require that all land within a common ownership or scheme of development be described in a subdivision application fails to protect ground and surface water. (Case No. 07-1-0015, Issue 4)
   e. Potential land uses within LAMIRDs within Kittitas County which fail to protect the rural character (Case No. 07-1-0004c Issues 1 and 11 and Case No. 07-01-0015, Issue 6).

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Directive Language to Policies and Code Protecting Rural Character (Case No. 07-1-0004c, Issue 1 and Issue 11, and May 31, 2013 Compliance Order)

8. The Hearings Board on May 31, 2013 found that Kittitas County’s amendment to Code and Comprehensive Plan language met issues RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.110, 36.70A.120, 36.70A.130, and 36.70A.177, but not in regard to RCW 36.70A.070 (5)(c) relating to providing adequate measures protecting rural character.

9. The Washington State Supreme Court ordered that Kittitas County must implement measures to direct rural development and protect rural character as stated in RCW 36.70A.070(5)(c).

10. Kittitas County, after receiving public comment through two (2) public open houses in June and July of 2013, and after reviewing proposed directive policy language, and redrafted some proposed policies and regulations to be presented to the Planning Commission and the Kittitas County Board of County Commissioners as a result of those comments.

11. A large number of GPOs within the existing Chapter 8 of the Comprehensive Plan needed revision to limit densities within the rural areas and protect the rural character of the County including policies which:

   a. Provide more directive policies addressing the preservation of lands within the County having “rural character”.
   b. Address density limitation to protect rural character.

12. A number of existing GPOs within the County Comprehensive Plan are not directive in guidance of future land uses necessary to protect the nature of rural areas. Directive language, such as “shall” needs to replace words of aspiration, such as “should” and “encourage,” in order to mandate consideration of the policy designed to protect rural character.

13. Text and some of the existing GPOs within the Comprehensive Plan are absent of criteria which clarifies why certain areas are designated differently and forms the basis for future land use patterns and decisions.

14. Staff developed language within the Comprehensive Plan policies which are directive, and provide measures within the Kittitas County Code regulations for public review.

15. Kittitas County prepared draft amendments to Chapter 8 of the Kittitas County Comprehensive Plan and to Title17 providing more directive language and regulation in order to provide greater protection of rural character and to meet the May 31, 2013 Order and July 17, 2013 Reconsideration required by the Hearings Board.

16. Kittitas County held two (2) public meeting Open Houses within the County to obtain public input on proposed Comprehensive Plan language amendments.

17. The County held one (1) closed testimony public study session with the combined Kittitas County Planning Commission and the Kittitas County Board of Commissioners to discuss the proposed amendments to the Plan and Code.
18. Kittitas County provided adequate notice of the public meetings through press release, website, and email communications.

19. Kittitas County provided all documents, comments, changes, and notices included in the record on a dedicated website available to the general public throughout the process.

20. Kittitas County on August 14, 2013 after proper notice held a public hearing before the Planning Commission to hear the public comments on proposed amendments to the Comprehensive Plan and Kittitas County Code to become compliant with the State GMA, and on August 20, 2013 made recommendation for approval of the proposed amendments.

21. The Kittitas County Board of Commissioners, after reviewing the comments and recommendations of the Planning Commission, cancelled the scheduled September 19, 2013 hearing.

22. Kittitas County through a member of the Kittitas County Board of Commissioners and County staff began to discuss with RIDGE, and the DOE issues related to land use policy amendment proposals for Kittitas County.

23. Through discussions conducted between September, 2013 and February, 2014 found RIDGE, DOE, and the County drafted amendment language for the Comprehensive Plan and the Kittitas County Code which will provide adequate measures to protect the rural character of Kittitas County.

24. As a result of these meetings many policies were redrafted to reference sections of Kittitas County Code designed to implement the new policies, and to correct the following findings listed in items 24, 25, and 26 below.

25. A number of permitted uses and land use processes exist within the current ordinance that are inappropriate to “rural character” and such uses and procedures are sometimes ambiguous and need review to preserve rural character.

26. Some allowed uses could result in development outside of designated UGAs or LAMIRDs which could eventually require services from urban capital facilities, which is not compliant with the GMA.

27. Much of the current zoning code in Kittitas County permit uses that are inappropriate in rural areas and cannot be interpreted effectively to determine whether or not that use is compatible with rural environment.

28. Updating the existing definitions within Title 17 of the Kittitas County Code and development of a land use matrix which outlines and condenses uses permitted outright and uses permitted under approval of conditional use lessens ambiguity when determining land uses compatibility with rural character.

29. Many of the Allowed Uses in Chapter 17.15 of the Kittitas County Code require approval of a conditional use resulting in public hearing or review to insure compatibility and protection of rural character.

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30. The Kittitas County Board of Commissioners held a public hearing on February 26, 2014 to hear and review comments upon proposed amendments to the Comprehensive Plan and Kittitas County Code.

31. The Kittitas County Board of Commissioners continued the public hearing to May 5, 2014 to address concerns expressed by the Kittitas County Chapter of the Washington State Farm Bureau and stakeholders, and approved proposed amendments to policies within the Kittitas County Comprehensive Plan and Kittitas County Code.

32. No comments were made at the February or May public hearings objecting to the directive language proposed within Chapter 8 of the Comprehensive Plan of Kittitas County or matrix amendments in KCC 17.15.

33. Creation of a land use matrix which 1) transfers existing uses that have been found compliant with the GMA per decisions by the Hearings Board, 2) alters uses which are not compliant with the GMA in a particular rural zone, and 3) provides more direction to Code administrators and the public as to the intent of the use.

34. Changes proposed within Chapter 8 of the County’s Comprehensive Plan, changes in zoning maps, and proposed amendments to the Kittitas County Code in relation to providing measures to protect and preserve rural character are in compliance with the GMA, and meet the intent of RCW 36.70A.020 (1-2, 8-10, 12), 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, and 36.70A.177.

35. Not requiring that all land within a Common Ownership or Scheme of Development be described in a subdivision application fails to protect ground and surface water. (Case No. 07-1-0015, Issue 4)

36. The GMA requires that counties consider and address water resource issues in land use planning, including water quality and quantity of available potable water.

37. The GMA also requires that rural elements in comprehensive plans include measures protecting surface water and groundwater resources.

38. The Hearings Board found that the County’s subdivision regulations allow multiple subdivisions side-by-side, in common ownership, which could be served by multiple exempt wells as defined per RCW 90.44.050 and violates protection of water quantity and quality. The Washington State Supreme Court agreed.

39. In the case Campbell & Gwinn the Supreme Court found that the total group groundwater use in a residential development must be considered for purposes of determining if the combined use would exceed water use limits allowed from an exempt well as defined in RCW 90.44.050.

39. Evidence included in the record through a United States Geological Survey (USGS) study conducted in 2011 that connection exists between surface water and groundwater in the Yakima Water River Basin, which includes most of Kittitas County, and found that groundwater uses are likely impacting surface water resources.
40. Surface water resources in the Yakima River Basin, and therefore surface water resources within that portion of Kittitas County which resides in the Yakima River Basin, are fully appropriated.

41. Senior water users are defined as those who established beneficial use of the resource prior to May 10, 1905.

42. All water users who put water to beneficial use after May 10, 1905 are defined as junior users and are subject to curtailment during low-flow periods to assure that allocations for senior water users are fully met.

43. The Yakima River Basin has seen significant drought periods and impacts since 1977 and those periods have been increasing in frequency. Climate change models predict a likelihood that precipitation patterns in the future may lead to even greater frequency and severity of drought.

44. As determined in the USGS study listed in finding 38, ground and surface water in the Yakima River Basin is hydraulically connected. As such, new appropriations of ground water established by utilizing the exemption provided in RCW 90.44.050 may impact senior water users, especially during drought periods.

45. Junior water users (those who put water to beneficial use after May 10, 1905 in the Yakima River Basin) are subject to curtailment during drought periods to assure adequate water supplies for senior water users.

46. Kittitas County has a responsibility under RCW 19.27.039 and RCW 58.17.110 to assure that water supplies proposed for a building permit or land development application are adequate and are legally available for use.

47. While all waters are declared through RCW 90.44 belong to the public and are subject to appropriation, the County is required to protect surface and groundwater supplies from detrimental land uses and negative effects through its Comprehensive Plan.

48. The Washington State Supreme Court in its 2011 decision, Kittitas County v. EWGMHB, stated that Kittitas County in its Comprehensive Plan and regulations does not adequately protect its water resources, and supported the Hearings Board Order for the County to provide policies and regulations to protect the water quality and quantity.

49. Kittitas County, to meet this Order, prepared draft amendments to Chapter 2 of the Comprehensive Plan and to Title 13.35 to meet the May 31, 2013 Order and July 12, 2013 Reconsideration issued by the Hearings Board.

50. Kittitas County held two (2) public meetings and hearings within the County to obtain public input on proposed Plan and Ordinance amendments proposed to become compliant with the State GMA regarding the protection of water.

51. A number of comments were received at the meetings most objecting to the proposal provided, and some comments were received indicating that not enough action was being taken to protect the water supply and quality.

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52. The County held one (1) closed testimony public study session with the combined Kittitas County Planning Commission and Kittitas County Board of Commissioners to discuss the proposed amendments to Comprehensive Plan Chapter 2 and title 13.35.

53. Kittitas County provided adequate notice of the public meetings through press release, website, and personal emails.

54. Kittitas County provided all documents, comments, changes, and notices included in the record and on a dedicated website available to the general public throughout the process.

55. Kittitas County on August 14, 2013 after proper notice, held a public hearing before the Planning Commission to hear the public comments on proposed amendments to the Comprehensive Plan and Kittitas County Code to become compliant with the State GMA regarding water issues, and on August 20, 2013 made recommendation for denial of the proposed amendments, and recommended the County impose requirements that new ground water users provide adequate mitigation to fully offset their proposed new use on existing water resources.

56. The Kittitas County Board of Commissioners, after reviewing the comments and recommendations of the Planning Commission, cancelled the scheduled September 19, 2013 hearing, and decided to discuss the issues with appellants RIDGE, and intervener the DOE and determine if consensus could be reached regarding the water issues.

57. The group came to consensus in February, 2014 that water issues could be resolved by limiting water use in a gradual manner, including an 18-month period where water would be limited in use, and mitigated with regard to Total Water Supply available (TWSA) as measured at the Parker Gage in the Yakima River, but not metered for new uses, and after the 18-month period, new groundwater users would be required to obtain full mitigation for a proposed new use, defining full mitigation as that which fully offsets TWSA concerns as well as localized impacts specific to any tributaries which may be impacted and approved by DOE. New approved uses after the 18 month period would also be required to meter and monitor their use.

58. The group came to consensus that during that 18 month period, new water uses would be mitigated by the County obtaining a lease of senior water rights adequate to provide TWSA mitigation for new users.

59. Water will be leased from the City of Roslyn to meet the anticipated future water needs during the 18 month period, and is provided within Exhibit G of this document.

60. Language was drafted within a “Settlement Agreement” provided in Exhibit F of this document, regarding water use, and language was drafted for Chapter 2 of the Comprehensive Plan and Chapter 13.35 of the Kittitas County Code for review and adoption by the Kittitas County Board of Commissioners to meet the Hearings Board Order to protect the County’s water quantity and quality.

61. The Kittitas County Board of Commissioners held a public hearing on February 26, 2014 to hear and review comments upon proposed amendments to the Comprehensive Plan and Kittitas County Code and received various comments opposed to the language designed and proposed for water protection.
62. The Kittitas County Board of Commissioners continued the public hearing to May 5, 2014 to address concerns expressed and approved the proposed amendments to policies within the Kittitas County Comprehensive Plan and regulations within the Kittitas County Code, Chapter 13.35 regarding water use.

63. Changes adopted within Chapter 2 of the County’s Comprehensive Plan, and changes to the Kittitas County Code Chapter 13.35 in relation to providing measures to protect water quantity and quality comply with the GMA, and meets the intent of RCW 36.70A.020 (6, 8, 10, 12), 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.130, and 36.70A.177.

**Permitting Urban Uses and Urban Development in Limited Areas of More Intense Rural Development (LAMIRD).**

64. Limited Areas of More Intense Rural Development (LAMIRD) policies, maps, and Code requirements were established within Kittitas County in 2010 and 2011, and uses allowed were identified and considered rural in character.

65. After receiving the Hearings Board’s July 17, 2013 determination that LAMIRD uses are subject to review due to the amendments made to uses allowed within LAMIRDS, County staff reviewed uses allowed in LAMIRDS and evaluated allowed uses as to their rural character.

66. Kittitas County prepared draft amendments to Title 17.15.070, land use matrix of the Kittitas County Code, to identify land uses suitable to the designated LAMIRDS for protection of rural character in Kittitas County.

67. Kittitas County held two (2) public Open House meetings within the County to obtain public input on proposed Code matrix amendments to become compliant with the GMA, and received comment on the proposed amendments to the matrix indicating that some allowed uses were not rural in character.

68. The County held one (1) closed testimony public study session with the combined Kittitas County Planning Commission and Kittitas County Board of Commissioners to discuss the proposed amendments.

69. Kittitas County provided adequate notice of the public meetings through press release, website, and email communication.

70. Kittitas County provided all documents, comments, changes, and notices included in the record on a dedicated website available to the general public throughout the process.

71. Kittitas County on August 14, 2013 after proper notice held a public hearing before the Planning Commission to hear the public comments on proposed amendments to Chapter 17.15.070 Kittitas County Code, and on August 20, 2013 the Kittitas County Planning Commission made recommendation to the Kittitas County Board of Commissioners for approval of the proposed amendments to the matrix.
72. The County met with appellants RIDGE to discuss the allowed uses considered rural in nature and came to consensus of allowed uses that are rural in nature and drafted these uses within the matrix in Chapter 17.15.070.

73. Highway Commercial currently exists in areas inside LAMIRDs, which can create environments not compatible to the rural environment, and current uses allowed were reviewed as to their rural nature.

74. The existing Thorp LAMIRD possesses a large amount of land which was rezoned from Agriculture 20 to Highway Commercial in 2010 and was compliant with the GMA.

75. “Highway Commercial” zones should be located next to high traffic areas, inside LAMIRDs and UGAs, designed to provide tourist services.

76. Uses permitted in a “Highway Commercial” zone and the size of activities should be limited in order to protect rural character. Many allowed uses should require a conditional use to determine compatibility with surrounding properties and protect rural character.

77. Highway Commercial zones serve no purpose in the rural areas and should not exist within lands outside LAMIRDs or designated UGAs.

78. Lands now zoned Highway Commercial in rural areas are proposed to be rezoned to rural designations and rural zone classifications to accommodate the uses intended while preserving rural character.

79. Expansion of the Thorp LAMIRD and change of associated zoning violated the GMA as found in Hearings Board Case 11-1-0001 and therefore, the County returned the Comprehensive Plan and zoning classifications to the previous GMA compliant status and boundary.

80. Changes proposed within Chapter 17.15.070 of Kittitas County Code in terms of limiting uses rural in character in LAMIRD areas, and changes in zoning maps to accurately display locations of Highway Commercial zones and LAMIRD areas are in compliance with the GMA, and meets the intent of RCW 36.70A.020 (1-2, 5, 8-10, 12), 36.70A.040, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, and 36.70A.177.
SECTION III - FINAL DECISION AND SIGNATURES

BE IT ORDAINED that the Kittitas County Board of Commissioners, after due deliberation, hereby approves the revisions to the Kittitas County Comprehensive Plan, Chapter 8 for compliance purposes as attached hereto as Exhibit “A”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the revisions to the Kittitas County Code Chapter 17.15.050 and 17.15.060 “Allowed Uses Matrix” for Resource designated lands and for Rural Non-LAMIRD designated lands as attached hereto as Exhibit “B”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the revisions to the Kittitas County Code Chapter 17.15 “Allowed Uses Matrix” for requiring water to be obtained in order for a marijuana production to be a permitted use hereto as Exhibit “B-1”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the amendments to the Kittitas County Code Chapter 17.15.070, Allowed Uses Matrix for LAMIRDs, and as represented in Exhibit “C”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves the amendments to the Kittitas County Zoning LAMIRD map for Snoqualmie Pass, Easton and Thorp for compliance purposes and as represented in Exhibit “D”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a Settlement Agreement between Kittitas County, the State Department of Ecology, and appellants RIDGE regarding adequate provision of water for future development and protection of water quantity and quality, and as represented in Exhibit “F”; and

BE IT FURTHER ORDAINED that the Board of Kittitas County Commissioners, after due deliberation, hereby approves a water “Lease Agreement” between Kittitas County and the City of Roslyn to provide leased water for future domestic developments in order to insure protection of water quantity and quality within the County, and as represented in Exhibit “G”; and

BE IT FURTHER ORDAINED the Prosecutor’s Office is charged with preparing and submitting the necessary clean updated versions of the comprehensive plan and development code to Information Services, incorporating all the amendments authorized herein, so that they can be placed on the County web page, and that the Prosecutor’s Office is hereby authorized to make any correction necessary to remedy scrivener’s errors such that Information Services of Kittitas County may update the on-line code and comprehensive plan without additional Board action.

NOW, BE IT FURTHER ORDAINED that the Kittitas County Board of Commissioners, after due deliberation, hereby approves the adoption of the Amendments to the Kittitas County Comprehensive Plan and Kittitas County Code and related maps as attached hereto and incorporated by reference and

orders the amendments to become effective June 2, 2014. Upon receipt of findings of compliance from the Growth Management Hearings Board, Information Services is directed to update the County regulations found compliant with direction from the Prosecutor’s Office as described above.

Adopted this ___15th__ day of ____May______, 2014, at Ellensburg, Washington.

[Signatures]

APPROVED AS TO FORM:

Greg Zempel WSBA #19125

Revisions to Comprehensive Plan and Kittitas County Code

Compliance Issues

Ordinance No. 2014-005

May 15, 2014
Exhibit A

Proposed Changes to Chapter 8, Kittitas County Comprehensive Plan Providing Adequate Plan Measures to Protect Rural Character
Kittitas County Comprehensive Plan, Chapter 8 Rural and Resource Lands is amended as follows:

[Note to Reader: This document identifies amended Plan policies ("Measures") that protect the Rural Character of Kittitas County. The amended Plan policies are followed by a brief summary of how the GPO will require or assure protection of rural character, including identifying which County Development Regulations implement the Plan Measures. It should be noted that the Plan can include more than policies for compliance with the Growth Management Act (GMA), and when such policies are included they may be aspirational. For purposes of this chapter of the Plan, some GPOs continue to contain some aspirational goals (for example GPO 8.55 - funding; 8.39 - irrigation facilities). These goals have been included because they do not conflict with GMA related policies and reflect policy decisions for the County’s future.

Rural and Resource Lands

8.1. Introduction and Overview

The Rural and Resource Lands chapter of the Kittitas County Comprehensive Plan addresses unincorporated portion of the County outside Urban Growth Areas (UGA). The Land Use Element in Chapter 2 and the Rural and Resource Lands chapter together form the basis for future land use patterns within the County. They also form a basis for decision makers to make land use decisions in the unincorporated areas in Kittitas County. The policies in the Rural and Resource Lands chapter work with the County’s Comprehensive Plan land use designation map in Chapter 2.

This Chapter is in two sections. The first section discusses land use designations for the County’s rural lands and is the County’s Rural Element. It outlines the goals, policies and objectives related to protecting rural character with a variety of densities as required by the Washington State Growth
Management Act. (RCW 36.70A.070(5)) Rural lands are outside UGAs and commercial agricultural, commercial forest, and mineral lands.

The second section provides for goals, policies and objectives for the County’s resource lands. Resource lands are considered the commercial agriculture lands, the commercial forested lands and mineral lands.

8.1.1. Growth Management Act Goals

The first section of this Chapter relates to rural lands and rural development. The State of Washington Growth Management Act requires that the County “include measures that apply to rural development and protect the rural character of the area as established by the County.” These measures must be used to control rural development, assure visual compatibility of rural development with surrounding areas, reduce sprawl and protect against conflict with the use of agricultural, forest and mineral resource lands (RCW 36.70A.070).

“Rural Character” is defined in the Act as lands where:

- open space and visual and natural landscape predominate over the built environment,
- opportunities exist for traditional rural lifestyle and rural based economies,
- spaces and development are compatible with wildlife habitat,
- undeveloped land is not converted to development of sprawl and low density,
- activities generally do not require extension of urban governmental services, and
- land use is consistent with protection of surface and ground water flows and recharge/discharge areas. (RCW 36.70A.030(15))

“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.” (RCW 36.70A.030(16))

“Rural governmental 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. (RCW 36.70A.030(17))

The Resource section of this Chapter refers to the commercial agriculture, forest, and mineral resources of long-term significance that are not characterized by urban growth. (RCW 36.70A.170)

8.1.2. Rural and Resource Policies

Kittitas County planning policies help define rural and resource lands, appropriate land uses and service levels, and unique rural features. They also identify innovative land use techniques which may be used to protect these features.
Rural policies are intended to enhance and protect the County’s rural character, and to encourage appropriate rural land use patterns and service levels. Rural Lands planning policies include:

GPO 8.1 Rural lands are characterized by a lower level of services; mixed residential, agricultural and open space uses; broad visual landscapes and parcels of varying sizes, a variety of housing types and small unincorporated communities.

Development Regulations that Implement Plan Measures: KCC 17.12.010 Zones Classified; KCC 17.15.050.1 Allowed Uses in Rural Non-LAMIRD Lands Table; and development regulations in KCC 17.28A A-5 Agriculture Zone, KCC 17.29 A-20 Agriculture Zone, KCC 17.30 Rural Recreation Zone, KCC 17.30A R-5 Rural Zone, KCC 17.40 C-G General Commercial Zone, KCC 17.36 Planned Unit Development Zone.

GPO 8.2 Rural lands often have an established land use pattern that inhibits urban character and are generally, and anticipated to continue to be, served by septic systems and individual wells or small community water systems.

Development Regulations that Implement Plan Measures: KCC 17.12.010 Zones Classified; KCC 17.15.050.1 Allowed Uses in Rural Non-LAMIRD Lands Table; development regulations in KCC 17.28A A-5 Agriculture Zone, KCC 17.29 A-20 Agriculture Zone, KCC 17.30 Rural Recreation Zone, KCC 17.30A R-5 Rural Zone, KCC 17.40 C-G General Commercial Zone, KCC 17.36 Planned Unit Development Zone; KCC 17.56 Forest and Range Zone, subdivision standards in KCC Title 16; and service standards at KCC Title 12 Roads and Bridges and KCC Title 13 Water and Sewers.

GPO 8.3 The County shall promote the retention of its overall character by establishing zoning classifications that preserve rural character identified to Kittitas County.

Basis for revision to GPO 8.3: Ordinance No. 2013-001 eliminated R-3 and A-3 zoning in all Rural areas, except for previously approved Ag-3 in the Thorp Type 1 LAMIRD. In addition, several new rural land use designations were adopted with corresponding rural zoning classification, to preserve the rural character of the various rural areas of the County (Chapter 8, Table 8.2.4-1). All of the rural zoning classifications are included in KCC Title 17, Zoning. All of these zoning classifications include minimum lot size requirements; For example, “Rural 5,” “Agriculture 5” zones in rural working lands which has a minimum lot size of five acres (KCC 17.30A and KCC 17.28A, respectively). Five acre lots has been identified and justified as being rural in character. “Agriculture 20” and “Forest and Range” designations have been classified as “Rural Working” lands within the Plan which are designed to preserve agriculture, forest and recreation activities, also intended to preserve rural character. Uses within these zones have also been limited to those which are normally associated with rural character (KCC 17.15, Allowed Uses).

Other implementing development regulations include:
KCC 17.12.010 Zones Classified; KCC 17.15.050.1 Allowed Uses in Rural Non-LAMIRD Lands Table; lot size requirements and required yards in KCC 17.28A A-5 Agriculture Zone, KCC 17.29 A-20 Agriculture Zone, KCC 17.30 Rural Recreation Zone, KCC 17.30A R-5 Rural Zone, KCC 17.40 C-G General Commercial Zone, KCC 17.36 Planned Unit Development Zone, and KCC 17.56 Forest and
Range Zone; subdivision standards in KCC Title 16; and service standards at KCC Title 12 Roads and Bridges and KCC Title 13 Water and Sewers.

GPO 8.4 Development in rural areas is subject to agricultural and forestry activities that may take place as a right on adjacent properties.

**Development Regulations that Implement Plan Measures:** KCC 17.74 Right to Farm for the Protection of Agricultural Activities; and required 200' structural setbacks for zones adjacent to the Commercial Forest Zone implemented at KCC 17.28A.065 (A-5 Zone), KCC 17.29.075 (A-20 Zone); KCC 17.30.055 (R-R Zone), KCC 17.30A.055 (R-5 Zone), KCC 17.56 (Forest and Range Zone), and KCC 17.57.050 (Commercial Forest Zone).

GPO 8.5 In order to protect and preserve Resource lands, non-resource development and activities on Rural lands adjacent to Resource Rural lands shall require preservation of adjacent vegetation, existing landforms (e.g. ravines) or use of other methods that provide functional separation from the resource land use, may require buffering.

**Development Regulations that Implement Plan Measures:** KCC 17.74 Right to Farm for the Protection of Agricultural Activities; required 200' structural setbacks for zones adjacent to the Commercial Forest Zone implemented at KCC 17.28A.065 (A-5 Zone), KCC 17.29.075 (A-20 Zone); KCC 17.30.055 (R-R Zone), KCC 17.30A.055 (R-5 Zone), KCC 17.56 (Forest and Range Zone), and KCC 17.57.050 (Commercial Forest Zone); and special setbacks for high intensity agricultural activities from public streets or roads, a school or public park, or an adjacent dwelling at KCC 17.28A.110 (A-5 Zone) and KCC 17.29.120 (A-20 Zone).

GPO 8.6 Limited Areas of More Intensive Rural Development, or LAMIRDs, within Kittitas County are small unincorporated communities generally providing limited commercial services, a post office, a school, agricultural services, and a variety of housing types.

**Basis for deletion of GPO 8.6:** Deleted to avoid conflict with LAMIRD policies in Chapter 2 of the Pan adopted by Ordinance No 2009-2.5. By Ordinance No 2013-0001, they policies were relocated to this chapter in Section 8.2.4.5]

GPO 8.7 The use of cluster platting and conservation platting shall be limited to innovative land use techniques should be encouraged in specific rural areas to lessen the impacts upon the environment and traditional agricultural/forestry uses and to provide services most economically. The use of other innovative land use techniques that protect rural character and resource land uses will be evaluated for future implementation.

**Basis for revision to GPO 8.7:** Ordinance No. 2013-001 established Cluster Platting and Conservation Platting as innovative land use tools that to permit limited clustered residential development while lessening impact upon the agricultural/forest activities. Such tools limit the size of the development to be consistent with surrounding rural environment and concentrate services to a rural area and provide open land spaces in perpetuity which can be used for other rural uses such as farming or recreation.
KCC 16.09, Cluster Platting and Conservation Platting, include implementing development regulations for these land development techniques.

GPO 8.8 A certain level of mixed uses in rural areas and rural service centers is acceptable and may include limited commercial, service, and rural industrial uses.

**Development Regulations that Implement Plan Measures:** KCC 17.15.060.1 **Allowed Uses in Rural Non-LAMIRD Lands** table where a variety of appropriate commercial, service, and rural industrial uses are permitted outright or with conditional use permit approval. The use tables also contain development standards in footnotes. These development standards, and the applicable conditional use permit criteria, assure that such uses protect the County’s rural character.

Resource Lands are areas which provide commercial agriculture, forestry, and mineral resources. Kittitas County planning policies addressing Resource Lands include:

GPO 8.9 Protecting and preserving resource lands shall be given priority. Proposed development that is permitted and adjacent to resource lands shall be properly managed to protect resource lands from negative impacts from that development.

**Basis for revision to GPO 8.9:** Ordinance No. 2009-025 includes amendments to the Plan for designated Resource Lands. These amendments were included in Plan Chapter 2 in 2009 and were moved to Chapter 9 in Ordinance No. 2013-001. GPO 8.9 is amended to reflect the County’s directive policy intent to give priority to protecting and preserving these areas. Implementing development regulations that assure proper management of these lands and adjacent lands include: KCC 17.74 Right to Farm for the Protection of Agricultural Activities; required 200’ structural setbacks for zones adjacent to the Commercial Forest Zone implemented at KCC 17.28A.065 (A-5 Zone), KCC 17.29.075 (A-20 Zone); KCC 17.30.055 (R-R Zone), KCC 17.30A.055 (R-5 Zone), KCC 17.56 (Forest and Range Zone), and KCC 17.57.050 (Commercial Forest Zone); and special setbacks for high intensity agricultural activities from public streets or roads, a school or public park, or an adjacent dwelling at KCC 17.28A.110 (A-5 Zone) and KCC 17.29.120 (A-20 Zone).

GPO 8.10 Provide for appropriately located lands which offer adequate supply of rock and gravel resources located in areas compatible for such uses and conditioned so that operation does not negatively impact rural character.

GPO 8.11 Policies will reflect a “right to farm” in agricultural lands.

**Development Regulations that Implement Plan Measures:** KCC 17.74 Right to Farm for the Protection of Agricultural Activities.
8.2. Rural Lands

8.2.1. Introduction

Kittitas County’s rural land use designation consists of a balance of differing natural features, landscape types, and land uses. Rural land uses consist of dispersed and clustered residential developments, farms, ranches, wooded lots, and agricultural and recreational/commercial and industrial uses that serve local and national and international populations as customers. Rural landscapes encompass the full range of natural features including wide open agriculture and range land, forested expanses, rolling meadows, ridge lines and valley walls, distant vistas, streams and rivers, shorelines and other sensitive areas.

The Rural Lands exhibit a vibrant and viable landscape where a diversity of land uses and housing densities are compatible with rural character. “Rural character,” as identified through scientific research over the past two decades, indicates that residents of rural communities, homebuilders, and planners see it in various ways depending upon the community and the rural area. This research demonstrates that “rural character” is not identical in all areas and must be determined by communities. Overall, the research shows that “rural character” is best determined by concepts existing within the community such as existing densities and building materials (Tilt, et. al., 2006), “nature-related areas” particularly having forest, not just trees, and open spaces related to the community (Kaplan, Austin, 2004, 2003, and 2001), and “natural amenities and perception of recreational and (individual community) residential development” (Mascouriller, 2002). Study shows that cluster development, when used not to increase density creating suburban or urban-like environments, are most marketable, and preserve “open spaces” desired by communities and potential residents most effectively of all development techniques at this time (Burney, 2006 and Lacey, 1990).

Kittitas County residents, through an extensive public involvement process in 2012, provided descriptions of “rural” that they wish to preserve. Such descriptions include many of the conclusions presented by scientific research including, “natural open spaces and streams,” “forests,” “recreational opportunities and spaces,” “agriculture lands and activities,” “mountain views,” and “development away from urban areas.” These descriptions provide the essence of “rural character” in Kittitas County which corresponds to the research that has been conducted throughout the Country including the local area, and fulfill the broad definition within RCW 36.70A.030. Accompanying policies within this Chapter of the Comprehensive Plan are designed to protect these qualities of the County.

“Rural character” is defined in Kittitas County as predominant visual landscape of open spaces, mountains, forests, and farms and the activities which preserve such features. It balances environmental, forest, and farm protection with a variety of rural development and recreational opportunities. Many sizes and shapes of properties can be found in the Rural Lands providing a wide variety of land use from its diverse topography, small to large acreage properties, assorted economic activities and opportunities, small rural residential development, and recreational opportunities throughout the County, but most intense in the western portion of the County. The Interstate and State Highway systems which traverse
the length and width of the County introduce countless travelers and visitors to the “rural character” of Kittitas County. These highways provide access opportunities and means to create and preserve “agri-tourist” activities, provide extensive outdoor recreation activities identified by State law and by residents of Kittitas County as being “rural.” This rich mix of uses and transportation systems allows the variety of lifestyle choice, which makes up the fabric of rural Kittitas County community life.

Some choose a private, more independent lifestyle, or space for small farm activities. Others choose the more compact arrangement found in clustering, with its accompanying open space and close neighbors designed in ways that enhance and preserve rural character. The most common uses in rural lands are agriculture, recreation and logging, which have been basic industries historically and remain important in terms of employment, income and tax base. Kittitas County will strive to encourage and support these activities in areas they occur and are appropriate. With the exclusion of stated incorporated areas, and UGAs all remaining areas are considered to be Rural Lands.

One of the main attractions of the rural residential lifestyle is the low intensity of development and the corresponding sense of a slower pace of living. Part of what creates that attraction is the rural-level facilities and services. The Plan supports and preserves this rural lifestyle by limiting service levels to those historically provided in the County’s rural areas. Residents should expect County services, such as road maintenance and emergency responses to be limited and to decrease as the distance from a rural activity center or urban area increases.

8.2.2. Planning for Rural and Resource Lands

Present rural land uses in Kittitas County are a broad mixture of diverse development patterns stemming from trends established decades ago. The County has been characterized as having an abundance of rural uses including the strong recreational opportunities throughout the entire area. The existence of mountainous topography, intense forest lands, and large lakes in the Upper Kittitas County area draws large populations to skiing, camping, hunting, and hiking opportunities away from intense urban activities often found within the adjacent King County and Pierce County regions. Vibrant river and stream waters invite sports fishermen from around the State to the area. Hunting is prevalent in all areas of the County, including the middle portion of the region where sage and tall grasses are abundant for game bird and mammal habitat.

The Lower Valley of Kittitas County has extensive irrigation and rich soils which have been valuable in accommodation of agriculture activities so vital to the economy. Large farms have existed over a century and are very characteristic of the County’s dominant rural character. Small, unincorporated communities exist throughout the County identifying it as having strong rural character. Such communities provide distinct, yet small scale services which rural residents depend upon for daily and weekly activity. Many of these communities are located within “Limited Area of More Intensive Rural Development” or LAMIRDs as defined with the Washington State Growth Management Act. All of these ranges of rural densities and uses have created a successful landscape contributing to an attractive rural lifestyle.

The Interstate and State Highway systems which traverse the length and width of the County introduce countless travelers and visitors to the “rural character” of Kittitas County. These highways provide access
opportunities and means to create and preserve “agri-tourist” activities, provide extensive outdoor recreation activities identified by State law and by residents of Kittitas County as being “rural.”

The Rural and Resource Lands chapter of the Kittitas County Comprehensive Plan is intended to preserve the rural character described above through adopted goals, policies and objectives (GPO) which are designed to encourage and protect the types of uses that are characteristic to the rural area of the County. The GPOs in this section are intended to reduce conflicting land uses within the County’s rural area while providing a variety of rural densities, protecting agriculture land resources and activities, guarding the County’s water resources and insuring appropriate services and facilities for such environments.

A variety of rural densities and uses which are characteristic to a rural environment are encouraged through the adoption and recognition of the objectives and policies within the Plan, and they create and enhance a successful landscape desired by the County. GPOs in the Rural and Resource Lands chapter Element also provides for a variety of rural uses which are compatible with the County’s rural character, and decrease the need for road and utility improvements, police and fire protection, schools in rural areas and other services often found in more urban environments. Without limiting these types of urban services, their existence can often contribute to “rural sprawl,” or the scattering of development throughout rural areas which can be inconsistent with an identified rural character. The proper mix of rural uses and densities permits rural growth to be accommodated in a variety of areas where it is compatible with both resource and urban activities.

The GPOs of the Rural and Resource Lands chapter of the Comprehensive Plan provide the prospect for preservation of viable and vibrant landscapes associated with rural character. These objectives and policies provide the opportunity to capitalize on the recreational characteristics while preserving the natural resources in Kittitas County often associated with its open spaces. These objectives also deliver the potential for a variety of community life often associated with rural environments while preserving the rural quality of the County. The plan in its goals and objectives accomplishes preservation of agriculture, mining, forest and recreational activities so vital to the economic base of the County.

8.2.3. Purpose of Rural Lands

- Preserve and maintain the rural character of Kittitas County.
- Sustain and protect the westerly mountainous, recreational open space, and its easterly non-resource agricultural and rangeland activities.
- Provide rural economic opportunity.
- Offer opportunity for a variety of rural density and housing choices while maintaining rural character and protecting health and safety.
- Provide for infrastructure and services necessary to rural development.

The goals, policies and objectives (GPOs) outlined below are intended to reduce conflicting land uses within the entire County’s rural area while providing a variety of rural densities, protecting open spaces, and insuring that appropriate services and facilities are provided for rural developed environments.
Incentive-based land use strategies will be examined and adopted to encourage land uses which are compatible to the rural environment.

**Development Regulations that Implement Plan Measures:** KCC 17.13 Transfer of Development Rights; KCC 17.36 Planned Unit Development; and KCC 16.09 Conservation and Cluster Platting.

Encourage development activities and establish development standards which enhance or result in the preservation of rural lands.

**Development Regulations That Implement Plan Measures:** Ordinance No. 2013-001 established KCC 16.09, Cluster Platting and Conservation Platting, as an optional innovative land use tools that permits limited clustered residential development while lessening impact upon the agricultural/forest activities. In addition to this optional tool, Ordinance No. 2013-001 established development regulations for the various rural zoning classifications, such as lot size, yard requirements, allowed use provisions, and others found within individual zoning categories, including 17.28A (A-5 Zone), KCC 17.29 (A-20 Zone); KCC 17.30 (R-R Zone), KCC 17.30A (R-5 Zone), KCC 17.36 (PUD Zone), KCC 17.40 (C-G Zone) and KCC 17.56 (Forest and Range Zone).

Allow for a variety of rural densities which maintain and recognize rural character, agricultural activities, rural community and development patterns, open spaces and recreational opportunities.

**GPO 8.14A** Only allow comprehensive plan amendments, rezones, bonus densities, and other measures that increase rural densities where adequate supplies of potable water area available that will not adversely affect surface and ground water and agriculture.

**GPO 8.14B** Set allowed densities based on the available water resources and reserve adequate resources to support the Kittitas County’s economic base including agriculture.

**GPO 8.14C** Development shall be located distances from streams, rivers, lakes, wetlands, critical areas determined necessary and as outlined within existing Shorelines Management Program, the Critical Areas Ordinance and other adopted resource ordinances in order to protect ground and surface waters.

**Basis for adding GPOs:** The new policies address the issue of adequate water in rural areas by requiring the County to evaluate any development impacts upon water resources and agriculture economic base.

**Development Regulations That Implement Plan Measures:** As noted above with GPO 8.3 above, Ordinance No. 2013-001 eliminated R-3 and A-3 zoning in all Rural areas, except for previously approved Ag-3 in the Thorp Type 1 LAMIRD. In addition, several new rural land use designations were adopted with corresponding rural zoning classification, to preserve the rural character of the various rural areas of the County (Chapter 8, Table 8.2.4-1). All of the rural zoning classifications are included in KCC Title 17, Zoning. All of these zoning classifications include minimum lot size requirements; For example, “Rural 5,” “Agriculture 5” zones in rural working lands which has a
minimum lot size of five acres (KCC 17.30A and KCC 17.28A, respectively). Five acre lots has been identified and justified as being rural in character. “Agriculture 20” and “Forest and Range” designations have been classified as “Rural Working” lands within the Plan which are designed to preserve agriculture, forest and recreation activities, also intended to preserve rural character. Uses within these zones have also been limited to those which are normally associated with rural character.

GPO 8.15 Uses common in rural areas of Kittitas County enhancing rural character, such as agriculture uses in Lower Kittitas and rural residential uses and recreation uses in Upper Kittitas shall be protected from activities which encumber them.

**Development Regulations That Implement Plan Measures: KCC 17.74 Right to Farm for the Protection of Agricultural Activities; required 200’ structural setbacks for zones adjacent to the Commercial Forest Zone implemented at KCC 17.28A.065 (A-5 Zone), KCC 17.29.075 (A-20 Zone); KCC 17.30.055 (R-R Zone), KCC 17.30A.055 (R-5 Zone), KCC 17.56 (Forest and Range Zone), and KCC 17.57.050 (Commercial Forest Zone); and special setbacks for high intensity agricultural activities from public streets or roads, a school or public park, or an adjacent dwelling at KCC 17.28A.110 (A-5 Zone) and KCC 17.29.120 (A-20 Zone).

GPO 8.16 Give preference to land uses in Rural designated areas that are related to agriculture, rural residential development, tourism, outdoor recreation, and other open space activities.

**Development Regulations That Implement Plan Measures: KCC 17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands table.

GPO 8.17 Land use development and conservation tools to prevent sprawl within the Rural area that is not compatible with will be researched and adopted when it is determined that such tools protect the unique Kittitas County rural character or agricultural activities as defined in RCW 90.58.065 (2)(a) will not be allowed.

GPO 8.18 Limit development in rural areas through density requirements that protect and maintain existing rural character, natural open space, critical areas, and recreation areas. **Direct Encourage** rural development to on-lands that have adequate public services.

*Basis for revision to GPO 8.18: The language within this policy is amended to reflect the County’s directive policy intent to give priority to protecting and preserving rural areas. Ordinance No. 2013-001 established zoning for all rural lands. The adopted zoning, both by its specific mapping and density regulations, will protect the unique rural character of the County. More dense rural development is only allowed on lands that have adequate public services. Development regulations that implement plan measures include implementing lot size standards within individual zoning categories to establish rural densities, including KCC 17.28A (A-5 Zone), KCC 17.29 (A-20 Zone), KCC 17.30 (R-R Zone), KCC 17.30A (R-5 Zone), KCC 17.36 (PUD Zone), and KCC 17.40 (C-G Zone); KCC 17A Critical Areas; KCC Title 12 Roads and Bridges; and KCC Title 13 Water and Sewers.*
GPO 8.19 Develop buffer standards and regulations that will be used between incompatible rural uses.

*Development Regulations That Implement Plan Measures: KCC 17.74 Right to Farm for the Protection of Agricultural Activities; required 200’ structural setbacks for zones adjacent to the Commercial Forest Zone implemented at KCC 17.28A.065 (A-5 Zone), KCC 17.29.075 (A-20 Zone); KCC 17.30.055 (R-R Zone), KCC 17.30A.055 (R-5 Zone), KCC 17.56 (Forest and Range Zone), and KCC 17.57.050 (Commercial Forest Zone); special setbacks for high intensity agricultural activities from public streets or roads, a school or public park, or an adjacent dwelling at KCC 17.28A.110 (A-5 Zone) and KCC 17.29.120 (A-20 Zone); and special sign standards to protect views in scenic areas KCC 17.72.180 and from rural residential zones KCC 17.72.200.*

GPO 8.20 Cottage and home occupation which are rural in nature are allowed should be encouraged within all rural land use designations and regulations. Impact upon surrounding environments and upon existing public services shall be considered when such industries are proposed.

GPO 8.20A Future “General Commercial” zones will not be allowed outside Urban Growth Areas and LAMIRDs.

*Basis for revision to GPO 8.20 and Addition of GPO.20A: The language within this policy is amended to reflect the County’s directive policy intent to give priority to protecting and preserving rural areas. Ordinance No. 2013-001 includes a definition for “home occupation” (KCC 17.08.290) and established how home occupations could be allowed in the various rural zoning classifications (KCC 17.15, Allowed Uses). In some cases, development standards apply to address impacts for permitted uses or a conditional use permit is required, with additional review criteria, for other uses. These development regulations and review processes assure protection of rural character.*

GPO 8.21 Kittitas County will provide criteria within its zoning code to determine what uses will be permitted within rural zone classifications in order to preserve rural character.

*Development Regulations That Implement Plan Measures: Ordinance No. 2013-001 includes conditional use criteria before certain land uses are allowed. KCC 17.60A provides criteria which, when met, will allow certain land use activities (like “museums”) which protects the rural character of the area the use is proposed. KCC 17.15.060, Allowed Uses in Rural non-LAMIRD areas, and KCC 17.15.070, Allowed Uses in Rural LAMIRD areas indicates those activities and under what conditions they are permitted. KCC 17.15.060.2 Footnotes Associated with Rural Non-LAMIRD Use Table; KCC 17.60A Conditional Uses; and KCC 17.60B Permitted Administrative Uses.*

GPO 8.21A Residential and commercial buildings outside Type 1 LAMIRDs shall be located in the vegetative buffered areas buffered by vegetation and along the edges of fields or areas of shrub-steppe vegetation to maintain Kittitas County’s historic rural character.
GPO 8.21.B: Functional separation and setbacks found necessary for the protection of water resources, rural character and/or visual compatibility with surrounding rural areas shall be required where development is proposed. The first sentence of this policy shall not apply to agricultural activities as defined in RCW 90.58.065 (2)(a). When required by the county shoreline master program or critical area regulations, buffers shall be provided.

Basis for Addition of GPOs: The new policy provides a measure of visual protection of rural character with new development.

GPO 8.22 Provisions should be made for roadside stands, farmers’ markets, “U-pick,” and customer share cropping operations.

Basis for revision to GPO 8.22: Ordinance No. 2013-001 includes definitions and development standards for these agriculture related uses in KCC 17.15, Allowed Uses. These development regulations allow for these rural uses, while ensuring that they are scale appropriate for their location. The language within this policy is amended to reflect the County’s directive policy intent to give priority to protecting and preserving rural areas.

8.2.4. Rural Designations

Purpose

Rural Lands are divided by function of the uses intended. The purpose of placing certain lands in these land use designations is to accommodate these various functions. Designations of rural lands are intended to categorize lands within the County so that they:

- Permit residential development in rural areas which enhance and protect rural character;
- Preserve and protect non-resource forests and agriculture lands which are dominant in Kittitas County;
- Provide opportunity for development for recreational purposes which are consistent with rural character and protect public health and safety; and
- Provide opportunity for limited development of rural community.

Rural areas provide a choice in living environments through a mix of large lots and existing smaller lots in rural centers and limited areas of more intensive rural development.

Table 8.2-1 below identifies the Rural Land Use designations within the Kittitas County rural areas and corresponding zoning classifications. The Table also displays the estimated acreages of each designation and classification determined by the Geographic Information System (GIS) of the County. The land use designations are limited in number to reflect the functions within the rural areas of the County.
Four land use designations have been identified within the Rural Land Use Plan. Rural Residential lands are those which are adjacent or near identified UGAs or LAMIRDs. They generally have a lower population density than urban areas but higher than most rural areas. A limited level of government services usually exists, and they are often inside Fire Districts and are outside flood areas and most hazard areas.

The second rural designation within the Plan is the Rural Working lands. Uses within this designation generally encourage farming, ranching and storage of agriculture products, and some commercial and industrial uses compatible with rural environment and supporting agriculture and/or forest activities. Areas in this designation often have low population densities with larger parcel size compared to Rural Residential areas. Agriculture and forestry activities are generally less in scope than in the Resource lands.

Rural Recreation is the third land use designation of the Plan. These lands often include scenic roadways, vistas, ski and hiking areas, and recreational and seasonal recreation residences. They include resort activities and provide limited commercial services to tourists and seasonal residents where rural character is preserved. Rural Recreation lands may be located in flood or other hazard areas where fishing and outdoor activities are prevalent.

The final rural lands designation is Limited Areas of More Intensive Development, or LAMIRDS. These areas are often small, rural communities where rural residents and others can gather, work, shop, entertain, and reside. Commercial and industrial development compatible with rural character may continue to locate and prosper in rural areas under limited conditions.

Zone classifications shown in the Table below outline the zones designed to achieve the goals and policies outlined in the designations. There are relatively few classifications within the Rural Residential and Rural Working lands. Most zoning classifications exist within the LAMIRDs since they allow a broader and more intense mix of uses.
Table 8.2.4-1 Rural Land Use Designations, Corresponding Zoning Classifications and Acreages

<table>
<thead>
<tr>
<th>Type of Land Use</th>
<th>Rural Land Use Designation</th>
<th>Acres(^1)</th>
<th>Rural Zoning Classification</th>
<th>Acres(^1)</th>
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<tr>
<td>Rural</td>
<td>Rural Residential</td>
<td>30,013</td>
<td>Agriculture 5</td>
<td>11,925</td>
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<td></td>
<td></td>
<td>Rural 5</td>
<td>18,088</td>
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<td></td>
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<td></td>
<td>Planned Unit Development</td>
<td>0</td>
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<tr>
<td>Rural</td>
<td>Rural Working</td>
<td>329,982</td>
<td>Agriculture 20</td>
<td>112,015</td>
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<td></td>
<td></td>
<td></td>
<td>Forest and Range</td>
<td>217,967</td>
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<tr>
<td>Rural</td>
<td>Rural Recreation</td>
<td>10,535</td>
<td>Master Planned Resort</td>
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<td>General Commercial</td>
<td>22</td>
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<td></td>
<td>Rural Recreation</td>
<td>3,953</td>
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<td>Planned Unit Development</td>
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<td>LAMIRDS</td>
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<td>Rural 3</td>
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<td>Limited Commercial</td>
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<td>General Commercial</td>
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<td>Forest and Range</td>
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<td>Planned Unit Development</td>
<td>160</td>
</tr>
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</table>

\(^1\)Acreages are approximate.

8.2.4.1. Rural Residential

Purpose

- Allow for residential opportunity with rural character and a variety of densities outside UGAs without population expecting all urban services
- Generally, provide services supporting rural development and lower population densities
- Designate areas where lots are generally less than 10 acres in size and have a common land use pattern
- Permit siting in areas generally without commercial activity
- Protect residential activities from flooding areas and natural hazard areas
- Preserve views of open space while providing opportunity for variety of rural densities

Rural Residential lands are characterized by activities generally associated with small-scale farms, dispersed single-family homes, and some types of recreational uses and open spaces. Lands are typically
too far from the urban area to enable cost-effective provision of public services, and the typical uses do
not require urban services.

Rural Residential lands are implemented through the Rural 5 and the Agriculture 5 zones. Existing
legally established parcels in this designation that do not meet minimum 5-acre lot sizes are recognized as
legal nonconforming lots.

The following are goals, policies and objectives (GPOs) for activities on Rural Residential lands:

GPO 8.23 Municipal, or public urban services should not be extended outside of urban growth areas in
Rural Lands. However, municipal services may be provided to a Master Planned Resort which is
approved pursuant to County Comprehensive Plan policies and development regulations so long as all
costs directly attributable to the extension of such services to the resort or community, including capacity
increases, are fully borne by the resort or community.

GPO 8.23A: Residential development near water shall limit impervious surfaces to the size necessary to
conduct the allowed use proposed on the site.

GPO 8.23B: New rural residential development shall provide adequate water for domestic use.

Basis for Additional GPOs:
The additional policy provides a measure to insure adequate water availability for any rural residential
development.

GPO 8.24 Capital Facilities and Utilities may be sited, constructed, and operated by outside public
service providers (or sited, constructed, and/or operated jointly with a Master Planned Resort (MPR),
limited area of more intensive rural development (LAMIRD)) on property located outside of an urban
growth area if such facilities and utilities are located within the boundaries of such resort or community
which is approved pursuant to County Comprehensive Plan policies and development regulations.

GPO 8.25 Electric and natural gas transmission and distribution facilities may be sited in any areas of
Kittitas County including “Rural” designated areas, municipalities, UGAs, Master Planned Resorts, and
LAMIRDS.

GPO 8.26 Public services and public facilities established under RCW 36.70A.070(5)(d) are limited to
just those necessary to serve the developed area boundaries and are not allowed to expand into adjacent
Rural Lands.

Development Regulations That Implement Plan Measures: KCC 17.62 Public Facilities Permit,
including KCC 17.62.040 Decision Criteria

GPO 8.27 Essential public facilities as defined in RCW 36.70A.200 shall be allowed located in rural
lands when:

- The nature of the facility requires spaces for operation not commonly found in UGAs
- Can be self-supporting and not depend upon services of municipalities
• Operational needs require use of rural lands

Operation of such facilities will not affect the activity or nature of rural lands.

**Basis for revision to GPO 8.27:**

*Development Regulations That Implement Plan Measures* include KCC 17.62 Public Facilities Permit, including KCC 17.62.040 Decision Criteria. The language within this policy is amended to reflect the County's directive policy intent to give priority to protecting and preserving rural areas.

GPO 8.28 Clustering of development is encouraged in the rural area, can only occur where it results in the protection of open space and protects against conflicts with the use of farming or other resource lands. When clustering of development is proposed on land that shares boundaries with public lands and provides existing public access to recreational uses on adjacent public lands, the County shall encourage the inclusion of easements for wildlife habitat networks, public access connections shall be considered during development review, and recreational use. The open space portion of the cluster development shall be located to protect wildlife habitat and migration corridors.

*Development Regulations That Implement Plan Measures: KCC 17.36 Planned Unit Development Zone; and KCC 16.09, Conservation Plats and Cluster Plats.*

GPO 8.29 County restrictions on free-running dogs shall be developed and enforced.

GPO 8.30 Residential development on rural lands must be supported by will not be approved without adequate water and sewer/septic systems as required by State and local standards.

*Development Regulations That Implement Plan Measures: KCC 16.12 Preliminary Plats; KCC 16.32 Short Plat Requirements; and KCC Title 13 Water and Sewers.*

GPO 8.31 Residential uses, where permitted, shall be located where farming and forestry activities and opportunities are not negatively impacted.

**GPO 8.31A:** Residences will be located to create the least interference with the movement of farm vehicles and farmlands.

*Basis for Additional GPO:** The additional policy provides a measure to insure viability of a rural agricultural activity central to Kittitas County's economic base.

*Development Regulations That Implement Plan Measures: KCC 17.74 Right to Farm for the Protection of Agricultural Activities; required 200' structural setbacks for zones adjacent to the Commercial Forest Zone implemented at KCC 17.28A.065 (A-5 Zone), KCC 17.29.075 (A-20 Zone); KCC 17.30.055 (R-R Zone), KCC 17.30A.055 (R-5 Zone), KCC 17.56 (Forest and Range Zone) and KCC 17.57.050 (Commercial Forest Zone); and special setbacks for high intensity agricultural activities from public streets or roads, a school or public park, or an adjacent dwelling at KCC 17.28A.110 (A-5 Zone) and KCC 17.29.120 (A-20 Zone).
GPO 8.32 The benefits of cluster residential development should be explored with criteria for such to occur in rural areas. Criteria, such as limited density, open space minimums and lot size maximums, should be developed to preserve the rural character existing in the area where clustering is proposed.

Basis for revision to GPO 8.32: Ordinance No. 2013-001 established KCC 16.09, Cluster Platting and Conservation Platting, as an optional innovative land use tools that permits limited clustered residential development. The development criteria for these developments, where allowed, includes density limits, minimum open space areas, and maximum lot sizes. The language within this policy is amended to reflect the County’s directive policy intent to give priority to protecting and preserving rural areas.

GPO 8.32A: Cluster residential development in forest areas must be sited to maintain visual compatibility with the surrounding landscape and to limit the removal of natural vegetation and trees.

Basis for GPO Addition: Provides policy to insure that visual compatibility is measured in land use decisions.

GPO 8.33 Planned Unit Developments (PUD) in rural areas can only be established where such developments will not result in high density environments which require urban services and reduce maintenance of rural character.

Development Regulations That Implement Plan Measures: Ordinance No. 2013-001 includes PUD regulations (KCC 17.36, Planned Unit Development Zone) that limits PUDs to sites over 2 acres if located in a LAMIRD and over 20 acres for other rural lands, except that PUDs are excluded from Rural Working land use designation areas. Adopted PUD criteria also limits the density in rural areas to that permitted by the underlying zone. PUD development standard require protection of rural character.

GPO 8.34 Innovative housing developments which preserve rural character should be explored and will be encouraged.

Basis for revision to GPO 8.34: Ordinance No. 2013-001 established KCC 16.09, Cluster Platting and Conservation Platting, as an optional innovative land use tools that permits limited clustered residential development. The language within this policy is amended to reflect the County’s directive policy intent to give priority to protecting and preserving rural areas.

GPO 8.35 Future amendments should consider placing more emphasis on public benefits that can be accessed and enjoyed by the general public, such as public access trails, publicly accessible formal and informal recreation features, and contiguous open space protected in perpetuity through conservation easements.

GPO 8.36 Public benefits that are proposed in of cluster platting that are proposed in exchange for bonuses provided as Transfer Development Rights lots should be specifically identified on recorded plats and maintained through easements, covenants, plat notes or other mechanisms.
Basis for revision to GPO 8.36: Any lots added to the density of the Rural Recreation zone shall be provided through KCC 17.13 Transfer of Development Right, as is stated in KCC 17.30.040(2). The language within this policy is also amended to reflect the County’s directive policy intent to give priority to protecting and preserving rural areas.

8.2.4.2. Rural Working

Purpose

- Provide preservation of agriculture activities where producers can live and work on their own lands separate from Resource Lands.
- To support the continuation, whenever possible, of agriculture, timber and mineral uses on lands not designated for long-term commercial significance.
- To provide some buffer between rural residential lands and resource lands.
- To provide areas of low intensity land use activities within the agriculture and forest activities.

The following are goals, policies and objectives (GPOs) for activities on Rural working lands:

GPO 8.37 Conveyance instruments including plats and short plats, development permits and building permits, within 500 feet of land designated as Rural Working lands or Resource Lands shall contain a notice to potential buyers and residents as directed within RCW 36.70A.060(1)(b).

Development Regulations That Implement Plan Measures: KCC 17.74.060 (Right to Farm) Notification and Disclosure

GPO 8.38 Right to farm ordinances will continue and new ordinances achieving the objective will be researched.

Development Regulations That Implement Plan Measures: KCC 17.74 Right to Farm for the Protection of Agricultural Activities

GPO 8.39 Irrigation delivery facilities should be managed and maintained to facilitate the unimpeded delivery of water to agricultural lands while meeting requirements of RCW 58.17 and KCC Title 16, Subdivisions.

GPO 8.40 Kittitas County will continue to research new land use techniques such as Transfer Development Rights, Purchase of Development Rights and open space preservation tools to provide economic incentives to farmers to continue agriculture activities.

Development Regulations That Implement Plan Measures: KCC 17.13 Transfer of Development Rights

GPO 8.41 Creative land use techniques such as TDRs and small cluster development suitable to rural character, shall be considered to aid in preservation of farmland.

GPO 8.42 Planned Unit Developments (PUD) shall be prohibited in Rural Working land zones.

Development Regulations That Implement Plan Measures: KCC 17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands table (PUDs allowed only in Rural Residential and Rural Recreation lands).

GPO 8.43 Conserve important lands with the implementation of a Transfer of Development Rights program, a market-based tool in which land owners volunteer to sell the right to develop their land to areas where greater density is more appropriate, permanently conserving specified natural resource lands.

Development Regulations That Implement Plan Measures: KCC 17.13 Transfer of Development Rights

GPO 8.44 Growth and development in Rural lands will be planned to minimize impacts upon adjacent natural resource lands.

GPO 8.44A: Commercial/Industrial development in rural areas shall be located in areas compatible to the rural environment, and must be developed as determined necessary to not significantly impact surface and groundwater.

GPO 8.44B: All runoff from impermeable surfaces of industrial/commercial development must meet local and State storm water standards and requirements.

GPO 8.44C: New commercial/industrial development shall be required to meet standards or any measures found needed to protect existing surface and groundwater users from impairment and contamination.

Basis for Additional GPOs: The additional policy provides a measure to insure adequate provision and protection of water with the development of any allowed rural commercial or industrial activity.

Development Regulations That Implement Plan Measures: KCC 17.74 Right to Farm for the Protection of Agricultural Activities; and required 200’ structural setbacks for zones adjacent to the Commercial Forest Zone implemented at KCC 17.28.A.065 (A-5 Zone), KCC 17.29.075 (A-20 Zone); KCC 17.30.055 (R-R Zone), KCC 17.30.A.055 (R-5 Zone), KCC 17.56 (Forest and Range Zone), and KCC 17.57.050 (Commercial Forest Zone).

GPO 8.45 Development standards for access, lot size and configuration, fire protection, water supply and dwelling unit location will be adopted for development within or adjacent to forest and agriculture lands.

GPO 8.46 Kittitas County will continue to research innovative incentive-based strategies that encourage and support farming activity.

GPO 8.47 Kittitas County will encourage voluntary farm conservation and agriculture preservation activities, and support activities engaged in agriculture preservation.

GMA Compliance:
Comprehensive Plan Chapter 8 Rural and Resource Lands Page 19 of 45 May 15, 2014 Exhibit A
GPO 8.48 In addition to the notice requirements in RCW 36.70A.060(1)(b), non-farming residents should be informed on the practices of farming so that they are aware of the non-urban activities and impacts that occur in the agricultural environment.

_Basis for revision to GPO 8.48: GPO 8.37 and it’s implementing development regulations assures compliance with RCW 36.70A.060(10)(b). This policy is proposed to remain aspirational and is implemented through a variety of outreach efforts done in coordination with the Kittitas County Conservation District._

GPO 8.49 Open ranges are a resource land not subject to nuisance by residential activity.

GPO 8.50 Research tax incentives that encourage the establishment and continuance of agriculture and forest activities.

GPO 8.51 Where proposed residential development is determined incompatible with natural resource activities, all mitigation measures to make the development compatible with the activities shall be completed and cost borne by the developer.

**Liberty Historic District**

The Liberty Historic District is an historic mining town recognized by the National Register of Historic Places. Development in this district is subject to the Historic District Overlay Zone. The following policies, based on the Swauk-Teanaway Subarea Comprehensive Plan, have been adopted regarding the Liberty Historic District:

**Liberty Historic Land Use Issues and Concerns:**

1. The Liberty Historic District is a nationally designated historic district in the County.
2. The surrounding forested lands around Liberty are important to the natural historic character of the town site, including the four privately owned parcels.
3. The designation of the Liberty townsite as a special historical suburban classification would require the development of a community water system.
4. Liberty has a small finite number of buildable lots.

GPO 8.52 The Liberty Historic District is in the Rural Working land use designation. To ensure compatibility with the historic district, development in the adjacent forest lands _shall_ conform to any architectural design standards _that assure compatibility_. A design review board should be created to assure consistency and fairness in future decisions about what is built within and adjacent to the Liberty Historic District.

_Basis for revision to GPO 8.52:_

_The language within this policy is amended to reflect the County’s directive policy intent to give priority to protecting and preserving rural areas. Setbacks of 50 feet from the boundary of the Historic District have been adopted within 17.56.062 implementing this policy measure._
GPO 8.53 Future development in the historic district should be primarily residential and be consistent with any existing or new design review standards.

Basis for revision to GPO 8.53:
The language within this policy is amended to reflect the County’s directive policy intent to give priority to protecting and preserving rural areas. Implementing development regulations: KCC 17.59 Liberty Historic Zone, including KCC 17.59.080 Architectural Standards.

8.2.4.3. Rural Recreation

Purpose

- To maintain and enhance the extraordinary and expansive recreational opportunities in Kittitas County.
- To provide safe opportunities to develop public and private recreational spaces while preserving rural character.
- To increase rural tourist and rural recreational spaces while maintaining environments characteristic to rural areas.
- To allow for and encourage commercial activities characteristic to recreational activity while maintaining rural character.

While parks, open space and community recreational areas play an important role in any community, substantial amounts of recreation lands in this County are owned by the public and private parties. These provide more than ample opportunities for water recreation, hunting, fishing, camping, hiking, trail riding, winter recreation and wildlife viewing. Public parks and recreation areas are more fully addressed in Chapter 11 Parks and Recreation Element. In addition to publicly-owned areas, many private businesses cater to the public in providing skiing, golfing, camping and trail riding on private lands.

Rural recreation in Kittitas County is also largely provided for individual land owners who own various sizes of property for their own recreational use, primarily in the Upper area of the County. These developments are often “second homes” for persons living in other parts of the State, and individual cabins within the mountain areas and along trails designed for seasonal recreational habitats. These recreational residences have provided for, and are expected to continue to provide for, a large part of the County’s economy. This section of the Plan addresses the objectives and policies for these existing and future seasonal and full-time residential structures as well as the developments that have occurred to shelter seasonal tourists.

The County and the various cities have different roles regarding public and private recreation. Rural residents, with their larger acreage home sites, do not depend upon the neighborhood parks popular in cities to the same extent as the urban population as reflected in urban organized recreation facilities and small parks. The residents of the County, as well as others throughout the State and Nation, depend upon
the massive trail systems which provide hiking, horse riding, biking, and other exclusive recreational opportunities throughout the year.

The County has varied recreational related responsibilities. The availability of such a wide variety of recreation areas in the County, over such a large expanse, impacts County roads and public safety agencies. Kittitas County is a recreation destination for many out-of-County tourists, and while this benefits local businesses, it also increases the County’s recreation related expenditures. Maintaining recreational lands access and safety, and the County’s existing recreation facilities should be the County’s recreation focus.

Following are goals, policies and objectives (GPOs) for activities on Rural Recreation lands.

GPO 8.54 Convenience and motorist services, when permitted near highway, freeway and major arterial intersections, shall be designed to be where such development is compatible with surrounding rural character, and where there is little potential for land use sprawl.

*Basis for revision to GPO 8.54:* The language within this policy is amended to reflect the County’s directive policy intent to give priority to protecting and preserving rural areas. Conditions are placed upon permitted use, such as having minimum lot sizes, enclosing buildings, limiting size of structures, etc., which are designed to be compatible and enhance the rural character of Kittitas County.

Implementing development regulations include: KCC 17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands table. KCC 17.60A and 60.B, Conditional and Permitted Administrative Uses.

GPO 8.55 The County should seek financial support from State and federal agencies to assist in providing for recreational area access and safety.

GPO 8.56 Developments located for commercial, residential/recreational purposes, such as Master Planned Resorts or Planned Unit Developments, shall have adequate water, septic and public facilities to service such development without over-burdening the County public services.

*Development Regulations That Implement Plan Measures:* KCC 17.37 Master Planned Resorts; KCC 17.36 Planned Unit Development Zone; and KCC Title 13 Water and Sewers.

GPO 8.56A: Commercial service proposals in Rural Recreation areas shall have provisions within any conditional use decisions to assure compatibility with adjacent rural environments.

*Basis for GPO Addition:* The added policy provides a measure to insure the preservation of rural environment when appropriate commercial development in rural recreation is proposed.

GPO 8.57 Encourage Require landowners and developers to approach project design in a flexible and creative manner to provide for and protect which provides open spaces and a visual gratification rural environment characteristic of Kittitas County including preservation of open spaces, adequate buffering between development and natural areas, and preservation of critical areas and forested lands.
GPO 8.58 Promote rural recreation development where there is potential for limited infill of seasonal recreation structure, in areas where seasonal structures are not uncommon, and upon soils and geologic conditions which can support structural development.

**Development Regulations That Implement Plan Measures:** KCC 17.30 Rural Recreation Zone; and KCC 17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands.

GPO 8.59 Encourage creative development which provides for public and private recreational activity while preserving rural character.

**Basis for revision to GPO 8.59:** The language within this policy provides no basis for measure of the objective.

GPO 8.60 Consider incentive programs that create active and passive open space.

GPO 8.61 Commercial uses proposed for development to service recreational tourists and residents **should** be permitted in spaces **when found to be** suitable to surrounding rural areas.

**Basis for revision to GPO 8.61:** The language within this policy is amended to reflect the County’s directive policy intent to give priority to protecting and preserving rural areas. Regulations limit the size and type of the commercial uses permitted in rural zones therefore assuring rural character. Implementing regulations include: KCC 17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands; and KCC 17.40 General Commercial Zone. KCC 17.60A and 60.B, Conditional and Permitted Administrative Uses.

GPO 8.62 International Wildland-Urban Interface Code should be enforced when approving a recreational residential structure for greatest protection of life and property.

GPO 8.63 Secondary access for protection of life and property shall be required for development in higher rural density rural recreation areas.

**Development Regulations That Implement Plan Measures:** KCC Title 20 Fire and Life Safety; and KCC Chapter 12.12 Private Roads.

GPO 8.64 Defensible space standards should be adopted by the County to provide greater personal safety and protection to property in case of fire.

GPO 8.65 Specific natural hazards in rural recreation areas shall be considered before creation of habitable or residential structure.

**Development Regulations That Implement Plan Measures:** KCC Title 20 Fire and Life Safety; KCC 17A.06 (Critical Areas) Geologically Hazardous Areas; and KCC 14.08 Flood Damage Prevention.

GPO 8.66 Personal safety and welfare shall become the highest consideration in permitting rural recreation structures.

**Implementing regulations include:** KCC Title 20 Fire and Life Safety; KCC 17A.06 (Critical Areas) Geologically Hazardous Areas; KCC 14.04 Building Code; and KCC 14.08 Flood Damage Prevention.
8.2.4.4. Master Planned Resorts

The Master Planned Resort (MPR) designation applies to those lands that comprise a self-contained and fully integrated planned unit development located in areas of significant natural amenities, with 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. A MPR may be a new resort that is proposed, planned and developed by a single property owner; or an existing resort with multiple ownerships that is designated and planned through a sub-area planning process, and expanded and/or redeveloped pursuant to the adopted sub-area plan. A MPR 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. A MPR may constitute urban growth outside of urban areas as limited by these policies.

Kittitas County has a wide range of natural features, including climate, vegetation, water, resources, scenic qualities, cultural, and geological features, which are desirable for a wide range of recreational users to enjoy. MPRs offer an opportunity to utilize these special features for enjoyment and recreational use. MPRs can bring significant economic diversification and benefits to communities, while at the same time enhancing environmental values. MPRs can address these unique opportunities while maximizing retention of environmental features, critical habitats, resource lands, and other critical features. MPRs can be located and planned in ways that do not detrimentally affect projected growth scenarios in urban growth areas and limited areas of more intense rural development (LAMIRDs). MPRs should be designed to stand alone, by not requiring adjacent areas to develop land uses to support the resort use. Recognizing these factors, policies guiding the location and development of MPRs must consider varied and unique criteria.

MPRs may be approved in the County in accordance with: (1) RCW 36.70A.360 or .362 Master planned resorts, as amended; (2) County Comprehensive Plan policies; and (3) County Development Regulations. For general guidance purposes, the County MPR policies rely upon the June, 1994 “Master Planned Resorts Draft Comprehensive Plan Policy Guidance” prepared by the Washington State Department of Community, Trade and Economic Development Task Force.

A. MPR Designation Process

GPO 8.67 MPRs should have a thorough review process prior to being located or designated and such review process should be phased, consistent, specific, and timely. Because a MPR typically involves large and complex site-specific projects with multiple phases over a long period of time, e.g., several decades, MPRs are appropriate for and should be reviewed using the provisions of RCW 36.70B.170-.210, Development agreements, and KCC 15A.11, Development agreements. Development Agreements should provide a tangible route of review, from initial land-based mapping to the final designed MPR product. For new resorts proposed by a single property owner, a proposed development agreement will be reviewed as part of the MPR designation process as described in KCC 17.37.040. For existing resorts with multiple property owners, development agreements may be submitted at the time of application for site-specific projects.

GPO 8.68 Amendment to the Comprehensive Plan land use designation map for a specific site is necessary for authorization of a MPR. Such amendment may occur concurrently with review of a MPR.
application, or in conjunction with adoption of a sub-area plan for an existing resort area. In addition, the specific elements of a MPR proposal can be addressed, including early public participation, protection of critical areas, treatment of adjacent lands, and fiscal and economic impacts.

GPO 8.69 The MPR planning and review process should proceed from the general to the specific, and should occur in phases. As part of the application for a rezone of the County zoning map to Master Planned Resort zoning district, a proposed MPR must demonstrate that it is in accord with applicable Comprehensive Plan policies. For an existing MPR designated pursuant to a sub-area plan, a site-specific project must demonstrate that it is consistent with the adopted sub-area plan. The design, review and permitting of specific MPR phases will typically be spread out over a long period of time, and reviewed at each phase through final development plan review.

B. Master Planned

GPO 8.70 A MPR must be planned and designed by looking at the entire site or area and adjacent lands and communities.

GPO 8.71 A MPR should be designed in context with its surrounding environment, natural and man-made. A MPR should not adversely affect surrounding lands in any significant way.

GPO 8.72 A variety of urban residential densities should be included in a MPR site design, providing efficient, compact residential land use. Residential uses may include single-family detached lots and multi-family and attached residential structures. Clustering of residential units in a manner that preserves open space is strongly encouraged. Overall MPR density shall not exceed an average of one unit per acre. Non-urban residential densities are appropriate within a MPR if they promote and are linked to the on-site recreational features and value of the resort.

GPO 8.73 A MPR application should include a clear and detailed mapped description of how the development phases of the MPR fit together. Estimated timelines for site development, building construction and all necessary public and private capital facilities, utilities, and services should be provided.

C. Self-Contained

GPO 8.74 Except in areas designated for urban growth, new urban or suburban land uses shall be precluded by the County in the vicinity of a MPR.

GPO 8.75 A MPR should be physically and, for the most part, visually separated from the nearest developed area.

GPO 8.76 A substantial physical buffer should be included in a MPR’s internal site design, allowing adjacent lands to be separated from the MPR so that activities within the MPR create no significant increases in ambient noise, reductions in air quality, or visual alterations outside the MPR. To the extent possible, natural features such as water bodies, vegetation cover, slopes, or existing man-made features should be utilized as the MPR’s buffer. The actual width of a MPR’s buffer should be evaluated to
determine the appropriate separation from adjacent lands. The term “substantial physical buffer” is intended to mean more than one-hundred feet between a MPR’s perimeter and adjacent lands.

D. Natural Systems and Design

GPO 8.77 A MPR plan shall be consistent with all Development Regulations for critical areas.

GPO 8.78 A MPR should maintain and enhance the physical environment. Planning for a MPR should be based on natural systems, constraints, and opportunities. Design characteristics should consider the overall context of the MPR, maintaining a common character throughout the project, which blends with natural features on-site. The objective of a MPR is to minimize alterations to natural systems, unless it can be demonstrated that any such alteration will enhance critical environmental features.

GPO 8.79 An application for a MPR, a sub-area plan for an existing resort, should include site plans depicting the locations and describing the attributes of all on-site and surrounding natural features, critical plant and animal habitats, and potentially hazardous areas. The plan should propose opportunities to integrate the site’s natural amenities with the proposed built amenities.

GPO 8.80 Historic and archeological features are to be preserved. Serious consideration should be given to whether such features could be appropriately integrated into a MPR’s proposed features as valuable attributes.

GPO 8.81 A design theme for a MPR may be appropriate but is not required. However, multiple discordant themes should be avoided.

E. Recreational Opportunities and Facilities

GPO 8.82 Natural and man-made recreational facilities and opportunities shall be the central focus of a MPR.

GPO 8.83 Recreational facilities must be included with initial development phases of a MPR.

GPO 8.84 Recreational facilities and visitor accommodations should be phased along with other types of development within a MPR. Recreational facilities and visitor accommodations included in initial phases of a MPR can be built over time, provided their construction is guaranteed through covenants or other legal provisions that satisfy policy requirements without imposing unreasonable up-front costs to the developer.

GPO 8.85 Off-site recreational areas and facilities, such as designated national and State parks and recreation areas, lakes, and rivers, shall not be the major recreational focus of a MPR. A MPR must include significant recreational areas and facilities on-site so that the use of off-site recreational areas and facilities by resort visitors and associated impacts are minimized. Off-site impacts, which may occur, may be mitigated, for example, by making some recreational areas and facilities in a MPR available for public use, or through other means proposed by the developer.
F. Visitor Accommodations and Housing

GPO 8.86 A MPR must have a primary focus on short-term visitor accommodations, including vacation and second homes. Other residential uses may be permitted within a MPR if such uses are integrated into and support the on-site recreational nature of the resort.

GPO 8.87 Short-term visitor accommodations should constitute more than fifty percent (50%) of all resort accommodation units.

GPO 8.88 Short-term visitor accommodations, such as hotel rooms, should be included with the first and initial phases of a MPR development.

GPO 8.89 An adequate supply of affordable employee housing within a MPR, or within a reasonable distance of a MPR, should be demonstrated. If this supply cannot be demonstrated, steps should be taken to mitigate the lack of affordable housing supply, so that an unreasonable burden is not placed on the affordable housing markets of surrounding communities. A MPR’s ability to hire local residents should be taken into account in determining whether an “adequate supply” of affordable housing is available.

G. Retail and Commercial Services

GPO 8.90 Retail and commercial services should be designed to serve only the users of the MPR, and should be limited in scope and location to serve only as ancillary uses within the MPR. An existing resort located adjacent to an interstate highway may include retail and commercial services to serve the traveling public, provided that such services are planned for in the adopted sub-area plan.

GPO 8.91 Retail and commercial services offered on-site by a MPR should not duplicate the full range of commercial services available in adjacent communities. Retail and commercial services offered on-site by a MPR should be designed to discourage use from outside the MPR by locating such services well within the MPR site rather than on its perimeter.

GPO 8.92 A full-range of commercial services should only be provided within the urban growth areas of the surrounding region.

H. Capital Facilities, Utilities and Services

GPO 8.93 Adequate security, fire suppression and first aid facilities and services should be provided on-site, taking into account the emergency facilities and levels of service available from the County sheriff and local fire and emergency medical districts.

GPO 8.94 MPR community sewer, water and stormwater facilities (including associated treatment facilities) may will be provided on-site and should be limited to meeting the needs of the MPR.

GPO 8.95 Public facilities, utilities, and services from existing service providers can will be provided to the MPR so long as all costs associated with such extensions, capacity increases, and services are borne by the MPR. Such public facilities, utilities, and service providers may include the County, the cities and towns within the County, water and sewer districts, and owners of water systems.
Basis for revision to GPO 8.94 and 8.95: The change in the GPOs provides directive language necessary to deliver protection of rural character within Master Planned Resorts.

GPO 8.96 A MPR and existing service providers may enter into agreements for shared capital facilities and utilities, provided that such facilities and utilities serve only the MPR and existing service or urban growth areas.

GPO 8.97 MPR facilities, utilities, and services should be designed to accommodate only the projected needs of the resort users. Because a resort is fully occupied only occasionally, MPR facilities and utilities need not be designed to meet peak user occupancy demands, and should rely in part on storage and other appropriate mechanisms and technology to meet peak demands.

GPO 8.98 Construction of a MPR and all necessary on-site and off-site capital facilities and utilities infrastructure must be concurrent, but may be provided in phases to meet the needs of development phases as constructed and utilized.

GPO 8.99 Impacts to public services should be fully reviewed and fair and proportionate mitigation provided by the MPR.

GPO 8.100 All school district facility and service impacts should be mitigated by the MPR on a fair and proportionate basis. Review and mitigation of impacts on affected school districts may take into consideration the relatively low student population typically generated by a MPR.

GPO 8.101 County road standards should be followed for on-site and off-site roadways and access points; provided, however that some flexibility with respect to on-site road design standards may be appropriate if the MPR’s natural features and critical areas are to be maintained. Administrative variance procedures should be utilized for this purpose.

GPO 8.102 At all times, MPR road standards must meet the minimum safety standards adopted by the County Fire Marshal.

GPO 8.103 On-site roadway and access costs should be fully borne by the MPR, and off-site road impacts should be mitigated by the MPR in proportion to its demonstrated impacts, including secondary impacts.

GPO 8.104 Traffic impacts of the MPR, on-site and between the MPR and nearby areas of interest, may be mitigated by appropriate measures, e.g., transit/shuttle services, pedestrian and bicycle trails, etc.

GPO 8.105 All external road connection points with the MPR should be determined through review agreements with affected agencies and local governments in the region.
8.2.4.5. Limited Areas of More Intensive Rural Development (LAMIRD)

Purpose

- To establish areas of community pattern that permits community activities without having to incorporate
- To provide opportunity for residential infill which permits variety of housing and yet maintains rural character
- To provide for rural community settings which do not require urban level services
- To maintain existing rural development patterns that have existed for long periods

Many counties, including Kittitas County, contain historical rural settlements that pre-date the Growth Management Act (GMA) and that are characterized by higher density development and economic activity than the surrounding rural area. These areas may provide rural community identity, residential neighborhoods and goods and services, or provide rural employment opportunities. These are areas designated “Limited Area of More Intensive Rural Development” LAMIRD designation and is an optional tool provided by the GMA that is intended to recognize these pre-existing development patterns; provide for limited infill, development or redevelopment; and allow for necessary public services to serve the LAMIRD.

To be consistent with the requirements of the GMA, designated LAMIRDS must have clearly identifiable and logical outer boundaries delineated predominately by the built environment and/or physical boundaries, such as bodies of water, streets and highways, and land forms and contours. Although new development and redevelopment is allowed, development cannot extend beyond the established boundary and contribute to a new pattern of low density sprawl. Public facilities and services provided to LAMIRDS must not permit low density sprawl.

Rural lands designated “Limited Area of More Intensive Rural Development” (LAMIRD) has been assigned to Snoqualmie Pass, Easton, Ronald, Thorp, and Vantage. Other un-incorporated communities presumably designated as rural areas include: Liberty, Thrall, Lauderdale, Sunlight Waters, Fairview, Denmark, Badger Pocket, Elk Heights, Teanaway, Reecer Creek, and Sky Meadows, as well as others.

Based on the LAMIRD types established in RCW 36.70A.070(5), Kittitas County establishes three categories of LAMIRD designations. These are:

Rural Activity Center – Rural development consisting of infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

Rural Recreational Center – Intensification of development on lots containing, or new development of, small-scale recreational or tourist uses that rely on a rural location and setting, but do not include new residential development.
Rural Employment Center – Intensification of development on lots containing isolated nonresidential uses or new development of isolated small-scale businesses that are not principally designed to serve the rural area, but do provide job opportunities for rural residents.

The following goals, policies and objectives provide guidance for designation and development within LAMIRDS generally, as well as more specific guidance for each type of LAMIRD.

GPO 8.106 Allow for designation of LAMIRDS in the rural area, consistent with the requirements of the GMA.

GPO 8.107 Consider the following factors in designating a LAMIRD and establishing boundaries:

a) Existing development pattern, potential for redevelopment and infill, and for Type 1 LAMIRDS the ability to establish a logical outer boundary;

b) Rural character of the potential LAMIRD and surrounding area;

c) Existing and potential mix of uses, densities and intensities and potential impacts to the surrounding area;

d) Presence/location of infrastructure and other “man-made” facilities;

e) Distance from other LAMIRD, UGA, designated resource land or other special land use designation. If in close proximity, consider the potential for sprawl, and/or land use conflicts;

f) Feasibility, cost and need for public services;

g) Significant natural constraints or features to be preserved; and

h) Public input and comment.

GPO 8.108 Once boundaries are established, geographic expansion is not permitted unless needed based on one or more of the following criteria:

a) to correct for mapping errors, or

b) to correct for other informational errors, or

c) when otherwise consistent with the requirements of GMA.

GPO 8.109 Allow inclusion of undeveloped land in LAMIRDS for limited infill, development or redevelopment when consistent with rural provisions of the Growth Management Act.

GPO 8.110 Require that development or redevelopment harmonize with the rural character of the surrounding areas.

GPO 8.111 Recognize that public services, including police and fire protection, emergency medical response, roads and general utilities, will continue to be provided at a rural level of service. Public services and facilities should not be provided in a manner that allows low-density sprawl.

*Basis for GPO Revision. The revised policy provides directive language necessary to measure the impact of any proposal for improvement in public services within a LAMIRD. Striking the particular*
services expands the meaning of public services that may not be included, yet allows for the services
that are determined necessary for the rural function of the LAMIRD.

GPO 8.112 Development densities, intensities or uses that require urban level of services should not be
allowed.

GPO 8.113 Continue to protect the long-term viability of designated forest, mineral and agricultural
resource lands. The LAMIRD designation will not be applied to designated resource lands. Development
within the LAMIRD designation and adjacent to designated resource lands will minimize potential
conflicts and not lead to potential conversion of farm and forest land to non-resource uses.

GPO 8.114 Strip commercial development along State and County roads should not be permitted in
any LAMIRD.

Basis for GPO Revision. The revised policy provides directive language necessary to prevent types of
development uncommon to the intent of the LAMIRD.

GPO 8.115 Designation and development standards in Type 1, Rural Activity Centers:

a) For the purpose of establishing the outer boundary, existing development is considered to be any
commercial, industrial, residential or mixed-used development in existence on July 1, 1990.

b) The scale and type of new development and redevelopment should be primarily to serve local
residents and secondarily to support the traveling public.

GPO 8.116 Designation and development standards in Type 2, Rural Recreation Centers:

a) Intensification of development or new development of small scale recreational or
tourist uses that rely on a rural setting is permitted;

b) Proposed uses may serve the surrounding rural population and the traveling
public;

c) The location of the facility may not adversely impact natural resource production
in the surrounding vicinity;

d) The proposed use shall be consistent with the surrounding rural character,
.avoids impact adjoining rural uses, and does not lead to low-density sprawl; and

e) New residential development is not permitted.

GPO 8.116A Since no Type 2 LAMIRDs exist within Kittitas County as of January, 2014, any Type 2
LAMIRD approved with the County will meet standards outline in GPO.116, and will have
accompanying Type 2 LAMIRD land use tables outlining activities allowed within the LAMIRD.

GPO 8.117 Designation and development standards in Type 3, Rural Employment Centers:

a) Intensification of development on lots containing isolated nonresidential uses or new
development of isolated small scale businesses is permitted;
b) Businesses should provide job opportunities for rural residents, but do not need to be principally designed to serve local residents;

c) Small scale employment uses should generally will be appropriate in a rural community, such as (but not limited to) independent contracting services, incubator facilities, home-based industries, and services which support agriculture; and

d) Development should will conform to the rural character of the surrounding area.

*Basis for GPO Revision.* The revised policy provides directive language necessary to prevent types of development uncommon to the intent of the LAMIRD. No Type 2 LAMIRDs exist within the County, and therefore, GPO 8.116 is not relevant to the County at this time, but can be used if LAMIRDs are re-designated in the future.
8.3. Resource Lands

Kittitas County has utilized the standards set forth in RCW 36.70A.170 to designate resource lands, which may not currently be characterized by urban growth and must have long term commercial significance. In using these criteria, Kittitas County relied on the definitions found in RCW 36.70A.030 relative to resource lands, and to designates these lands into three categories: lands of commercial agriculture, lands of commercial forest and mineral resource lands.

A large portion of Kittitas County contains forested lands. Of these lands, 731,348 acres have been designated as forestlands of long-term commercial significance and are designated “Commercial Forest” lands within the Plan. Furthermore, 357,527 acres of the valley floor’s agricultural land has been designated as “Commercial Agriculture” since it is agricultural land of long-term commercial significance. “Mineral” resource lands of long-term commercial significance have also been designated.

8.3.1. Planning of Resource Lands

As provided in the GMA, a primary purpose of this Rural and Resource Lands chapter is to implement a combination of techniques to preserve resource lands. In addition to the traditional large-lot zoning categories that limit the density of development and restrict or prohibit inappropriate uses of resource lands, Kittitas County is committed to implementing innovative land use management techniques in resource lands as permitted by the Growth Management Act including, but not limited to, transfer development and conservation platting.

Such innovative techniques that allow development on one portion of land while leaving the remainder in resource or open space use will be carefully created in regulations to preserve and protect resource lands. Such innovative development activity will be properly managed and designed to assure conservation of resource lands and to encourage the continuation of the predominant agricultural and resource based economy of Kittitas County.

Table 8.3-1 below identifies the Resource Land Use designations within the Kittitas County and corresponding zoning classifications. The Table also displays the estimated acreages of each designation and classification determined by the Geographic Information System (GIS) of the County. The land use designations are limited in number to reflect the functions within the resource lands of the County.

Three Resource land use designations have been identified for the Plan. Commercial Agriculture lands are those that have been identified as lands with soils and location characteristics that suggest that they will be used for commercial agriculture use in perpetuity and are considered a resource to the economy. Commercial Forest lands are those that have been identified as areas where logging has been the main source of activity in the past and where such lands can or will be preserved for that resource and activities associated with forests. Mineral lands that have long-term significance for extraction of minerals allow for the extraction of mineral resources, and occur in various zones.
Table 8.3-1 Resource Lands Designations, Corresponding Zoning Classifications and Acreages

<table>
<thead>
<tr>
<th>Type of Land Use</th>
<th>Resource Land Use Designations</th>
<th>Acres¹</th>
<th>Resource Zoning Classification</th>
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<td>5,745</td>
<td>Zoning Classification Varies²</td>
<td>5,745</td>
</tr>
</tbody>
</table>

¹Acreages are approximate.
²Mineral lands include lands zoned Commercial Agriculture, Commercial Forest, Agriculture 20, or Forest & Range.

Following are goals and policies for all Resource lands in Kittitas County.

GPO 8.118 Conserve important natural resource lands with the implementation of a Transfer of Development Rights program, a market-based tool in which land owners volunteer to sell the right to develop their land to areas where greater density is more appropriate, permanently conserving specified natural resource lands.

GPO 8.119 Development standards for lot size and configuration, fire protection, water supply and structure location will be adopted for land use activity within or adjacent to resource lands.

GPO 8.120 Kittitas County will continue to research innovative incentive-based ordinances that encourage and preserve resource land activity.

GPO 8.121 Open ranges are a resource land which will not be subject to encumbrance by residential activity.

GPO 8.122 Research tax incentives that encourage the establishment and continuance of resource land protection and preservation.

GPO 8.123 Where proposed development is determined incompatible with natural resource activities, all mitigation measures to make the development compatible with the activities shall be completed at expense of the developer.

8.3.2. Commercial Agriculture Land Use

The purpose and intent of this designation is to comply with the requirements of the GMA to guide adoption of regulations which assure that use of lands adjacent to agricultural lands of long term significance will not interfere with continued use of that land for agricultural purposes [RCW 36.70A.060]. In classifying and conserving the agriculture resource lands in Kittitas County, it has considered the minimum guidelines found in WAC 365-190 including:

- Lands not characterized by urban growth;
- Lands capable of being used for agricultural production based primarily on physical and geographic characteristics;
Lands having long-term significance for agriculture which takes into account, among other things, the proximity to urban growth areas, public facilities and services, intensity of nearby uses and other things which might contribute to potential revision of use based upon marketing factors.

It is the County’s intent to meet these agricultural resource requirements by establishing a “Commercial Agricultural” designation. Based on the review criteria established by Kittitas County, land located in the Commercial Agricultural Zone has been formally designated as “Agricultural Lands of Long-term Commercial Significance.”

Comprehensive Plan Goals Regarding Designation of Agricultural Lands of Long-Term Commercial Significance

For purposes of designating Agricultural Lands of Long-Term Commercial Significance, and in considering any request for de-designation of such lands, Kittitas County has identified the following criteria:

**Designation and De-designation of Agricultural Lands of Long-Term Commercial Significance.**

The purpose of this section is to identify the goals and policies in Kittitas County necessary to implement Goal 8 (RCW 36.70A.020(8)) of the GMA concerning Agricultural Lands of Long-Term Commercial Significance.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agriculture, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

All decisions dealing with the designation or de-designation of Agricultural Lands of Long-Term Commercial Significance shall be in support of that goal.

1. Definitions.

The County adopts and shall utilize the following definitions and considerations:

“Agricultural land” means 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 subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.¹

“Long-term commercial significance” includes 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.

In determining “the combined effects of proximity to population areas and the possibility of more intense uses of the land” upon agricultural lands, the County shall consider: (a) the availability of public facilities; (b) tax status; (c) the availability of public services; (d) relationship or proximity to urban

¹RCW 84.33.100 through 84.33.118 were repealed or decodified by 2001 c 249 §§ 15 and 16. RCW 84.33.120 was repealed by 2001 c 249 § 16 and by 2003 c 170 § 7.
growth areas; (e) predominant parcel size; (f) land use settlement patterns and their compatibility with agricultural practices; (g) intensity of nearby land uses; (h) history of land development permits issued nearby; (i) land values under alternative uses; and (j) proximity of markets.

2. Designation Criteria.

In order to be designated Agricultural Lands of Long-Term Commercial Significance in Kittitas County, the land must: (1) not be characterized by urban growth; (2) be primarily devoted to agriculture, and (3) have long-term significance for agriculture.

Land shall be designated Agricultural Lands of Long-Term Commercial Significance (referred to as Commercial Agricultural Lands in the Kittitas County Code) in accordance with the designation criteria and considerations set forth herein.

A. Land Grade Consideration. Agricultural Lands of Long-Term Commercial Significance shall be prime and unique farmland soils as mapped by the United States Department of Agriculture Natural Resources Conservation Service and considered capable of agricultural use according to land capability criteria in Agriculture Handbook No. 210 or successor guide adopted by the federal agency.

B. Other consideration. In determining whether land should be designated as Agricultural Land of Long-Term Commercial Significance, the County may also consider the needs and nature of the agricultural industry.

C. Designation. Upon a determination that a tract qualifies as Agricultural Lands of Long-Term Commercial Significance (referred to as Commercial Agricultural Lands in the Kittitas County Code) under the definitions and considerations noted above, such lands shall be so mapped in the Comprehensive Land Use Plan map of Kittitas County and shall be zoned Commercial Agricultural lands under Kittitas County zoning code, section KCC 17.31. The County's Commercial Agricultural zoning code, KCC 17.31, shall control uses, maintenance and enhancement of the agricultural industry and conserve productive agricultural lands consistent with the needs and best practices of the industry. Lands presently mapped as “commercial agriculture” shall retain that designation unless a specific de-designation request is filed by the owner for a review under the guidelines of this Ordinance.

3. De-designation criteria.

A. Definitions. De-designation is a change of land classification from Agricultural Lands of Long-Term Commercial Significance to another GMA classification.

B. De-designation Criteria. The considerations and criteria for de-designation are the same as the considerations and criteria for designation identified in sections 1 and 2 above. De-designation requests may be initiated by the County or by individuals based on a request to consider (1) a mistake in the original designation or (2) that factors leading to the original designation have changed, rendering the site inappropriate for long-term commercially significant agricultural land designation.
C. A de-designation request shall provide a legal description of the property subject to the request and map showing the agricultural land grades listed above for the property. The request shall specifically address each of the factors above deemed pertinent to the consideration of designation and de-designation.

4. Applications and Processing.
A. Applications for the designation of Agricultural Lands of Long-Term Commercial Significance shall be docketed with the planning department for annual consideration by the Kittitas County Planning Commissioners and Board of County Commissioners as a change to the County comprehensive plan and map in accordance with Chapter 15.B of the Kittitas County Code. Applications for de-designations of Agricultural Lands of Long-Term Commercial Significance must be accompanied, and processed along with, a specific development application.

B. In determining a request to designate or de-designate Agricultural Land of Long-Term Commercial Significance, the County may consider the needs and nature of the agriculture industry (Lewis County v. Western Washington Growth Management Hearings Bd., 157 Wn.2d 488, 139 P.3d 1096 (2006)).

C. In considering a request for de-designation, the County shall make the same considerations as in designating lands under the provisions of Section 2 above (City of Redmond v. Central Puget Sound Growth Management Hearings Board, 116 Wn. App. 48, 65 P.3d 337 (2003) (Benaroya II).

D. In addition to such considerations as may be undertaken by the County under these provisions, the County shall address in writing: (1) the factors that warrant the designation or de-designation, and (2) how the action meets the objectives of Goal 8 of GMA (RCW 36.70A.020(8)) to maintain and enhance a productive agriculture industry and to encourage the conservation of productive agricultural lands and to discourage incompatible uses when making a decision on designation or de-designation of Agricultural Lands of Long-Term Commercial Significance.

Following are goals, policies and objectives (GPOs) to protect and ensure continued employment of Commercial Agricultural land use.

GPO 8.124 Oppose laws and regulations, which restrict agriculture, and support laws and regulations, which enhance agriculture.

GPO 8.125 Develop a study area where the various Rural land use designations and the Commercial Agriculture designation interface occurs which may lead to the development of a Commercial Agriculture Transition Zone overlay. The study area should consider but not be limited to:

- Strategies that site land use activities within or adjacent to Commercial Agriculture lands that minimize conflicts with agricultural activities.
- Effectiveness of Transfer of Development Rights from Commercial Agriculture to Rural lands.
- Use of Cluster Development to minimize impacts.
- Use of open space to act as a "buffer" between Rural and Commercial Agriculture designations.

GPO 8.126 Continue and expand support for right-to-farm ordinances.
GPO 8.127 Kittitas County recognizes that new residents may not understand the rural living differences encountered in Kittitas County; therefore, the County supports the efforts of educational opportunities and agencies to educate on rural living and agricultural activities of long term significance.

GPO 8.128 Encourage non-farmers in agricultural areas to meet farm performance standards.

GPO 8.129 Encourage development projects whose outcome will be the significant conservation of farmlands.

GPO 8.130 Identify and designate agriculture transportation corridors that facilitate farm use.

GPO 8.131 Cooperate in sound voluntary farm conservation or preservation plans (i.e., be recipients and overseers for conservation easements and/or assist with transferable development rights programs).

GPO 8.132 Look into additional tax incentives to retain productive agricultural lands.

GPO 8.133 Value agricultural lands for tax purposes at their current agricultural land use.

GPO 8.134 Create a growth management agricultural advisory council comprised only of agriculture producers to review and make recommendations to the Board of County Commissioners on at least an annual basis over the coming 20 years on:

a. the status of agriculture in Kittitas County,

b. County agriculture policies and regulations,

c. local agriculture marketing and economic planning, and

d. review and make recommendations regarding zoning and development regulations.

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 8.135 Where appropriate, Kittitas County will exert its influence to help provide the delivery of water to all lands within the County.

GPO 8.136 Encourage all development to incorporate drought tolerant or native vegetation as a major component of their landscaping plan (i.e. xeriscaping)

GPO 8.137 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 and WAC 365.190.050 (6).

GPO 8.138 Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, shall contain a notice that states that: “The subject property is within or
near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject to legal action as public nuisances.” (RCW 7.48.305)

8.3.3. Commercial Forest Land Use
Commercial forestland, approximately 732,000 acres, claims approximately half of the Kittitas County land area. A checkerboard pattern of private, State, and federal land ownerships characterizes the County forests.

Traditionally forestlands in the County contributed regional economic value by providing employment and income from resource management, which includes: harvesting, fishing, hunting, mining, grazing and recreation. Even though revenue has diminished from forest products, it is also recognized that forestlands provide other public benefits and values such as: watersheds, wildlife and fish habitat. It is recognized that the designation “Commercial Forest Lands” has been used to encompass all forested lands that do provide a variety of public benefits including non-productive and high elevation lands within ownerships.

It is clear that the Legislature intended that counties planning under the GMA should consider land characteristics and economic factors when designating commercial forest lands. As stated by the Washington Supreme Court, “the GMA is not intended to trap anyone in economic failure.” Lewis County v. Western Washington Growth Management Hearings Board, 157 Wash.2d 488, 505 (2006).

For purposes of designating Forest Lands of Long-Term Commercial Significance, and in considering any request for de-designation of such lands, Kittitas County has identified the following criteria.

Designation and De-designation of Forest Lands of Long-Term Commercial Significance
The purpose of this section is to identify the goals and policies in Kittitas County necessary to implement Goal 8 of the GMA concerning Forest Lands of Long-Term Commercial Significance:

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

All decisions dealing with the designation or de-designation of forest resource lands shall be in support of that goal.

1. Definitions.
The County adopts and shall utilize the following definitions and considerations:

A. “Forest land” means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including
Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance.\(^2\)

B. "Long-term commercial significance" includes 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.

C. In determining whether forest land is "primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production," the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

2. Designation Criteria.

In order to be designated Forest Lands of Long-Term Commercial Significance in Kittitas County, the land must: (1) not be characterized by urban growth; (2) be primarily devoted to the growing of trees for long-term commercial timber production on land that can be economically and practically managed for such production, and (3) have long-term significance for the commercial production of timber.

Land shall be designated Forest Lands of Long-Term Commercial Significance (referred to as Commercial Forest Lands in the Kittitas County Code) in accordance with the designation criteria and considerations set forth herein.

A. Land Grade Consideration. In Kittitas County, the most common tree species are ponderosa pine and dry mixed conifer, including Douglas fir. Most of the forest lands in Kittitas County are composed of land grades 4 and 5 as mapped by the Department of Natural Resources. Forest Lands of Long-Term Commercial Significance shall include lands that have a predominance of land grades 3-6 (i.e., more than 60% of the site has requisite land grade) as defined in WAC 458-40-530.

B. Other Mandatory Factors. In the designation of Forest Lands of Long-Term Commercial Significance, the County shall also consider and address in writing the effects of proximity to population areas and the possibility of more intense uses of the subject land as indicated by:

(1) The availability of public services and facilities conducive to the conversion of forest land.

(2) The proximity of forest land to urban and suburban areas and rural settlements: Forest lands of long-term commercial significance are located outside the urban and suburban areas and rural settlements.

(3) The size of the parcels: Forest lands consist of predominantly large parcels.

(4) The compatibility and intensity of adjacent and nearby land use and settlement patterns with forest lands of long-term commercial significance.

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\(^2\)RCW 84.33.100 through 84.33.118 were repealed or decodified by 2001 c 249 §§ 15 and 16. RCW 84.33.120 was repealed by 2001 c 249 § 16 and by 2003 c 170 § 7.
(5) Property tax classification: Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW.

(6) Local economic conditions which affect the ability to manage timberlands for long-term commercial production.

(7) History of land development permits issued nearby.

WAC 365-190-060.

C. Other considerations. In determining whether land should be designated as Forest Land of Long-Term Commercial Significance, the County may also consider the needs and nature of the timber industry.

D. Designation. Upon a determination that a tract qualifies as Forest Lands of Long-Term Commercial Significance (denominated Commercial Forest Lands in the Kittitas County Code) under the definitions and considerations noted above, such lands shall be so mapped in the Comprehensive Land Use Plan map of Kittitas County and shall be zoned Commercial Forest lands under Kittitas County zoning code, section KCC 17.57. The County's Commercial Forest zoning code, KCC 17.57, shall control uses, maintenance and enhancement of the forest products industry and conserve productive forest lands consistent with the needs and best practices of the industry. Lands presently mapped as "commercial forest" shall retain that designation unless a specific de-designation request is filed by the owner for a review under the guidelines of this Ordinance.

   A. Definitions. De-designation is a change of land classification from Forest Lands of Long-Term Commercial Significance to another GMA classification.
   
   B. De-designation Criteria. The considerations and criteria for de-designation are the same as the considerations and criteria for designation identified in sections 1 and 2 above. De-designation requests may be initiated by the County or by individuals based on a request to consider (1) a mistake in the original designation or (2) that factors leading to the original designation have changed, rendering the site inappropriate for long-term commercially significant forest land designation.
   
   C. A de-designation request shall provide a legal description of the property subject to the request and map showing the forest land grades listed above for the property. The request shall specifically address each of the factors above deemed pertinent to the consideration of designation and de-designation.

4. Applications and Processing.
   A. Applications for the designation of Forest Lands of Long-Term Commercial Significance shall be docketed with the planning department for annual consideration by the Kittitas County Planning Commissioners and Board of County Commissioners as a change to the County comprehensive plan and map in accordance with Chapter 15.B of the Kittitas County Code. Applications for de-designations from Forest Lands of Long-Term Commercial Significance to another GMA designation may only be sought in conjunction with a specific development proposal.
B. In determining a request to designate or de-designate Forest Land of Long-Term Commercial Significance, the County may consider the needs and nature of the timber industry (Lewis County v. Western Washington Growth Management Hearings Bd., 157 Wn.2d 488, 139 P.3d 1096 (2006)).

C. In considering a request for de-designation, the County shall make the same considerations as in designating lands under the provisions of Section 2 above (City of Redmond v. Central Puget Sound Growth Management Hearings Board, 116 Wn. App. 48, 65 P.3d 337 (2003) (Benaroya II)).

D. In addition to such considerations as may be undertaken by the County under these provisions, the County shall address in writing: (1) all of the factors that warrant the designation or de-designation, and (2) how the action meets the objectives of Goal 8 of GMA (RCW 36.70A.020(8)) to maintain and enhance a productive timber industry, to encourage the conservation of productive forest lands and to discourage incompatible uses when making a decision on designation or de-designation of Forest Lands of Long-Term Commercial Significance.

Below are the goals, policies and objectives (GPO) for activities on Commercial Forest lands.

GPO 8.139 Classification and designation of Forest Lands of Long-Term Commercial Significance shall be made to maintain and enhance natural resource-based industries, including productive timber industries.

GPO 8.140 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 8.141 Any proposal for de-designation of commercial forest lands shall be subject to a cumulative impacts analysis, including the size and ownership of the commercial forestlands remaining in the County, the needs of the local forest products industry and impacts to those needs by the proposed de-designation, and the potential benefits that may result from the proposed de-designation including higher property taxes and economic stimulus.

GPO 8.142 To encourage incentives and alternatives to keep working forests viable by considering when feasible emerging markets such as carbon sequestration, Transfer of Development Rights, Bio-fuel and bio-energy production that offset the loss of the traditional log and special forest product markets.

GPO 8.143 Resource activities performed in accordance with County, State and federal laws should not be subject to legal actions as public nuisances.

GPO 8.144 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 8.145 Kittitas County will support local forest landowners seeking regulatory relief in order to help them remain economically viable.

GPO 8.146 Land use activities within or adjacent to commercial forest land will be sited and designed to minimize conflicts with forest management and other activities on commercial forestlands.
GPO 8.147 Kittitas County will encourage rural developments in the Wildland Urban Interface (WUI) and the owners of adjacent commercial forest lands to develop Community Wildfire Protection Plans (CWPPs).

GPO 8.148 When appropriate, encourage cluster developments on adjacent non-commercial forestlands so that open space buffers adjacent forestland from development.

GPO 8.149 Kittitas County will advocate active management of Federal and State forest lands to create and maintain healthy, fire-safe forests.

GPO 8.150 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; and
b. working with forest managers to identify and develop other incentives for continued forestry; and
c. encouraging and supporting a local and regional infrastructure of manufacturing facilities that use wood products within an economically viable 100 mile circle.

GPO 8.151 Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as Commercial Forest lands contain a notice that states that: “The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject or legal action as public nuisances.”

8.3.4. Commercial Mineral Resource Lands

The Growth Management title of the Revised Code of Washington 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”(RCW 36.70A.170). The Act defines minerals as sand, gravel and valuable metallic substances, and states that each County shall adopt development regulations to assure the conservation of mineral resource lands (RCW 36.70A.060).

In classifying mineral resource lands, Kittitas County shall identify and classify aggregate and mineral resource lands from which the extraction of minerals occurs or can be anticipated. Areas for sand, gravel and other metallic substances of long-term commercial significance shall be identified by the County. Proposed land uses within these areas designated as mineral resource lands may require special consideration to ensure future supply of aggregate and mineral resource material will be available.

Classification of mineral lands shall be based on geographic, environmental, and economic factors, existing land uses and land ownership. Kittitas County shall also consider the combined effects of proximity to population areas and the possibility of more intense uses of the lands as indicated by:

a. General land use patterns in the area;
b. The availability of utilities or public services;

c. Relationship or proximity to urban growth area(s), which shall include areas of where historic growth has occurred

d. Predominant surrounding parcel size, subdivision or zoning for urban or small lots, or land settlement patterns and their compatibility with mineral lands of long-term significance;

e. Intensity of nearby land uses;

f. History of land development, or permits issued nearby;

g. Land values under alternative uses;

h. Location of public roads, access or proximity to the point of use or markets;

i. Availability and adequate water supplies;

j. Physical and topographical characteristics of the mineral resource site;

k. Depth of the resource;

l. Depth of the overburden;

m. Physical properties of the resource including quality and type;

n. Life of the resource;

o. Resource availability in the region;

p. Long-term economic conditions which affect the ability to manage and/or maintain commercially viable mineral lands of long-term commercial significance, which should include consideration of the following market factors:

   i. The location of manufacturing or processing facilities,

   ii. Equipment and transport costs,

   iii. Site productivity and production costs,

   iv. Taxes and administrative costs,

De-designation

Kittitas County, hereby adopts the following provision with respect to de-designation of mineral resource land:

1. Change in circumstances pertaining to the comprehensive plan or public policy;

2. A change in circumstances beyond the control of the landowner pertaining to the subject property;

3. An error in designation; or

4. New information on natural resources land or critical area status.

In considering any one of these elements, the criteria for designation should additionally be considered.
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 8.152 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.

GPO 8.153 New uses, such as residential and commercial uses, conflicting with existing commercial mining activities in designated mineral resource areas shall be required to locate away from such mining activities.

GPO 8.154 Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as mineral resource lands, shall contain a notice that states that: “The subject property is within or near designated mineral resource lands on which a variety of commercial activities and mineral operations may occur that are not compatible with residential development for certain periods of limited duration. Commercial natural resource activities and/or mineral operations performed in accordance with County, State and federal laws are not subject or legal action as public nuisances.”

GPO 8.155 The impact of potential residential/commercial development upon Mineral Resource Lands of Long-term Significance shall be considered when determining the compatibility of the proposed development within the Rural area.
Exhibit B

Amendments to Chapter 17.15.050 and 17.15.060, Kittitas County Code Providing Appropriate Uses for Rural Areas
GMA Compliance 2014

Description: BOCC Approved Amended Definition KCC 17.08.033 Agriculture Production, KCC 17.050 Allowed Uses in Resource Lands, KCC 17.15.060 Allowed Uses in Rural Non-LAMIRD Lands, KCC 17.15.080 Allowed Uses in Urban Lands and KCC 17.56 Forest and Range Zone

Chapter 17.08
DEFINITIONS*

17.08.033 Agriculture production
"Agriculture production" means raising of crops, animals and other agricultural products. Definition includes dairy operations but excludes feedlots, which are defined separately. (Ord. 2013-001, 2013;)

Chapter 17.15
ALLOWED USES

17.15.050 Allowed Uses in Resource Lands.

17.15.050.1 Resource Use Table

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<thead>
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<tr>
<td>P</td>
<td>Commercial Agriculture</td>
</tr>
<tr>
<td>PA</td>
<td>P</td>
</tr>
<tr>
<td>CU</td>
<td>P</td>
</tr>
</tbody>
</table>

*See KCC Chapter 17.08 Definitions

A. Agriculture

- Animal boarding*  
- Agriculture processing*  
- Agriculture production*  
- Agriculture sales*, Produce stand  
- Agriculture sales*, Other

Dairy

- Dairy

Feedlot*

Grazing*

Nurseries

Riding academies

Small-scale event facility*

| May 15, 2014 | Exhibit B |
| GMA Compliance 2014: KCC 17.08.033, 17.15.050, 17.15.060, 17.15.080 and 17.56 | BOCC Approved Document | Page 1 of 31 |
### B. Civic Cultural Uses

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<tr>
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<td>Cemetery</td>
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</tr>
<tr>
<td>Clubhouses, fraternities and lodges*</td>
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<tr>
<td>Cultural and educational facilities</td>
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<td></td>
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<tr>
<td>Libraries</td>
<td></td>
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<tr>
<td>Meeting facilities</td>
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<tr>
<td>Museums and galleries</td>
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<tr>
<td>Religious institutions*</td>
<td>CU</td>
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</tr>
<tr>
<td>School, public or private*</td>
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### C. Commercial

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<td>Auction sales of non-agriculture products</td>
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<td>Bank</td>
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<td>Bed and breakfast*</td>
<td>AC</td>
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</tr>
<tr>
<td>Clinic*</td>
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<tr>
<td>Day care facilities*</td>
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<td>Funeral home/mortuary</td>
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<tr>
<td>Hospital*</td>
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<tr>
<td>Hospital, animal or veterinary*</td>
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<tr>
<td>Office*</td>
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<td>Restaurant</td>
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<tr>
<td>Retail sales,* general</td>
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<td>Retail sales,* lumber and building materials</td>
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<tr>
<td>Retail sales,* vehicles and equipment</td>
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<p>| Services                                              |                         |                   |</p>
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<td>Taverns</td>
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<td>Temporary sales office</td>
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<tr>
<td>Vehicle/equipment service and repair*</td>
<td>P 22</td>
<td>Commercial Forest</td>
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<tr>
<td>D. Industrial</td>
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<td>Airport*</td>
<td>P 20</td>
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<td>Asphalt/concrete plants</td>
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<td>Forest product processing* (portable)</td>
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<td>Forest product processing* (permanent)</td>
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<td>Freighting and trucking yard or terminal*</td>
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<td>Hazardous waste storage*</td>
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<td>Junkyard*</td>
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<td>Refuse disposal/recycle*</td>
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<td>Research laboratories</td>
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<td>Wastewater treatment</td>
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<td>Wholesale business</td>
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E. Recreation

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<tr>
<td>Golf course*</td>
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<td>Guest Ranch*</td>
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<td>Parks and playgrounds*</td>
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<td>Recreation, indoor*</td>
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<td>Recreation, outdoor*</td>
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<tr>
<td>Recreational vehicle storage</td>
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<td>Trails</td>
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<td>F. Residential</td>
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<tr>
<td>Accessory dwelling unit*</td>
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<td>Accessory living quarters*</td>
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17.15.050.2 Footnotes Associated with Resource Use Table.

1. Pursuant to KCC Chapter 17.61, Utilities.

2. Provided:

   a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of
      change of ownership, if it remains in farm labor-needed status;

   b. The shelters must conform with all applicable building and health regulations;

   c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;

   d. The shelters are owned and maintained by the owner or operator of an agricultural operation which
      clearly demonstrates the need for farm laborers;

   e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor
      shelters shall conform with all applicable buildings and health regulations.

3. Pursuant to KCC Chapter 17.66, Electric Vehicle Infrastructure.

4. Subject to the following requirements:

   a. ADUs shall be allowed as a permitted use within designated UGAs;

   b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;

   c. Only one ADU shall be allowed per lot;

   d. Owner of the property must reside in either the primary residence or the ADU;

   e. The ADU shall not exceed the square footage of the habitable area of the primary residence;

   f. All setback requirements for the zone in which the ADU is located shall apply;

   g. The ADU shall meet the applicable health department standards for potable water and sewage
      disposal;

   h. No mobile homes or recreational vehicles shall be allowed as an ADU;

   i. The ADU shall provide additional off-street parking;
j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.

k. An ADU must have adequate acreage to meet maximum density within the zone classification.

5. Subject to the following requirements:
   a. Accessory Living Quarters shall be located within an owner occupied primary residence;
   b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
   c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
   d. Only one (1) Accessory Living Quarters shall be allowed per lot;
   e. Accessory Living Quarters are to provide additional off-street parking;
   f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.

6. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.

7. Subject to the following requirements:
   The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
      a. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
      b. Placement is subject to obtaining a building permit for the manufactured home;
      c. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
      d. The Special Care Dwelling unit cannot be used as a rental unit;
      e. The Special Care Dwelling unit must be removed when the need for care ceases;
      f. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.

8. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares shall be limited to no more than six (6) individuals receiving care in a twenty-four (24) hour period.

9. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.

10. Pursuant to RCW70.128.140.

11. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.
12. Existing schools are permitted; new schools require a conditional use permit.

13. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.

14. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.

15. Washington State Natural Area Preserves and Natural Resource Conservation Areas are permitted outright.

16. When located not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.

17. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.

18. Limited to dispersed recreation and recreational facilities such as primitive campsites.


20. When used primarily in conjunction with agricultural activities.

21. For emergency and forest related management uses and practices only.

22. Limited to farm implement repair and maintenance.

23. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of shooting ranges a detailed site plan shall be required; the Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:

   a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.

   b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."

   c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."

   d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.

24. Limited to facilities that serve traditional rural or resource activities (such as granges).

25. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.

26. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.

27. Limited to seasonal, non-structural hay storage.


17.15.060

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Exhibit B
### 17.15.060.1 Allowed Uses in Rural Non-LAMIRD Lands

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* See KCC Chapter 17.08 Definitions

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### B. Civic Uses/Community Services

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Retail sales,* general
Retail sales,* lumber and building materials
Retail sales,* vehicles

Services

Shooting range*
Tavern
Temporary sales office
Vehicle/equipment service and repair*

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Asphalt/Concrete plants
Forest product processing* (portable)
Forest product processing* (permanent)
Freighting and trucking yard or terminal*
Hazardous waste storage*
Hazardous waste treatment*
Junkyard*
Manufacturing*

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Mini-Warehouse

Refuse disposal/recycle*

Research laboratories

Wastewater treatment

Warehousing and distribution

Wholesale business

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Exhibit B
H. Utilities and Public Facilities

| Electric vehicle infrastructure* | P 32 | P 32 | P 32 | P 32 | P 32 | P 32 | P 32 | P 26 |
| Public facilities* | CU | CU | CU | CU 32 | CU |
| Utilities | P 9 | P 9 | P 10 | P 2 | P 11 | P 2 | P 3 | P 9 |
| Watershed management activities* | PA | PA | PA | PA | PA | PA | PA | PA |

17.15.060.2 Footnotes Associated with Rural Non-LAMIRD Use Table.

1. Provided use is integrated into and supports the on-site recreational nature of the master planned resort and short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.

2. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.

3. Not permitted in the Agriculture Study Overlay Zone. Clubhouses, fraternities and lodges limited to facilities that serve traditional rural or resource activities (such as granges).

4. Provided:
   a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
   b. The shelters must conform with all applicable building and health regulations;
   c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
   d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
   e. Should the parent agricultural operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable buildings and health regulations.

5. No sign advertising a home occupation shall exceed sixteen (16) square feet in size. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In-home daycares with six (6) or fewer individuals receiving care in a twenty-four (24) hour period are permitted; in-home daycares with seven to twelve (7-12) individuals receiving care in a twenty-four (24) hour period require a Conditional Use Permit.

6. Provided short-term visitor accommodation units constitute greater than fifty percent (50%) of the total resort accommodation units.
7. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.

8. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.

9. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.

10. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.

11. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Limited to the capital facilities, utilities, and services necessary to maintain and operate the master planned resort.

12. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
   
   a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances;
   
   b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
   
   c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
   
   d. Adequate and convenient vehicular access, circulation and parking should be provided;
   
   e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).

13. Campgrounds and Recreational vehicle sites with power and water are permitted; campgrounds and recreational vehicle sites without power and water require a conditional use permit.

14. The following standards shall apply to the approval and construction of mini-warehouses:

   a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
   
   b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
   
   c. No commercial or manufacturing activities will be permitted within any building or storage unit;
   
   d. Lease documents shall spell out all conditions and restrictions of the use;
   
   e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area.

15. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

16. Limited to farm implement repair and maintenance.

17. Limited to offices directly related to tourism and recreation.
18. Retail sales are limited to groceries and sales directly related to tourism and recreation. Structural footprint containing all of these activities may not exceed 4,000 square feet.

19. Limited to composting facilities.

20. Limited to those services typically found on other destination resort properties and designed to serve the convenience needs of the users and employees of the master planned resort. Shall be designed to discourage use from non-resort users by locating such services well within the site rather than on its perimeter.

21. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.

22. When located not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.

23. Hay processing and small-scale processing of agricultural products produced on the premises are permitted without a conditional use permits.

24. Excluding swine and mink, provided a minimum of one (1) acre is available. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.

25. Existing schools are permitted; new schools require a conditional use permit. Not permitted in the Agriculture Study Overlay Zone.

26. Where the use is only serving a residential PUD and where all applicable standards are met. Electric Vehicle Infrastructure subject to provisions of KCC Chapter 17.66.

27. Subject to the following requirements:
   
   a. ADUs shall be allowed as a permitted use within designated UGAs;
   
   b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside UGAs;
   
   c. Only one ADU shall be allowed per lot;
   
   d. Owner of the property must reside in either the primary residence or the ADU;
   
   e. The ADU shall not exceed the square footage of the habitable area of the primary residence;
   
   f. All setback requirements for the zone in which the ADU is located shall apply;
   
   g. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
   
   h. No mobile homes or recreational vehicles shall be allowed as an ADU;
   
   i. The ADU shall provide additional off-street parking;
   
   j. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
   
   k. An ADU must have adequate acreage to meet maximum density within the zone classification.

28. Subject to the following requirements:
   
   a. Accessory Living Quarters shall be located within an owner-occupied primary residence;
b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;

c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;

d. Only one (1) Accessory Living Quarters shall be allowed per lot;

e. Accessory Living Quarters are to provide additional off-street parking;

f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.

29. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.

30. Subject to the following requirements:

a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;

b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;

c. Placement is subject to obtaining a building permit for the manufactured home;

d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;

e. The Special Care Dwelling unit cannot be used as a rental unit;

f. The Special Care Dwelling unit must be removed when the need for care ceases;

g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.

31. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:

a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.

b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."

c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."

d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.

32. Subject to the provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.
33. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.

34. When located in the Liberty Historic Overlay Zone, this use is subject to the provisions of KCC Chapter 17.59.

35. Limited to facilities that serve traditional rural or resource activities (such as granges). Allowed as a permitted use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.

36. Allowed only as a conditional use in the Liberty Historic Overlay Zone, subject to the provisions of KCC Chapter 17.59.

37. Prohibited in the Liberty Historic Overlay Zone. Temporary asphalt plants only.

38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. Mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.

39. Permitted when located within an established mining district; conditional use permit required when located outside established mining district.

40. Single family homes located in Twin Pines Trailer Park, Central Mobile Home Park, or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.

41. Pursuant to RCW 70.128.140.

42. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

43. Includes truck stop operations. Minor repair work permitted.

44. Limited to facilities that serve traditional rural or resource activities (such as granges).

45. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.

46. Existing facilities are permitted; new facilities require a conditional use permit. Limited to agricultural products. Excludes controlled atmosphere and cold storage warehouses.

47. Limited to seasonal, non-structural hay storage.

48. Services limited to resource based industries

49. All lots greater than one-half (1/2) acre will not have more than fifty percent (50%) of the lot covered by impervious surface.

17.15.080 Allowed Uses in Urban Lands

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*See KCC Chapter 17.08 Definitions

A. Agriculture

- Animal *boarding* CU
- Agriculture *processing P
- Agriculture *production P
- Agriculture *sales, Produce stand P
- Agriculture *sales, Other P

Dairy

- Feedlot* CU
- Grazing* P
- Nurseries CU
- Riding Academies CU

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Exhibit B
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*Schools, public or private*
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Exhibit B
| Guest ranch* | AC | AC | AC | AC |
| Parks and playgrounds* | P | P | P | P | P |
| Recreation, indoor* | CU | CU | CU | P | P | CU | P 25 |
| Recreation, outdoor* | AC | AC | AC | P 29 | P 29 | AC | P 25 |
| Recreation al vehicle park* | | | | | | | |
| Recreation al vehicle storage | | | | | | | |
| Stadiums | | | | | | | CU |

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| F. Residential | | | | | | | | | | | | | | |
| Accessory dwelling unit* | P 24 | P 24 | P 24 | P 24 | P 24 | P 25 | P 24 |
| Accessory living quarters* | P 36 | P 36 | P 36 | P 36 | P 36 | P 25 | P 36 |
| Adult family home* | P 41 | P 41 | P 41 | P 41 | P 41 | P 41 | P 41 | P 41 | P 41 | P 41 |
| Boarding house | CU 32 | CU 32 | CU 32 | | | | | | | | | | | | | |
Convalescent home

Dwelling, single-family*

Dwelling, two-family*
P P P P P 25 P P

Dwelling, multiple-family*

Farm labor shelter*

Group home*

Home occupation*

Manufactured home*
P P P P P P P P

Mobile home

Special care dwelling*
P 17 P 17 P 17 P 17 P 17 P 17

Temporary trailer

Residential Urban Residential Historic Trailer Cour

Agriculture 3 Rura 13 Rura 15 Limited Commercial General Commercial Highway Commercial Commercial Commercial

Light Industrial Industrial Industrial Industrial

Forest & Range

G. Resource

Forestry*
P P P P

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### Forest product sales*

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### Mining and excavation *

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### Rock crushing"*

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### H. Utilities and Public Facilities

- **Electric vehicle infrastructure*:**
  - P 10

- **Public facilities*:**
  - CU

- **Utilities:**
  - P 23
  - P 33

- **Watershed management activities*:**
  - PA

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17.15.080.2 Footnotes Associated with Urban Use Table.

1. Limited to the keeping of horses or cattle for personal enjoyment of the owner or occupant of the lot, provided that the lot contains one (1) acre or more.

2. Limited to products produced on the premises.

3. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.

4. Feed yards, livestock sales yards, and slaughterhouses require a conditional use permit.

5. Provided the lot contains one (1) acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.

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| GMA Compliance 2014: KCC 17.08.033, 17.15.050, 17.15.060, 17.15.080 and 17.56 |
| May 15, 2014 |

BOCC Approved Document Page 25 of 31 Exhibit B
6. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting Ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. In considering proposals for the location of Shooting Ranges a detailed site plan shall be required; the Board review of said site plan and the proposal as a whole shall include, but not be limited to the following criteria:

   a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
   
   b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
   
   c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
   
   d. Proposed shooting ranges in areas designated as agricultural land of long term commercial significance shall comply with RCW 36.70A.177(3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.

7. When located not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.

8. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations.

9. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.

10. Subject to provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.

11. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).

12. Provided the minimum lot size shall be fifteen thousand (15,000) square feet.

13. When the office activities are directly related to tourism and recreation.

14. Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.

15. Any open storage shall be enclosed by a sight-obscuring fence not less than six (6) feet and not more than seven (7) feet high.

16. Not to exceed two (2) years.

17. Subject to the following requirements:

   a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located.
   
   b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal.
   
   c. Placement is subject to obtaining a building permit for the manufactured home.
d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements.

e. The Special Care Dwelling unit cannot be used as a rental unit.

f. The Special Care Dwelling unit must be removed when the need for care ceases.

g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.

18. Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.


20. Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial zone unless a conditional use permit authorizing such use has been granted by the Board:

   a. All chemical manufacture, storage and/or packaging;
   b. Asphalt manufacture, mixing, or refining;
   c. Automobile dismantling, wrecking or junk yards;
   d. Blast furnaces or coke ovens;
   e. Cement, lime, gypsum or plaster of Paris manufacture;
   f. Drop forge industries;
   g. Explosives, storage or manufacture;
   h. Reduction or disposal of garbage, offal or similar refuse;
   i. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
   j. Rubber reclaiming;
   k. Feed yards, livestock sales yards or slaughterhouses;
   l. Smelting, reduction or refining of metallic ores;
   m. Tanneries;
   n. Wineries;
   o. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
   p. Waste (refuse) recycling and processing;
   q. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

In considering the issuance of conditional use permits for the foregoing listed uses, the Board shall:
r. Assure that the degree of compatibility enunciated as the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located;

s. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand (1,000) feet from any church, school, park, playground or occupied dwelling on the same lot or parcel as such use.

21. In considering proposals for location of such campgrounds, the Board shall consider at a minimum the following criteria:

a. Campgrounds should be located at sufficient distance from existing rural residential/residential development so as to avoid possible conflicts and disturbances.

b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.

c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.

d. Adequate and convenient vehicular access, circulation and parking should be provided.

e. Public health and safety of campers and those reasonably impacted by the campground (i.e. heath, water, sanitation)

22. The following standards shall apply to the approval and construction of mini-warehouses:

a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;

b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;

c. No commercial or manufacturing activities will be permitted within any building or storage unit;

d. Lease documents shall spell out all conditions and restrictions of the use;

e. Signs, other than on-site direction aids, shall number not more than two (2) and shall not exceed forty (40) square feet each in area;

23. Subject to all state and/or county health regulations and to regulations in this title, provided a minimum of one (1) acre is available. Excluding swine and mink.

24. Accessory Dwelling Unit (ADU) subject to the following requirements:

a. ADUs shall be allowed as a permitted use within designated UGAs.

b. ADUs shall be subject to obtaining an Administrative Use permit in areas outside of UGAs.

c. Only one (1) ADU shall be allowed per lot.

d. Owner of the property must reside in either the primary residence or the ADU.

e. The ADU shall not exceed the square footage of the habitable area of primary residence.
f. The ADU shall be designed to maintain the appearance of the primary residence.

g. All setback requirements for the zone in which the ADU is located shall apply.

h. The ADU shall meet the applicable health department standards for potable water and sewage disposal.

i. No mobile homes or recreational vehicles shall be allowed as an ADU.

j. The ADU shall provide additional off-street parking.

k. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.

l. An ADU must have adequate acreage to meet maximum density within the zone classification.

25. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.

26. Provided that:

a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;

b. The shelters must conform with all applicable building and health regulations;

c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;

d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;

e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed

27. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. Offices of a physician, dentist or other professional person when located in his or her dwelling as well as home occupations engaged in by individuals within their dwellings are allowed provided that no window display is made or any sign shown other than one (1) not exceeding two (2) square feet in area and bearing only the name and occupation of the occupant.

28. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. No sign advertising a home occupation shall exceed sixteen (16) square feet in size.

29. When used for temporary occupancy for a period not to exceed one (1) year related to permanent home construction or seasonal/temporary employment.

30. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.

31. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.

32. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.

33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
34. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.

35. Where the use is only serving a residential PUD and where all applicable standards are met.

36. Subject to the following requirements:
   a. Accessory Living Quarters shall be located within an owner occupied primary residence.
   b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence.
   c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal.
   d. Only one (1) Accessory Living Quarters shall be allowed per lot.
   e. Accessory Living Quarters are to provide additional off-street parking.
   f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists.

37. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.

38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.

39. Outdoor recreation activities that cause noise require a conditional use permit.

40. Pursuant to KCC Chapter 17.24, Historic Trailer Court Zones.

41. Pursuant to RCW 70.128.140.

42. Use shall not exceed 10,000 square feet and no more than eight (8) events shall occur within a calendar year.

43. Limited to seasonal, non-structural hay storage.


Chapter 17.56
FOREST AND RANGE ZONE*

Sections
17.56.010 Purpose and intent.
17.56.020 Allowed uses.
17.56.030 Repealed.
17.56.040 Lot - Minimum size.
17.56.050 Lot - Width.
17.56.060 Yard requirements.
17.56.062 Yard requirements - Adjacent to Liberty Historic Overlay Zone.
Yard requirements - Zones Adjacent to Commercial Forest Zone.

Yard Requirements - Adjacent to Liberty Historic Overlay Zone.

Properties bordering or adjacent to the Liberty Historic overlay zone are subject to a fifty (50) foot setback from the overlay boundary. For properties where such setback isn't feasible, development shall comply with KCC 17.84, Variances.
Exhibit B-1

Footnote Added to Allowed Use Matrices in Chapter 17.15 to Protect Water Resources
Exhibit B-1

To the language adopted through motion at a public hearing on April 7, 2014 regarding the production, processing and sale of marijuana and adopted through an enabling document for Ordinance 2014-004 to footnotes #28 and #29 in KCC 17.15.060 and footnotes #48 and #49 in KCC 17.15.070.

g. Obtain water from a water budget neutral source and prove such by providing 1) a letter from a purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the applicant's project; 2) an adequate water right for the proposed project; or 3) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.
Exhibit C

Amendments to Kittitas County Code
Chapter 17.15.070 for Allowed Uses within
Limited Areas of More Intense Rural Development
EXHIBIT C

GMA Compliance 2014
Description: BOCC Approved Amended Section 17.15.070 Allowed Uses in Rural LAMIRD Lands

Note to Reader: All allowed uses within Type 3 LAMIRDS, other than manufacturing, outdoor recreation, and natural resource processing will be limited to 30,000 square feet in area, and that impervious surfaces on lots greater than one acre in size are limited to one-third (1/3) of the lot.

17.15.070 Allowed Uses in Rural LAMIRD Lands

### 17.15.070.1 Rural LAMIRD Use Table

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17.15.070.2 Footnotes Associated with Rural LAMIRD Use Table.

1. Limited to the keeping of horses or cattle for personal enjoyment of the owner or occupant of the lot, provided that the lot contains one (1) acre or more.
2. Limited to products produced on the premises.
3. Hay processing and small-scale processing of agricultural products produced on the premises are permitted outright.
4. Feedlots, livestock sales yards and slaughterhouses require a conditional use permit.
5. Provided the lot contains one (1) acre or more. Agriculture production on smaller lots requires a conditional use permit. Raising of swine and mink prohibited.
6. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries. Single family and mobile homes located in Twin Pines Trailer Park, Central Mobile Home Park or Swiftwater shall be subject to the provisions of KCC Chapter 17.24, Historic Trailer Court Zone.
7. When located not less than forty-five (45) feet from the centerline of the public street or highway and selling goods produced on site.
8. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations.
9. No new cemeteries. Existing cemeteries may expand or enlarge in compliance with applicable standards and regulations.
10. Not permitted in the Agriculture Study Overlay Zone.
11. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas).
12. Provided the minimum lot size shall be fifteen thousand (15,000) square feet.
13. When the office activities are directly related to tourism and recreation.
14. Retail sales limited to groceries and sales of souvenirs, gifts, novelties, curios and handicraft products. Grocery stores may not exceed four thousand (4,000) square feet.
15. Any open storage shall be enclosed by a sight-obscuring fence not less than six (6) feet and not more than seven (7) feet high.
16. Not to exceed two (2) years.
17. Limited to farm implement repair and maintenance, but not to include automobiles, trucks or bikes.
18. Limited to service stations, provided there shall be no repairing, repainting, reconstruction or sale of motor vehicles from the premises.
20. Because of considerations of odor, dust, smoke, noise, fumes, vibration or hazard, the following uses shall not be permitted in the industrial zone unless a conditional use permit authorizing such use has been granted by the Board:
   a. All chemical manufacture, storage and/or packaging;
   b. Asphalt manufacture, mixing, or refining;
   c. Automobile dismantling, wrecking or junk yards;
   d. Blast furnaces or coke ovens;
   e. Cement, lime, gypsum or plaster of Paris manufacture;
   f. Drop forge industries;
   g. Explosives, storage or manufacture;
   h. Reduction or disposal of garbage, offal or similar refuse;
   i. Oil refining; alternative energy refinery (i.e. biofuels, ethanol)
   j. Rubber reclaiming;
   k. Feed yards, livestock sales yards or slaughterhouses;
   l. Smelting, reduction or refining of metallic ores;
   m. Tanneries;
   n. Wineries;
   o. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
   p. Waste (refuse) recycling and processing;
   q. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

In considering the issuance of conditional use permits for the foregoing listed uses, the Board shall:
   r. Assure that the degree of compatibility enunciated as the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located;
   s. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, fumes, vibration, odors, and hazards. Unless substantial proof is offered showing that such process and/or equipment has reduced the above factors so as to be negligible, use is located not less than one thousand (1,000) feet from any church, school, park, playground or occupied dwelling on the same lot or parcel as such use.
21. In considering proposals for location of campgrounds, the Board shall consider at a minimum the following criteria:
   a. Campgrounds should be located at sufficient distance from existing rural residential development so as to avoid possible conflicts and disturbances;
   b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow;
   c. Landscaping or appropriate screening should be required and maintained where necessary for buffering;
   d. Adequate and convenient vehicular access, circulation and parking should be provided;
   e. Public health and safety of campers and those reasonably impacted by the campground (i.e. health, water, sanitation).

22. The following standards shall apply to the approval and construction of mini-warehouses:
   a. A mini-warehouse proposal (application) must include plans for aesthetic improvements and/or sight screening;
   b. All buildings with storage units facing property boundaries shall have a minimum setback of thirty-five (35) feet;
   c. No commercial or manufacturing activities will be permitted within any building or storage unit;
   d. Lease documents shall spell out all conditions and restrictions of the use;
   e. Signs, other than on-site direction aids, shall number no more than two (2) and shall not exceed forty (40) square feet each in area; and
   f. In Type 3 LAMIRDS, the use shall be conducted wholly within an enclosed building.

23. Subject to provisions of KCC Chapter 17.66, Electric Vehicle Infrastructure.

24. Subject to the following requirements:
   a. ADUs shall be allowed as a permitted use within designated UGAs;
   b. ADU’s shall be subject to obtaining an Administrative Use permit in areas outside of UGAs;
   c. Only one (1) ADU shall be allowed per lot;
   d. Owner of the property must reside in either the primary residence or the ADU;
   e. The ADU shall not exceed the square footage of the habitable area of primary residence;
   f. The ADU shall be designed to maintain the appearance of the primary residence;
   g. All setback requirements for the zone in which the ADU is located shall apply;
   h. The ADU shall meet the applicable health department standards for potable water and sewage disposal;
   i. No mobile homes or recreational vehicles shall be allowed as an ADU;
   j. The ADU shall provide additional off-street parking;
   k. An ADU is not permitted on the same lot where a special care dwelling or an Accessory Living Quarters exists.
   l. An ADU must have adequate acreage to meet maximum density within the zone classification.

25. No new residence shall be permitted except that related to the business or enterprises allowed in this zone such as janitor or night watchman. Any such residence shall meet the requirements of the residential zone.

26. Provided that:
   a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of change of ownership, if it remains in farm labor-needed status;
   b. The shelters must conform with all applicable building and health regulations;
   c. The number of shelters shall not exceed four (4) per twenty (20) contiguous acres of land area;
   d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
   e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed.

27. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. Offices of a physician, dentist or other professional person when located in his or her dwelling as well as home occupations engaged in by individuals within their dwellings are allowed provided that no window display is made or any sign shown other than one (1) not exceeding two (2) square feet in area and bearing only the name and occupation of the occupant.

28. Home occupations with no outdoor activities or noise are permitted; home occupations with outdoor activities or noise are a conditional use. In Type 3 LAMIRDS, home occupations are allowed only in existing residences.

29. When used for temporary occupancy for a period not-to-exceed one (1) year related to permanent home construction or seasonal/temporary employment.

30. Noncommercial sand and gravel excavation is permitted for on-site use without a conditional use permit.
31. Permitted when located within an established mining district; requires conditional use permit outside an established mining district.
32. Public transportation deadhead stations permitted; passenger terminals are a Conditional Use.
33. Utilities are defined and regulated by KCC Chapter 17.61, Utilities.
34. Utilities are defined and regulated by KCC Chapter 17.61, Utilities. Not permitted in the Agriculture Study Overlay Zone.
35. Where the use is only serving a residential PUD and where all applicable standards are met. Electric Vehicle Infrastructure subject to KCC Chapter 17.66.
36. Subject to the following requirements:
   a. Accessory Living Quarters shall be located within an owner occupied primary residence;
   b. Accessory Living Quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence;
   c. The Accessory Living Quarters are subject to applicable health district standards for water and sewage disposal;
   d. Only one (1) Accessory Living Quarters shall be allowed per lot;
   e. Accessory Living Quarters are to provide additional off-street parking;
   f. Accessory Living Quarters are not allowed where an Accessory Dwelling Unit or Special Care Dwelling exists; and
   f..g. In Type 3 LAMIRDS, Accessory Living Quarters may only be allowed in an existing residence.
37. Maximum of four (4) boarders and two (2) bedrooms dedicated to the use.
38. As of September 1, 1998, mobile homes are no longer allowed to be transported and placed within Kittitas County. Those units presently located in Kittitas County that are to be relocated within Kittitas County must have a fire/life inspection approved by the Washington State Department of Labor and Industries.
39. Subject to the following requirements:
   a. The Special Care Dwelling must meet all setback requirements for the zone in which it is located;
   b. The Special Care Dwelling must meet all applicable health department requirements for potable water and sewage disposal;
   c. Placement is subject to obtaining a building permit for the manufactured home;
   d. Owner must record a notice to title prior to the issuance of building permit which indicates the restrictions and removal requirements;
   e. The Special Care Dwelling unit cannot be used as a rental unit;
   f. The Special Care Dwelling unit must be removed when the need for care ceases;
   g. A Special Care Dwelling is not permitted on the same lot where an Accessory Dwelling Unit or Accessory Living Quarter exists.
40. Structures and facilities associated with the operation of shooting ranges are permitted and subject to all associated Kittitas County building codes and regulations. Shooting ranges may be operated in conjunction with other permitted or conditional uses for the specified zone. Shooting Ranges are subject to periodic inspection and certification as deemed necessary by the Kittitas County Sheriff's Department. Shooting ranges in Type 1 LAMIRDS must be indoors. In considering proposals for the location of shooting ranges a detailed site plan shall be required; the Hearings Examiner's review of said site plan and the proposal as a whole shall include, but not be limited, to the following criteria:
   a. The general health, safety, and welfare of surrounding property owners, their livestock, their agricultural products, and their property.
   b. Adherence to the practices and recommendations of the "NRA Range Sourcebook."
   c. Adherence to the practices and recommendations of the "EPA Best Management Practices for Lead at Outdoor Shooting Ranges."
   d. Proposed shooting ranges in areas designated as agricultural land of long-term commercial significance shall comply with RCW 36.70A.177 (3) as currently existing or hereafter amended, and shall be limited to lands with poor soils or those unsuitable for agriculture.
41. Outdoor recreation activities that cause noise require a conditional use permit.
42. Pursuant to provisions of RCW 70.128.140.
43. Services limited to resource based industries, barbershops, beauty parlors, dry cleaning and laundry branch offices, self-service laundry and cleaning, shoe repair shops and physical culture and health services.
44. No new airports. Existing airports may expand or enlarge in compliance with applicable standards and regulations.
45. Temporary asphalt plants only.
46. Permitted when conducted wholly within an enclosed building (excluding off-street parking and loading areas), provided the use does not exceed four thousand (4,000) square feet.
47. All allowed uses identified on this use table are subject to compliance with WAC 365-196-425.6.c.i., RCW 36.07A.070(5)(d)(l).
48. All allowed uses identified on this use table are subject to compliance with WAC 365-196-425.6 c. iii RCW 36.70A.070(5)(d)(iii).

49. Allowed only in existing residences.

50. Any new Type 3 LAMIRD is required to be at least one-half mile from another Type 3 LAMIRD, and will permit only one business and/or businesses associated with the primary business in the new LAMIRD Type 3. Type 3 LAMIRDs existing as of 2014 are not limited to one business.

51. Permitted only within existing Type 3 LAMIRDs.

52. Wholesale activity will not exceed 4000 square feet in space.

53. Existing meeting facilities will be considered conforming uses.
Exhibit D

Maps of Amendments to Limited Areas of More Intense Development
Map 1
Snoqualmie North

From Rural Recreation to Highway Commercial

Legend
- Zoning Changes
  - Highway Commercial

ORD No. 2014-005
May 15, 2014
Zoning Change
Exhibit D
From R-5 to General Commercial
From R-3 to General Commercial
From R-5 to Residential
From R-3 to Residential
From R-5 to General Commercial
From General Commercial to Residential

Map 2 Easton
Zoning Changes

May 15, 2014
ORD No. 2014-005
From Ag-20 to Ag-3

From Ag-20 (ROW) to General Commercial

From Ag-20 (ROW) to Highway Commercial

Back to Limited Commercial

Back to Ag 20

Map 3 Thorp

Zoning Changes

May 15, 2014

Zoning Change

ORD No. 2014-005

Exhibit D
Exhibit E

Amendments to Kittitas County Comprehensive Plan, Chapter 2 and Kittitas County Code Chapter 13.35
To Protect Water Quality and Quantity in Kittitas County
Proposed Amendment to Chapter 2, Comprehensive Plan Regarding Water Rights

2.2.3 Private Property and Water Rights

Kittitas County recognizes private property rights and as such includes reference to Ordinance No. 96-09, an ordinance enabling a private property taking impact analysis within Kittitas County. In addition, Kittitas County recognizes the importance of agriculture and has addressed appropriate protection mechanisms through those policies contained in Kittitas County Code Section 17.74, Right to Farm for the Protection of Agricultural Activities.

GPO 2.25A Kittitas County will administer this Chapter in accordance with the United States and State of Washington constitutional provisions for the protection of private property rights and provision of due process. As set forth in WAC 365-195-720 [Procedural Criteria], the county in administering this ordinance, “should refer to all sources at all levels of government, including federal and state constitutions, federal and state statutes, and judicial interpretations thereof.”

GPO 2.25B Should any provisions of this ordinance be in violation of constitutional requirements or of recent court decisions, the Planning Director will advise the Board of the provisions in violation, and whether the violation is a requirement of the State of Washington or a regulation or policy of the county. If the violation is a requirement of the state, the Washington State Attorney General’s Office will be advised. If the violation is a county requirement, the Board of County Commissioners will schedule a public meeting to consider removing or amending such section or policy.

GPO 2.25C Kittitas County will place a high priority in the Kittitas County Comprehensive Plan on the following state goal:

RCW 36.70A.020(6) Property Rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

Water Rights

Water rights are property rights held by individual citizens, irrigation entities, municipalities, public and private utilities and governments including Indian tribes and nations. Water rights are recognized by state law RCW 90.023.010 Surface Waters and RCW 90.44.035 Ground Waters. Surface water rights within Kittitas County are being adjudicated in Yakima Superior Court in the action commonly known as Acquavella.

Kittitas County does, under its authority from the Growth Management Act, have a duty and the authority to protect ground and surface water. Kittitas County may place limitations on the establishment of new uses of groundwater based on the county’s authority to protect ground and surface water. Restrictions on the establishment of new uses of groundwater do not interfere with existing rights because a water right does not become a vested property right until after the
water is put to beneficial use. The requirements set forth in Kittitas County Code are therefore not restrictions on water rights but rather are requirements for the establishment of new uses of water.

The Growth Management Act requires Counties to protect the quantity and quality of ground and surface water. The Washington Supreme Court has recently held that this protection of ground and surface water by municipalities planning under the Growth Management Act will take the form of, among other things, determining whether an applicant is in compliance with the groundwater permit/exemption from permitting statute or determining, at final plat-stage, whether proposed provision of water is legally possible or actually met and making the actual possession of legal rights in an adequate amount of water a condition of final plat approval. Kittitas County recently eliminated its administrative segregation provisions partially because that process failed to protect ground and surface water.

In addition, recent studies confirm that groundwater and surface water in the Yakima River drainage are hydraulically connected and that new uses of groundwater can interfere with senior water rights and stream flows. The restrictions imposed on new uses of groundwater set forth in the Kittitas County Code are enacted to address this situation.

The County does not view the restrictions set forth in the Code as establishing new land use requirements. Rather, the County views the restrictions as the method by which the County will determine that property owners are meeting the existing legal requirement for demonstrating an adequate water supply. In the event that the restrictions are viewed as potentially subject to vesting, Kittitas County hereby finds that new uses of groundwater that are not mitigated in the Yakima River drainage basin threaten to interfere with senior water rights and stream flows and create a public health and safety threat that warrants application of these provisions to existing lots as allowed by RCW 58.17.170(3).

Protection of ground and surface water will help protect rural character. Development that is less dense and involves larger lots will protect water quality and quantity. By seeking to protect water quality and quantity by generally, in the rural areas, favoring development that is less dense and features larger lot sizes, the rural character will be maintained because rural character is typified by large lots and less dense development.

Kittitas County affirms existing water rights and uses and shall have no power of eminent domain or authority to impair by any county action, ordinance, or policy, including that of watershed planning agencies, (a) any lawful water right or use; (b) the capability of water suppliers or users to store, divert, convey, deliver, and apply the water to beneficial use in the exercise of those rights; (c) the continuation of existing land uses dependent on, or benefited by, those water rights and uses.

In defining water rights for purposes of these agricultural land uses, no water rights under State law, including the Acquavella litigation, are available for fish or wildlife habitat without
voluntary agreement of the water and/or land owner affected. Water rights and waters covered by the stipulation entered in the Acquavella adjudication as to all parties in Kittitas County dealing with water rights as confirmed for Non-Diversionary Stock and Wildlife watering are incorporated by reference and set forth as follows for clarity:

GPO 2.26A Waters in natural watercourses in the sub-basin shall be retained when naturally available, in an amount not to exceed 0.25 cubic foot per second (cfs), for stock water uses in such watercourses as they flow across or are adjacent to lands, which are now used as pasture or range for livestock. Retention of such water shall be deemed senior (or first) in priority, regardless of other rights confirmed in this cause. Regulation of these watercourses by plaintiff shall be consistent with such retention requirements.

GPO 2.26A Waters in natural watercourses in the sub-basin shall be retained when naturally available, in an amount not to exceed 0.25 cubic foot per second (cfs), for wildlife watering uses in such watercourses as they flow across or are adjacent to lands, which are now used as pasture or range for wildlife. Retention of such water shall be deemed senior (or first) in priority.

GPO 2.26D Waters in naturally occurring ponds and springs (with no surface connection to a stream) in the sub-basin shall be retained for wildlife watering uses, when such ponds and springs are located on or are adjacent to lands which are now used as pasture or range for wildlife. Said uses embody entitlement to a level in the water bodies sufficient to provide water for wildlife drinking directly from there while ranging on riparian lands, and with the same priority as provided in paragraph 1. Regulation of the ponds and springs by plaintiff shall be consistent with such retention requirements.

GPO 2.26E Nothing in this stipulation mandates that any lands, associated with water rights or water retention as provided herein shall be reserved for wildlife purposes.
Chapter 13.35
ADEQUATE WATER SUPPLY DETERMINATION

Sections
13.35.010 Authority.
13.35.020 Applicability.
13.35.025 Required Submissions
13.35.025 Interim Measures
13.35.027 Permanent Measures
13.35.028 Applicability Outside Yakima River Drainage
13.35.030 Group A Public Water System Requirements.
13.35.040 Group B Water System Requirements.
13.35.050 Individual Water System Requirements.
13.35.060 Shared Water System Requirements.

13.35.010 Authority.
The Health Officer of the Kittitas County Public Health Department has the authority, on behalf of the County, to ascertain whether there is evidence of an adequate water supply, including whether proposed water systems comply with all state and local engineering, design and construction standards as set forth in the Joint Plan of Responsibility between the State of Washington Department of Health and the Kittitas County Public Health Department. (Ord. 2011-006, 2011)

13.35.020 Applicability.
(1) An Adequate Water Supply Determination is required of all persons who are: applying for a building permit with either:

All new uses of water must comply with KCC 13.35.025-Interim Measures or KCC 13.35.027-Permanent Measures as applicable. An Adequate Water Supply Determination is required of all persons who are:

1) applying for a building permit with either:

   a) a proposed new structure which will have potable water or

   b) a proposed change in the number of dwelling units for any existing structures (such as making a single family structure into a duplex); or

   b) proposing extensive changes to the old water system where the changes have the potential to negatively impact the water systems flow
c) a proposed change in the number of dwelling units for any existing structures

d) proposing a new or supplemental water system

(3) Proposing extensive changes to the old water system where the changes have the
potential to negatively impact the water systems flow.

2) making applications, including but not limited to, long plats, short plats, binding site
plans, large lot subdivisions, or conditional uses, that require water.

An Adequate Water Supply Determination shall not be required for building permits that do not
require a change in the water system or structures which will not have potable water plumbing.

(Ord. 2011-006, 2011) Kittitas County hereby finds that new uses of groundwater that are not
mitigated in the Yakima River drainage basin threaten to interfere with senior water rights and
stream flows creating a public health and safety threat that warrants elimination of all vesting
under RCW 58.17.170(3) for this chapter. Kittitas County hereby eliminates all such vesting
pursuant to the authority granted in RCW 58.17.170(3) for this chapter.

13.35.025 Interim Measures

(1) Effective Period- March 31, 2014 to October 1, 2015 and applicable to all areas within the
Yakima River drainage.

(2) All proposed land division and building permit applicants shall submit either: 1) a letter from
a water purveyor stating that the purveyor has adequate water rights and will provide the
necessary water for the applicant’s project; 2) an adequate water right for the proposed project;
or 3) a certificate of water budget neutrality from the Department of Ecology or other adequate
interest in water rights from a water bank. No project to which this chapter is applicable shall be
approved without one of these required submissions.

(3) All applicants for land divisions shall also submit information on “proximate parcels” held in
“common ownership” as those terms are defined in WAC 173-539A-030 and otherwise
demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or
hereafter amended.

(4) All proposed new instances of groundwater use for non-commercial lawn or garden purposes
shall need to demonstrate either (1) ownership of an adequate water right or (2) adequate
mitigation has been purchased.

(5) All new proposed commercial and industrial uses shall need to demonstrate either (1)
ownership of an adequate water right, (2) connection to a municipal water purveyor, or (3)
purchase of adequate mitigation.

(6) All mitigation during the Interim Measures shall be for Total Water Supply Available at
Parker (TWSA at Parker).

(7) Failure to obtain mitigation before commencement of an activity requiring mitigation shall be
a code violation subject to enforcement under Title 18 KCC.
(8) Violation of water limits involved in the mitigation agreement shall be a matter between the land owner and the provider of mitigation and enforceable as provided in said mitigation agreements.

(9) Adequacy of mitigation shall be determined by the Department of Ecology and a letter to the purchasing applicant attesting to the adequacy of the mitigation purchased shall issue and be presented to Kittitas County.

13.35.027 Permanent Measures

(1) Effective Date 10/1/15 onward and applicable to all areas in the Yakima River drainage.

(2) All new uses of ground water shall require either: 1) a letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use; 2) an adequate water right for the proposed new use; or 3) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank. No new use to which this chapter is applicable shall be approved without one of these required submissions.

(3) All applicants for land divisions shall also submit information on “proximate parcels” held in “common ownership” as those terms are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed new use will not violate RCW 90.44.050 as currently existing or hereafter amended.

(4) Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under Title 18 KCC.

(5) Violation of water limits involved in the mitigation agreement shall be a matter between the land owner and the provider of mitigation and enforceable as provided in said mitigation agreements.

(6) Adequacy of mitigation shall be determined by the Department of Ecology and a letter to the purchasing applicant attesting to the adequacy of the mitigation purchased shall issue and be presented to Kittitas County.

(7) All mitigated water uses shall also demonstrate that they are metered and monitored annually in accord with the agreement between the land owner and the mitigation provider.

(8) All mitigation during the Permanent Measures shall be for TWSA Parker and local tributary impairment.

13.35.28 Applicability Outside Yakima River Drainage

Applicants for land divisions within Kittitas County and outside the Yakima River drainage will need to comply with KCC 13.35.025(3) regardless of the date of project application.
13.35.030 Group A Public Water System.
Applicants for an Adequate Water Supply Determination where the source is a Group A public water system shall provide to KCPHD:

1. A completed Adequate Water Supply Determination application signed by the water purveyor along with any applicable fees;
2. The final water system identification number from the Department of Health; and
3. Verification that the Department of Health operating permit is either in Yellow or Green status. Applicants for a building permit expecting to be supplied with drinking water from a purveyor with an operating permit in Red status (inadequate) or in Blue status (operating without design approval, or exceeded number of DOH-approved connections) will not be approved by KCPHD. *(Ord. 2011-006, 2011)*

13.35.040 Group B Public Water System.
Applicants for an Adequate Water Supply Determination where the source is a Group B public water system shall provide to KCPHD:

1. A completed application signed by the water purveyor along with any applicable fees;
2. The final water system identification number from the Department of Health; and
3. Certification that the Group B public water system has been constructed and maintained in accordance with the KCPHD or DOH approved plans and specifications, including up to date monitoring and financial information. *(Ord. 2011-006, 2011)*

13.35.050 Individual Water System.
Applicants for an Adequate Water Supply Determination with an individual water system shall meet the following requirements:

1. Application. Submit a completed application with any applicable fees to KCPHD. 
2. Groundwater Well as Water Source. The water quality and quantity of the groundwater well shall be evaluated for an Adequate Water Supply Determination by KCPHD.
   a. Water Quality. The water produced by the water source shall either:
      i. Pass a water quality test with results submitted to KCPHD; or
      ii. If the water fails the water quality test, then applicant shall
         1. Add a treatment system to raise the water quality to potable standards. *All treatment system designs shall be submitted by a professional engineer and bear the engineer’s seal and signature.* The treatment system shall comply with all applicable federal, state and local regulations and shall protect the health and safety of the users of the system; and
         2. File a notice with the County Auditor describing the treatment system.
   b. Water Quantity.
      i. All wells to be used in an individual water system shall be constructed prior to the issuance of an Adequate Water Supply Determination.
ii. A well log recorded within the last ten (10) years demonstrating a minimum flow of five (5) two (2) gallons per minute (GPM) for at least a two (2) hour period shall be submitted to KCPHD.
   1. If a well log is not available or the well log indicates a flow of less than five (5) two (2) GPM for a two (2) hour period, then a four-hour draw down test shall be submitted to KCPHD.
   2. A well log that was recorded more than ten (10) years ago may be accepted at the discretion of the Health Officer.

iii. The minimum acceptable production level where the water source is a well is three hundred fifty (350) gallons per day for an individual water system.

3. Water Distribution System. When the water source is a well and produces less than five gallons per minute (5 GPM) according to the well log or four-hour draw down test, adequate flow equalization is required for periods of higher use within the dwelling unit. The water distribution system design shall be submitted by a professional engineer and bear the engineer's seal and signature and meet the following requirements:
   a. Flow equalization tank requirements shall be determined by the following:
      \[(150)(52 - X \text{ gpm}) = \text{gallons of tank capacity needed (where } X = \text{gallons per minute produced as determined by the four-hour draw down test).} \]
      The required tank capacity could be as much as 263.745 gallons depending on the flow of the well.
   b. A booster pump and pressure tank shall be included in the water distribution system.

4. Cistern as Water Source. When the proposed water source is a cistern, the applicant for a Water Supply Determination shall comply with Chapter 13.25 KCC. (Ord. 2011-006, 2011)

**13.35.060 Shared Water System.**
Applicants for an Adequate Water Supply Determination with a connection to a shared water system shall meet the following requirements:

1. Application. Submit a completed application with any applicable fees to KCPHD. This includes a valid Shared Well Users Agreement signed by both users of the well that is recorded with the County Auditor.

2. Groundwater Well as Water Source. The water quality and quantity of the groundwater well shall be evaluated for an Adequate Water Supply Determination by KCPHD.
   a. Water Quality. The water produced by the water source shall either:
      i. Pass a water quality test with passing results submitted to KCPHD; or
      ii. If the water fails the water quality test, then applicant shall:
         1. Add a treatment system to raise the water quality to potable standards. All treatment system designs shall be submitted by a professional engineer and bear the engineer's seal and signature. The treatment system shall comply with all applicable federal, state and local regulations and shall protect the health and safety of the users of the system; and

GMA Compliance 2014
BOCC Approved

May 15, 2014
Exhibit E
2. File a notice with the County Auditor describing the treatment system.

b. Water Quantity.
   i. All wells to be used in a shared water supply system shall be constructed prior to the issuance of an Adequate Water Supply Determination.
   ii. A well log recorded within the last ten (10) years demonstrating a minimum flow of \textbf{seventeen (17) five (5) gallons per minute (GPM)} for at least a two (2) hour period shall be submitted to KCPHD.
      1. If a well log is not available or the well log indicates a flow of less than \textbf{seventeen (17) five (5) GPM} for the two (2) hour period, then a four-hour draw down test shall be submitted to KCPHD.
      2. A well log that was recorded more than ten (10) years ago may be accepted at the discretion of the Health Officer.
   iii. The minimum acceptable production level for a shared water supply system is seven hundred (700) gallons per day.

3. Water Distribution System. When the water source produces less than \textbf{seventeen (17) five (5) gallons per minute} according to the well log, adequate flow equalization is required for periods of higher use within the two dwelling units. The water distribution system design shall be submitted by a licensed engineer, bear the engineer's seal and signature, and meet the following requirements:
   a. Flow equalization tank requirements shall be determined by the following:
      \[(150)(17-5-X \text{ gpm}) = \text{gallons of tank capacity needed} \] (where \(X = \text{gallons per minute produced as determined by the four-hour draw down test}\)). The required tank capacity could be as much as \textbf{2500 675 gallons} depending on the flow of the well.
   b. A booster pump and pressure tank shall be included in the water distribution system. (Ord. 2011-006, 2011)
Title 16
SUBDIVISIONS

16.05.20 Requirements.
(1) Whenever a binding site plan for an eligible project is proposed on a parcel of land for which neither a planned unit development or a building permit has been approved for the entire parcel, the following must be satisfied prior to recording: A conceptual site plan shall be prepared in a form prescribed by the director which includes the following information (if appropriate to the project type):
   a) Maximum number of dwelling units permitted;
   b) Approximate size and location of all proposed buildings;
   c) Approximate layout of an internal vehicular circulation system, including proposed ingress and egress;
   d) Approximate location of proposed open space, including required landscaped areas, if any;
   e) Approximate location of parking areas;
   f) Location and size of utility trunk lines serving the site;
   g) Topography detailed to five-foot intervals;
   h) Location of water storage and fire hydrant location; and
   i) Demonstrate that the requirements of Chapter 13.35, Kittitas County Code, Adequate Water Supply Determination, can be met.

16.12.150 Road, Sewer, Water and Fire System Recommendations.
The Planning Official, county Public Works Director, county Health Officer, and the county Fire Marshal, shall certify to the Hearing Examiner, prior to the hearing, their respective recommendations as to the adequacy of the proposed road system; the proposed sewage disposal and potable water supply systems; compliance with Kittitas County Code Chapter 13.35, Adequate Water Supply Determination; and fire and life safety protection facilities within the subdivision.

16.32.050 Short plat review.
The planning official shall be vested with the responsibility of processing short plat applications. The county shall review and consider the proposed short subdivision with regard to:
A. Its conformance with all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington.
B. Its conformance to all standards and improvements required under this title.
C. Potential hazards created by flood potential, landslides, etc.
D. Provisions for all improvements and easements (roads, ditches, etc.) required by this title.
E. Access for all proposed lots or parcels by way of a dedicated road right-of-way or easement.
F. All other relevant facts which may determine whether the public interest will be served by approval of the proposed subdivision.

G. Lots or parcels created by the final platting of a subdivision or short subdivision may not be further divided within a five-year period without filing of a final plat; except as provided for in RCW 58.17.060 (Ord. 2011-013, 2011; Ord. 2005-31, 2005)


16.36.015 Criteria for eligibility as a large lot subdivision.

A. All large lot subdivisions shall conform to the county comprehensive plan and all zoning regulations in effect at the time the large lot subdivision is submitted.

B. Consistent with parcel creation by long and short subdivision provisions of this code, preliminary approval of large lot subdivisions shall mean that road and access requirements are identified and conformance with section 16.04 of this code has been met.

C. Proof that all lots or tracts created by large lot subdivision are approved for irrigation delivery by the appropriate irrigation entity or entities shall be provided.

D. Requirements for easements as set forth in Section 16.12.110 shall be met.

E. The appropriate dedication as provided for in 16.24.090 and 16.24.110, A dedication shall appear on the face of the large lot subdivision survey with the following statement: KNOWN ALL MEN BY THESE PRESENT: that the undersigned, owner(s) in fee simple of the described real property, does hereby grant forever unto all owners of lots in this survey and all future plats in this survey a common ownership interest in all private roads shown.

F. A note shall appear on the subdivision survey with the following statement: "NOTE: The lots in this survey are created through the large lot subdivision review process. As such there has been review for conformance with suitability for on-site sewage disposal and availability of potable water."


H. All large lot subdivisions shall meet requirements of Kittitas County Code Chapter 13.35, Adequate Water Supply Determination.
Chapter 17.60A
CONDITIONAL USES

17.60A.020 Conditions.
In permitting such uses the Board may impose in addition to the regulations specified herein, such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood or the county as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size, setback or yard dimensions;
2. Limiting the height of buildings or structures;
3. Controlling the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);
4. Requiring the dedication of additional rights-of-way for future public street improvements;
5. Requiring the designation of public use easements;
6. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
7. Requiring or limiting view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
8. Limiting the number, size, height, shape, location and lighting of signs;
9. Designating sites for and/or the size of open space or recreational areas;
10. Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;
11. Limiting hours and size of operation;
12. Controlling the siting of the use and/or structures on the property;
13. Requiring mitigation measures to effectively reduce the potential for land use conflicts with agricultural and resource lands, such as: landscape buffers, special setbacks, screening, and/or site design using physical features such as rock outcrops, ravines, and roads. (Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988)
14. Demonstrating that the requirements of Chapter 13.35, Kittitas County Code, Adequate Water Supply Determination, can be met.
Exhibit F

Settlement Agreement for Water Use in Kittitas County
May 23, 2014

Julie Kjorsvik  
Clerk of the Board  
205 West 5th Avenue, Suite 108  
Ellensburg, WA 98926  

RE: Settlement Agreement

Dear Ms. Kjorsvik:

Enclosed is the original Settlement Agreement between Futurewise, the Kittitas County Conservation Coalition, RIDGE Association, the Washington State Department of Ecology and Kittitas County. Director Bellon has signed the agreement.

If you need anything else, let me know. My direct phone number is 360-407-7009 and my email is teri.north@ecy.wa.gov

Sincerely,

Teri North  
Assistant to the Director

cc: Tom Tebb, Central Regional Office, Ecology
Settlement Agreement

This Settlement Agreement is made between Futurewise, the Kittitas County Conservation Coalition, RIDGE Association, the Washington State Department of Ecology (Ecology), and Kittitas County (County), collectively referred to as the “Parties” as defined herein.

WHEREAS, Futurewise, the Kittitas Conservation Coalition, and RIDGE Association (Futurewise) filed a petition for review with the Growth Management Hearings Board (GMHB) alleging violations of the Growth Management Act (GMA) by Kittitas County;

WHEREAS, Futurewise’s petition for review requests that the GMHB issue a declaration of invalidity for development regulations which do not protect ground and surface water resources in Kittitas County;

WHEREAS, Ecology has moved to intervene on the water issues, GMHB Case No.07-1-004c Issue 1 as to measures to protect surface and ground water and Case No. 07-1-0015 Issue 4;

WHEREAS, as the state’s designated manager of water resources, Ecology’s interest in this issue is to provide technical and legal input and support regarding the County’s GMA obligations related to protecting area water supplies and ensuring that development occurs where water is available to support development, and to protect senior water rights and stream flows in the Yakima River basin;

WHEREAS, Kittitas County is centrally interested in (1) eliminating the risk of curtailment of water use to the County’s existing exempt well users during a drought, and (2) keeping water rights within Kittitas County and not sold downstream;

WHEREAS, Kittitas County is under an obligation to enact a Comprehensive Plan and Development regulations that meet the requirements of the GMA. These requirements include the adoption of measures to protect surface and ground water quality and quantity. As described in more detail below and in the draft ordinance attached, the County intends to consider for enactment an Ordinance that will amend the County’s Comprehensive Plan and Development regulations to comply with the GMA such that:

1) Interim Mitigation Requirements will be made immediately applicable to certain new uses of ground water in lower Kittitas County as defined by a site map in Attachment 2;
2) Such Interim Mitigation Requirements will be in effect for eighteen (18) months;
3) Such Interim Mitigation Requirements will be followed by Long-Term Mitigation Requirements that will be applicable to the entire County eighteen (18) months after the date the ordinance is enacted; and,
4) Applicants for subdivisions in all parts of the County, under both the Interim and Long Term Mitigation Requirements, will be required to submit information on “proximate parcels” held in “common ownership” in order to facilitate County review for compliance with RCW 90.44.050 group domestic use.

WHEREAS, the County, with the support of Futurewise and Ecology, also intends to secure mitigation for currently unmitigated [domestic] uses of ground water within Kittitas County;

WHEREAS, the County also may make the water rights placed into the Domestic Ground Water Mitigation Program available, on a cost-recovery basis, for domestic users of ground water who make land-use application;

WHEREAS, the County’s development of a Domestic Ground Water Mitigation Program is one of the measures that the County may pursue as a means of implementing its commitments in this agreement;

WHEREAS, once the County has enacted an Ordinance with the components described above and based on the County’s commitment to secure mitigation for currently unmitigated domestic users of ground water in the county, Futurewise and Ecology intend to support the County’s ordinance before the GMHB as compliant with the GMA; and,

WHEREAS, Futurewise, Ecology and Kittitas County have conferred and have determined to conclude this matter by means of this Settlement Agreement, the terms of which are set forth below; and,

WHEREAS, all parties are committed to provide the necessary resources to facilitate successful implementation of this Settlement Agreement.

NOW, THEREFORE, THE PARTIES AGREE THAT:

1. **The County will consider for enactment, no later than December 14, 2013, an Ordinance or Ordinances that will amend the County’s Comprehensive Plan and development regulations such that:**
   
   a) Interim Mitigation Requirements will be made immediately applicable to new domestic and commercial uses of ground water in the lower County;
b) Such Interim Mitigation Requirements will be in effect for eighteen (18) months from the date of the ordinance enactment;

c) Such Interim Mitigation Requirements will require that all new domestic, commercial, irrigation and industrial uses of ground water in the rural areas of Kittitas County not regulated by Chapter 173-539A Washington Administrative Code (WAC) will be water budget neutral with respect to the Total Water Supply Available (TWSA) as measured at the Parker gage on the main stem of the Yakima River;

d) The Interim Mitigation Requirements will be replaced by Long-Term Mitigation Requirements that will be applicable to the entire county eighteen (18) months from the date of the ordinance enactment;

e) Long Term Mitigation Requirements will require that all new uses of ground water in Kittitas County be fully mitigated with regard to local impacts in tributary streams and creeks and to be water budget neutral with respect to the TWSA as measured at the Parker gage on the main stem of the Yakima River. The Long Term Mitigation Requirements will require all new users to provide evidence of local (stream or creek tributaries) mitigation as a condition of final plat and building permit approval and development in yellow and red zone areas as defined by the County's mitigation water suitability map (generalized for demonstration purposes in Attachment 2) will not be approved without such evidence. It is the intent of the parties to continue to refine the yellow areas with the goal of converting them to either green or red based on sound technical information to better identify the need for local mitigation in red areas;

f) All new domestic uses of ground water initiated after the Long Term Mitigation Requirements are in effect will require metering and reporting as described in Section 5 of this agreement; and,

g) Applicants for subdivisions in all parts of the County, under both the Interim and Long-Term Mitigation Requirements, will be required to submit information on “proximate parcels” held in “common ownership” in order to facilitate County review for compliance with RCW 90.44.050 group domestic use. This will involve requiring applicants for building permits and subdivisions, in all parts of the county, to submit information on “proximate parcels” held in “common ownership” as those terms are defined in Chapter 173-539A-030 WAC and otherwise demonstrate how the proposed provision for potable water will not violate RCW 90.44.050. Such submission and successful demonstration shall be necessary before the sought subdivision application may be approved.

2. Mitigation for Historic Use. The County also commits to acquire, with all due diligence, sufficient senior water rights suitable for mitigation (with a priority date of May 10, 1905 or before) to provide TWSA mitigation for existing domestic ground water users within the entire county which is presently assumed to involve the acquisition of 800 ac-ft of consumptive use
water. The parties may agree to modify this amount based on new information. The County will complete acquisition of this mitigation water within ten (10) years of the effective date of this Agreement except that the timeframe may be revised upon mutual agreement of the parties. The County further agrees to maintain ownership of the water rights in perpetuity, or convey the acquired water rights to the State’s Trust Water Right Program so that they remain available for use for the purpose stated above. The County is released from this obligation only if it is determined, with agreement from the parties, that current users of ground water for domestic purposes are no longer at risk of curtailment in the Yakima River basin.

3. **Domestic Ground Water Mitigation Program.** The County, in consultation with Ecology and other stakeholders in the Yakima River basin, may elect to develop a Domestic Ground Water Mitigation Program that would be designed to:

   a) Provide a reliable supply of water for new uses within Kittitas County;
   b) Provide a reliable supply of water to off-set the consumptive use of existing indoor domestic ground water users during low flow periods; and,
   c) Allow for efficient management of water resources in the County.

3.1 **Consideration of Options and Strategies.** The County may consider a variety of options or strategies for use as part of the Domestic Ground Water Mitigation Program so long as each option by itself or in combination with other options results in fully mitigating the consumptive use impact of new ground water uses and avoids adverse impacts to local streams and senior water rights.

The County is considering developing a Domestic Ground Water Mitigation Program that meets the following criteria:

   a) Senior (pre-May 10, 1905) water rights to provide mitigation for new uses of ground water for domestic purposes are transferred to Kittitas County in the form of lease or ownership from existing senior water right holders within the Yakima River basin in an amount sufficient to meet projected demand for new uses in rural areas of the county for the next five (5) years;
   b) The projected demand is estimated to be 50 ac-ft of consumptive use water for the first (5) years of this agreement subject to revision as agreed to by the parties;
   c) The senior water rights acquired by the County have met Ecology’s “extent and validity” requirements and have been successfully transferred into the State’s Trust Water Right Program or shall have secured such senior water through a lease with a long term option satisfactory to Ecology;
   d) The senior water rights acquired by the County are eligible to be utilized downstream of the Keechelus, Kachess or Cle Elum reservoirs or in locations as appropriate, as determined by the Water Transfer Work Group (WTWG), utilizing...
Ecology’s contract with the U.S. Bureau of Reclamation for trust water rights storage, and are determined to be eligible for mitigation for any new ground water uses within the “green” zones currently generalized in Attachment 2; and,
e) The County and Ecology have created with the assistance and review of the WTWG, a system which provides an “over-the-counter” solution for eligible land owners seeking to purchase mitigation for new uses of ground water in rural areas of Kittitas County. This system may be incorporated into the County’s current system for determining valid water availability prior to issuing development permits and decisions approving or denying mitigation shall be made automatically by the County subject to available water rights and predetermined eligible locations of new ground water withdrawals.

3.2 Leased Water. As one part of the Domestic Ground Water Mitigation Program, the County intends to pursue leased mitigation water for up to 5 years from the effective date of the new county ordinance and make this leased water available to new users of ground water to satisfy their TWSA mitigation requirement. New users may elect to obtain mitigation water from the County or from an independent source. If the County provides leased water to new users as mitigation, the County commits to replace such leased water prior to the expiration of such lease with other permanent water with senior water rights so that there is no period of time during which such new user is without mitigation water.

3.3 Allocation of Mitigation Water Acquired. If the County elects to develop a Domestic Ground Water Mitigation Program to provide mitigation opportunities for ground water users, the County will purchase or otherwise acquire, pre-May 10, 1905 senior water rights sufficient to mitigate for current users within the county with regard to TWSA only. In applying the mitigation obtained, mitigation will be designated as follows:

a) Should the County decide to make available mitigation water for new users, water acquired in its Domestic Ground Water Mitigation Program sufficient for twenty (20) years of projected growth may be its first priority; and,
b) Should the County not make such election, or fulfill it, then the mitigation water acquired shall first be credited for those users, who leased mitigation water during the first 5 years of this agreement, and then the water shall be credited for mitigation for the oldest current users first and work forward in time as the County acquires more water.

3.4 Other Mitigation Strategies. Ecology and the County will work with the U.S. Department of Interior Bureau of Reclamation, the Yakama Nation, and other senior water right holders, and others as appropriate to develop strategies which may lead to development of an alternative or complementary mitigation program. The intent of the alternative or complementary program is to
fund projects and programs that generate mitigation “credits” to be sold to prospective water users to mitigate for their impacts to surface water resources in the Yakima River basin. Such projects may include but are not limited to habitat and floodplain restoration, in-stream flow purchases, aquifer recharge, storage, operational changes, and water leasing. If an alternative strategy is developed and is proposed to be used in lieu of a requirement of this agreement, the parties shall meet and confer to determine whether implementation of the alternative strategy necessitates an amendment to this agreement and/or an amendment to the county ordinance. If the parties are unable to agree, they may pursue dispute resolution.

4. **Monitoring and Reporting.** During the eighteen months when the Interim Mitigation Requirements are in effect, the County will report to Futurewise and Ecology, every six months, all new building permits issued and subdivisions approved which rely upon a mitigated “permit-exempt” well for adequate water supply as required herein.

4.1 **Performance Reporting.** Once the Long-Term Mitigation Requirements are in effect, Kittitas County shall, on an annual basis, report to Futurewise and Ecology as to:

a) The number of permits/projects issued/approved;
b) The amount of water acquired by the County for projected new users;
c) The cost to new users for such mitigation;
d) The amount of mitigation water for mitigating existing users;
e) How many (and back to what date) of these users have been mitigated, and how many remain unmitigated;
f) How much money the County spent on back mitigation;
g) The current location of red, yellow, and green zones and the amount of development therein;
h) Enforcement actions and their results, and,
i) Current good faith efforts to obtain additional senior (pre-May 10, 1905) water rights.

5. **Meters and Electronic Reading Devices.** Domestic users applying for land use permits (building permit and subdivisions) after the effective date of the Long-term Mitigation Requirements who obtain mitigation from a county-operated mitigation program will be required to install meters and electronic reading devices that meet county specification. Violations of the limitations on use of ground water will be enforced through Title 18 Kittitas County Code (KCC) as a matter of code enforcement.

5.1 The Parties acknowledge that after the Long Term Mitigation Requirements are in effect, any mitigation water acquired from other source or water purveyor other than a county-operated
program shall also be required to meter and report their use on an annual basis in accordance with the provisions of a Water Budget Neutrality determination from Ecology.

6. **Assessing Compliance of New Ground Water Uses.** The County will periodically assess compliance of new uses of ground water and report to Futurewise and Ecology as part of the reporting provided for in 4.1 above. To do this assessment, the County will utilize the following strategies:
   a) Review land use permits prior to issuance and apply appropriate conditions;
   b) Prior to issuing building permits notify applicants of water use restrictions and ensure the restrictions are recorded on the deed to provide notice to subsequent purchasers of the property;
   c) Conduct site visits if necessary when the County receives information of possible violations to verify compliance with water use restrictions, particularly with regard to the outdoor irrigation restriction;
   d) Report egregious violations to Ecology for technical assistance in enforcement action taken by the County; and,
   e) Provide a summary of the number of permits processed, site visits, and any enforcement actions taken.

7. **Rural Area Drought Management Program.** During periods of declared drought in the Yakima River basin, the County will implement a prepared water conservation program for those new and existing rural domestic ground water users such that minimal uses of ground water are consumed. This will include notification to mitigated pre-existing exempt well users that they are at risk of being curtailed except for indoor domestic uses and irrigation of 500 sq. ft. of exterior yard.

8. **Due Diligence and Good Faith.** All parties to this agreement shall exercise due diligence and good faith in carrying out the commitments made herein.

9. **Definitions.**

   "**Acquisition of water suitable for mitigation**" means that the County must acquire and/or lease water rights that must have priority earlier than May 10, 1905, and be eligible to be used for instream flow protection and mitigation of out-of-priority uses. As provided in 3.2 above, if the County provides leased water as mitigation for new uses, the leased water will be replaced with permanent water prior to the expiration of the lease.

   "**Indoor domestic use**" for the purposes of this agreement, indoor domestic use is estimated to use approximately 350 gallons per day and irrigation of up to 500 sq. ft. of exterior yard per parcel.
“Total Water Supply Available” means the amount of water available in any year from natural flow of the Yakima River, and its tributaries, from storage in the various government reservoirs on the Yakima watershed and from other sources to supply the contract obligations of the United States to deliver water and to supply claimed rights to the use of water on the Yakima River, and its tributaries, heretofore recognized by the United States.

“Water Budget Neutral” means an appropriation or project where withdrawals of public ground water are proposed in exchange for placement of other water rights into the trust water right program that are at least equivalent to the amount of consumptive use. This trust water right must have priority earlier than May 10, 1905, and be eligible to be used for in-stream flow protection and mitigation of out-of-priority uses.

“Water Transfer Work Group” is a voluntary team of agencies and water users that meet to provide technical review of proposed water right transfers in the Yakima River basin.

10. **Joint Request to the Growth Management Hearings Board to Find Compliance with GMA on Water Issue.** Within sixty (60) days after Kittitas County’s publication of the notice of adoption by the Kittitas County Board of Commissioners of an Ordinance(s) providing terms substantially equivalent to those set out in this Settlement Agreement, the Parties shall, by and through counsel, execute and file a joint request to the GMHB Case No. 07-1-0004c Issue 1 for measures to protect surface and ground water from exempt well withdrawals and Case No. 07-1-0015 Issue 4 for a finding of compliance. Futurewise and Ecology agree to make argument to the EWGMHB in support of the County’s Ordinance(s), indicating that each believes such ordinance(s) together with the terms of this Settlement Agreement satisfies the requirements of the GMA as to these issues. Similarly, Futurewise and Ecology commit to aid in the defense of Kittitas County’s regulation that is the subject of this Settlement Agreement should some other legal challenge be mounted apart from the above two causes of action.

11. **Repeal of Chapter 173-539A WAC.** No later than 180 days after the effective date of the Long-Term Management Measures such that these measures and or mitigation program are essentially equivalent in form and function across the entire County subject to this Settlement Agreement to the Upper Kittitas County Ground Water Rule (Chapter 173-539A WAC), Ecology shall commit to take steps to initiate rulemaking proceedings that will propose the repeal of Chapter 173-539A WAC, Upper Kittitas Ground Water Rule.

12. **Notice to Prospective Buyers and Existing Well Owners.** Kittitas County will continue to place language on the face of plats that discloses risks to current and future land owners associated with reliability of water supply. The Parties agree to the following standard plat language:
The approval of this division of land provides no guarantee that use of water under the ground water exemption (RCW 90.44.050) for this plat or any portion thereof will not be subject to curtailment by the Department of Ecology or a court of law.

Further, the County will collaborate with Futurewise and Ecology in preparation of standard language to include in the application for water availability permits.

13. **Enforcement of the Terms of this Agreement.** Should the County repeal or amend to the point of obviating the regulations contemplated herein as the Interim or Long-Term Mitigation Requirements, the other parties to this agreement may bring an action before the GMHB claiming violation of the GMA’s provisions for protection of surface and ground water. Should any party fail to perform any other commitment in this agreement, any other party to this agreement may bring an action in Kittitas County Superior Court for specific performance.

14. **Formal Dispute Resolution Process.** In case of any disagreement arising from the implementation of this Settlement Agreement, any party may initiate the formal dispute resolution process after the parties have attempted to resolve the disagreement informally.

To initiate the formal dispute resolution process, a requesting party shall provide written notice to the other party that describes the issue in dispute. Upon receiving a notice of formal dispute, the parties signatories or their designated representatives shall convene a meeting within 30 days to consider the dispute and may resolve any or all issues or refer any or all issues in dispute back to the originating parties with specific instructions and a deadline for reporting back to the designated executives. The parties by mutual agreement may employ any other alternative dispute resolution procedures they deem useful under the circumstances.

If the parties' signatories or designated representatives fail to resolve the dispute within 30 days upon meeting convened to resolve the dispute, or a dispute is not resolved within the timeframe established by the designated executives, the dispute resolution process shall then be deemed complete and any party may seek any and all remedies within their authority and rights to so.

Upon completing the dispute resolution process, the designated executives or their representatives shall prepare a joint statement of the remaining issues in dispute, which may also include a discussion of how to resolve such issues consistent with this Settlement Agreement.

15. **Entire Agreement and Successors in Interest.** This Settlement Agreement contains the entire agreement between the parties and shall be binding upon and inure to the benefit of the executors, administrators, personal representatives, heirs, successors and assigns of each. No other understandings, oral or otherwise, shall be deemed to bind any of the parties hereto.
16. **Amendment of the Agreement.** This Agreement may not be modified or amended except by the written agreement of the parties.

17. **Reservation of Authority.** Nothing in this Settlement Agreement affects any authority Ecology may have to enforce the State of Washington’s water resources and water quality laws including but not limited to RCW chapters 90.03., 90.14., 90.44., 90.48, 90.54., or other appropriate requirements of state law. All Parties reserve their respective authority to themselves and grant none to the other by virtue of entering into this Settlement Agreement.

18. **Governing Law.** This Agreement shall be construed and interpreted according to the laws of the State of Washington.

19. **Authorization.** Each person signing this Agreement represents and warrants that he or she has the authority to sign this Agreement on behalf of and to bind the party represented, and that any necessary conditions precedent to the execution of this Agreement on behalf of the party represented have been satisfied.

20. **Counterparts.** This Agreement may be executed in counterparts and each executed counterpart shall have the same force and effect as the original instrument and as if all of the parties to the counterparts had signed the same instrument. Electronic facsimile signatures and/or electronically scanned signatures shall be sufficient to demonstrate a party’s assent to this Agreement.

21. **Venue.** Venue to enforce this Settlement Agreement shall be in Kittitas County Superior Court.

22. **Severability.** If any term or condition of this agreement or the application thereof to any person(s) or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, or condition or application. To this end, the terms and conditions of this agreement are declared severable.

23. **Third-Party Beneficiaries or Rights.** This agreement inures to the benefit of the parties and their successors hereto and does not create any third-party beneficiaries or rights.

24. **Life of the Agreement.** For the purposes of performance of obligations in this agreement, the life of the agreement shall be ten years from the date of execution. For the purpose of enforcement of the agreement, the life shall be 13 years from the date of execution. The County’s obligations under Section 2 of this agreement to maintain ownership of the water
right in perpetuity or convey them to the State's Trust Water Right Program shall remain in place subject to the terms of Section 2 of this agreement.

25. Signatures.

Adopted this 15th day of ______, 2014.

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

[Signatures]

Obie O'Brien, Commissioner

Gary Berndt, Vice Chairman

APPROVED AS TO FORM:

KITTITAS COUNTY, WASHINGTON

[Signatures]

Gregory L. Zempel, Prosecuting Attorney

WASHINGTON STATE DEPARTMENT
OF ECOLOGY

[Signatures]

Maia D. Bellon, Director

FUTUREWISE

[Signatures]

Tim Trohimovich, Director of Planning & Law

KITTITAS COUNTY CONSERVATION
COALITION

[Signatures]

Marge Brandsrud, President

RIDGE ASSOCIATION

[Signatures]

Doug Kilgore, President
Exhibit G

Water Lease Between Kittitas County and City of Roslyn
WATER RIGHTS LEASE AGREEMENT

This Water Rights Lease Agreement ("Agreement") is entered into between Kittitas County (the "County"), a Washington municipal corporation, and the City of Roslyn ("Roslyn" or the "City"), a Washington municipal corporation, each a "Party" and collectively the "Parties." This Agreement takes effect on January 1, 2014.

RECITALS

A. Roslyn owns two senior water rights confirmed in Dep't of Ecology v. Acquavella that the City holds to mitigate for impacts to senior water rights when the City uses its municipal water supply in drought years or periods of water shortage: i) Court Claim No. 00521, with a priority date of July 30, 1885, and assigned Certificate No. S4-83606 by Ecology, and ii) Court Claim No. 00402, with a priority date of April 30, 1875, and assigned Certificate No. S4-83623 by Ecology. Together, these two water rights are Roslyn’s "Mitigation Water Rights." Through the water system planning process, Roslyn has evaluated its need for the Mitigation Water Rights over a 40-year planning period and concluded that it has surplus mitigation water rights in the short term.

B. Roslyn and the Department of Ecology ("Ecology") entered a Trust Water Right Agreement, dated April 23, 2010, governing the use of the Mitigation Water Rights. The Trust Water Right Agreement, among other things, requires Ecology approval of any lease and temporary removal from the trust water rights program, and the Parties acknowledge this requirement as a precondition to the County taking control of the water rights leased herein.

C. As a component of its water system plan update, Roslyn recently completed a long-range water supply and demand forecast including the need for the Mitigation Water Rights. The forecast shows that Roslyn has a surplus of at least 130 acre-feet (consumptive use) for the six-year planning horizon. Ecology recently reviewed Roslyn’s long-range forecast and concurred in the analysis.

D. The County is in litigation and negotiations regarding compliance with the growth management act ("GMA") requirements to adopt measures to protect surface and ground water. As part of a resolution of the GMA dispute, the County intends to establish a water mitigation program ("County Water Program") to provide water mitigation credits to landowners seeking to drill new groundwater wells in the lower County where municipal water supply is not available or connection to a water purveyor is not viable. The County intends to acquire water rights permanently or on a long-term basis to enable the water mitigation program. For initial set up of the water mitigation program, however, the County wishes to lease some of Roslyn’s surplus mitigation water rights in the short term. The County desires to take control of the "Leased Water Rights" (specifically defined below) as soon as possible to enable timely commencement of the County Water Program.
NOW THEREFORE in consideration of the foregoing recitals, incorporated herein, and mutual covenants and promises contained herein, the Parties hereby agree as follows:

AGREEMENT

1. Term of Lease. This Agreement takes effect on January 1, 2014, and the term of County’s lease of the City’s water rights under this Agreement shall continue for a term of five (5) years ending on December 31, 2018. Prior to the end of the five-year term, however, the County may terminate this Agreement effective at the end of a calendar year by providing Notice of termination to the City before October 31 of that calendar year, provided that the County may not provide such notice for 2014. At the end of the term or the calendar year during which the County has given timely Notice of termination, this Agreement will terminate and the "Leased Water Rights" revert to the City without any further action by either Party. The Parties may agree by written amendment to extend the term of the Agreement.

2. Quantity of Leased Water Rights. Pursuant to the terms and conditions of this Agreement, the City hereby leases to the County a portion of the water right confirmed under Court Claim No. 00521 equal to 50 acre-feet (annual consumptive use quantity) (the “Leased Water Rights”). In the event that the County may not have used all 50 acre-feet during one of first three years of the term of this Agreement, then Roslyn, in its sole discretion, may substitute a 50-acre-foot portion of the water right confirmed under Court Claim No. 00402. Roslyn will provide Notice to the County of such substitution, and the substituted portion of Court Claim No. 00402 shall become the Leased Water Rights.

3. Administration of Leased Water Rights. The County will keep accurate records of its land use approvals and use of the Leased Water Rights and will report on the same in a timely fashion to Ecology and Roslyn. Specifically, the County agrees to require a measuring device for new domestic wells mitigated by the Leased Water Rights and to report relevant data to Ecology and Roslyn in form and substance consistent with the terms of any settlement or adjudicated result in the GMA matter. For Roslyn, the County’s timely performance reporting will facilitate the City’s protection against relinquishment of the Leased Water Rights.

4. Payment by County to City. For each year of the lease term, the County will make an annual lease payment to the City of $25,000.00 ("Annual Lease Payment"). The Annual Lease Payment is based on $500.00 per acre-foot of consumptive use quantity of the Leased Water Rights. The County will make the Annual Lease Payment to the City by March 31 of each year during the term of this Agreement. In addition to the Annual Lease Payment, no later than 30 days after the Agreement signed by both Parties, the County will make a one-time payment to the City in the amount of $7,500.00 to offset City costs and expenses relating the lease.

5. Interruption. Roslyn reserves the right to suspend the County’s use of the Leased Water Rights during a calendar year and use the Leased Water Rights for Roslyn’s mitigation purposes. Roslyn shall provide Notice to the County of any such interruption, and Roslyn shall use best efforts to provide such Notice as soon as Roslyn becomes aware of the need. In the event that Roslyn exercises the right under this paragraph 5, then no Annual Lease
Payment will be due and payable for that calendar year (or Roslyn will refund an Annual Lease Payment made for such a year). An interruption event in one calendar year will not change or alter the terms of this Agreement for the remaining years in the lease term.

6. **Dispute Resolution.** If for any cause, any Party does not fulfill in a timely and proper manner its obligations under this Agreement, or if any Party violates any material term or condition of this Agreement, the aggrieved Party shall give the other Party Notice of such failure or violation. The responsible Party shall be given the opportunity to correct the violation or failure within fifteen (15) working days. The County and the City agree to make all reasonable efforts to resolve, through good faith negotiation, any disputes concerning the terms and conditions of this Agreement or any alleged breach. If negotiations are not successful, the County and the City shall utilize non-binding mediation as an alternative dispute resolution process. The County and the City will evenly split mediation costs. In the event that such non-binding mediation is not successful, the County and the City agree that venue for any judicial action shall be in the Superior Court of the State of Washington for Kittitas County. The prevailing Party in any judicial proceeding shall be entitled to recover its reasonable attorney’s fees and costs.

7. **County Water Program Indemnity.** The County shall defend, indemnify and hold the City and its elected officials, agents, employees, and contractors harmless from and against any and all claims, liabilities, suits, damages, and costs and expenses (including without limitation consultant fees and attorney fees) arising from or in connection with the County’s Water Program or this Agreement.

8. **Governing Law.** This Agreement is entered into pursuant to and under the authority granted by the laws of the State of Washington. The laws of the State of Washington shall govern any question or dispute regarding this Agreement.

9. **Assignment.** This Agreement is specific to the Parties and may not be assigned by any Party.

10. **Waiver.** If either Party fails to exercise its rights under this Agreement, it shall not be precluded from subsequent exercise of its rights. A failure to exercise rights shall not constitute a waiver of any other rights under this Agreement, unless stated in a letter signed by an authorized representative of the Party and attached to the original Agreement.

11. **Severability.** If any terms or other provision or this Agreement is invalid, illegal, or incapable of being enforced, all other terms or provisions of this Agreement shall nevertheless remain in full force and effect so long as they conform to the requirements of applicable law and the economic or legal substance of the transactions contemplated hereunder is not affected in any manner materially adverse to any Party. Upon such determination that any term or other provision is invalid, illegal, or incapable of being enforced, the Parties shall negotiate in good faith to modify this Agreement so as to effect the original intent of the Parties as closely as possible in an acceptable manner in order that the transactions contemplated hereunder are consummated as originally contemplated to the greatest extent possible.
12. Agreement Amendments. This Agreement may be amended by mutual agreement of the County and the City. Amendments shall not be binding unless they are in writing, duly approved by the Parties’ governing bodies, and signed by personnel authorized to bind each of the Parties.

13. Integrated Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous understandings or agreements with respect thereto.

14. No Third Party Beneficiaries. The Parties expressly disclaim any intent to create any third party beneficiaries, and nothing in this Agreement is intended to confer upon any person or entity other than the Parties hereto any rights, benefits, or obligations hereunder.

15. Notice and Project Management. “Notice” in this Agreement means a letter delivered by a Party to the other Party’s Project Manager by electronic mail and first class U.S. mail. The Project Manager for each Party shall be responsible for and shall be the contact person for all communications regarding the performance of this Agreement. The designated Project Manager for each Party is:

   County: Julie Kjorsvik  
   Clerk of the Board  
   Board of County Commissioners  
   205 W 5th Ave, Rm. 108  
   Ellensburg, WA 98926  
   (509)962-7508  
   email: julie.kjorsvik@co.kittitas.wa.us

   Roslyn: Brandi Taklo  
   City Clerk  
   100 E. Pennsylvania Ave  
   Roslyn, WA 98941  
   509-649-3105  
   email: roslyn@inlandnet.com

A Party may change the Project Manager by Notice of the other Party.

16. Representations of the Parties. Each Party represents and warrants that it has duly approved, executed, and delivered this Agreement and that it has all necessary authority to enter into this Agreement and to perform its terms and obligations. Each Party represents and warrants that the approval, execution, and delivery have been duly authorized by the appropriate board or council, and no other act or proceeding on the part of any Party is necessary to authorize entry into or performance of this Agreement.
IN WITNESS WHEREOF, the authorized representatives of the Parties have duly executed this Agreement as of the date stated above.

KITTITAS COUNTY

By: [Signature]
[Name]
Title: Paul Jewell
Date: May 15, 2014

CITY OF ROSLYN

By: [Signature]
[Name]
Title: Mayor
Date: 4/28/2014